

## SOME NEW OBSERVATIONS ON THE TEXTUAL DEVELOPMENT OF THE *COLLECTIO CANONUM ANSELMI LUCENSIS*\*

SZABOLCS ANZELM SZUROMI O.PRAEM  
professor (PPKE JÁK)

Recently, there has been a new stress to discover the textual development of the various canonical collections, especially up to the *Decretum Gratiani* (1140).<sup>1</sup> These new results have brought to light, that behind the different recensions of a particular collection we must recognize the different fields of the institutional activity of the Church. In 1987, Prof. Peter Landau published an article with the title: „Erweiterte

---

\* This article was presented in the International Conference, entitled *Das neue Europa und seine Traditionen. Ius privatum, ius canonicum, ius publicum* (10. Tagung des Forums Junger Rechtshistoriker, Debrecen – Budapest, 23<sup>rd</sup> May, 2003). This paper has been written with the generous support of *Instituto de Derecho Europeo Clásico* (IDEC) in Las Palmas. We would like to thank Prof. José Miguel Viejo-Ximénez (Universidad de Las Palmas) and S. E. a R. Raffaele Farina (Archivista e Bibliotecario di S.R.C.). This publication is supported also by OTKA T 048584 and K 73574 research programs.

<sup>1</sup> Cf. M. BRETT: Editions, Manuscripts and Readers in Some Pre-Gratian Collections. In K. G. CUSHING–R. F. GYUG (ed.): *Ritual, Texts and Law. Studies in Medieval Canon Law and Liturgy Presented to Roger E. Reynolds* (Church, Faith and Culture in the Medieval West), Aldershot, 2004, 205–224. Sz. A. SZUROMI: *Anselm of Lucca as a Canonist*. (A textual-critical overview on the ‘Collectio Canonum Anselmi Lucensis’) [Adnotationes in Ius Canonicum], Frankfurt am Main, 2006. M. BRETT: Finding the Law: The Sources of Canonical Authority before Gratian. In P. ANDERSEN–M. MÜNSTER-SWENDSEN–H. VOG (ed.): *Law before Gratian. Law in Western Europe c. 500–1100*. (Proceedings of the Third Carlsberg Academy Conference on Medieval Legal History 2006) Copenhagen, 2007, 51–72. Sz. A. SZUROMI: Ivonian intention to collect the «ancient canons» together with new decretal materials. *The Jurist* 67 (2007), 285–310. R. WEIGAND: Zur künftigen Edition des Dekrets Gratians. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 83 (1997), 32–51. A. WINROTH: *The making of Gratian’s Decretum*. (Cambridge Studies in Medieval Life and Thought : Fourth Series 49) Cambridge, 2000. C. LARRAINZAR: La ricerca attuale sul “Decretum Gratiani”. In E. DE LEÓN–N. ÁLVAREZ DE LAS ASTURIAS: *La cultura giuridico-canonica Medioevale premessa per un dialogo ecumenico*. Milano, 2003, 45–88. J. M. VIEJO-XIMÉNEZ: La investigación sobre las fuentes formales del Decreto de Graciano. *Initium* 7 (2002), 217–239. J. M. VIEJO-XIMÉNEZ: La composizione del Decreto di Graziano. In Sz. A. SZUROMI (ed.): *Medieval Canon Law Collections and European ius commune*. (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/8) Budapest, 2006, 97–169. C. LARRAINZAR: L’edizione critica del Decreto di Graziano. *Folia Canonica* 9 (2006), 69–92.

Fassungen der Kanonessammlung des Anselm von Lucca aus dem 12. Jahrhundert”,<sup>2</sup> where he summarized the basic facts concerning the recensions of the *Collection of Anselm of Lucca* (‘A’; ‘B’; ‘C’; ‘Bb’) which were classified originally by Paul Fournier in 1901,<sup>3</sup> before the critical edition of the collection by Friedrich Thaner.<sup>4</sup> Professor Landau drew up a scheme about the relations of the text traditions of the recensions. Based on the textual-critical analysis of the *Collectio canonum Anselmi Lucensis*, its formal sources can be reconstructed.<sup>5</sup> We can recognize some sources in his work which are similar to manuscripts that were kept in the library of the Cathedral of Lucca.<sup>6</sup> Therefore, it is very probable that Anselm’s work was used at his city’s cathedral school.<sup>7</sup>

There is a *colligatum* of fragments in the *Reginenses Collection* of the *Bibliotheca Apostolica Vaticana*, namely the BAV Reg. lat. 325.<sup>8</sup> This manuscript contains some parts of the great Gregorian canon law collection of Anselm of Lucca (*Collectio Canonum Anselmi Lucensis*).

### I. The BAV Reg. lat. 325

The manuscript BAV Reg. lat. 325 can be divided into two distinct parts. The first part of the codex begins on fol. 1ra and it finishes on fol. 60vb. These parchments are very clear, light, refined. The text on the pages is divided into two columns, the size of the folios is 265 x 185 mm. This part was made of ten folio quires and it was copied in the 15<sup>th</sup> century which is supported by the script form (n° 1). The “incipit” of the first folio i.e.: *Primus prologus de commendatione sacra scripture norm: (H)ec omnia liber vite ecclesiastici xxiiii. [...]*. This is a prolog of a commentary for the Genesis (cf. foll. 3-49) and Exodus (cf. foll. 49-56v) by Nicolai de Lyra. It is very possible that the copier had not yet finished his work on this text. We can read on the top of fol. 56rb the last sentence, i.e.: *Et ideo causa huia et que demos nichil ponit*. But this is not the end of this particular commentary. The rest of this folio is empty and also the follower folios until 60vb, where the quire finishes. There are only some vertical rulings.

<sup>2</sup> In P. GOLINELLI (ed.): *Sant' Anselmo, Mantova e lotta per le investiture*. (Atti del Convegno Internazionale di Studi, Mantova 23–24–25 maggio 1986) Bologna, 1987, 323–338.

<sup>3</sup> P. FOURNIER: Observations sur diverses recensions de la collection d'Anselme de Lucques. *Annales de l'Université de Grenoble* 13 (1901), 427–458. New edition: P. FOURNIER: *Mélanges de droit canonique*. II. (ed. P. KÖLZER) Aalen, 1983, 635–666.

<sup>4</sup> F. THANER (ed.): *Anselmi Collectio canonum una cum collectione minore*. I–II. Oeniponte, 1906–1915.

<sup>5</sup> Cf. Sz. A. SZUROMI: *The Rules concerning Bishops in the 'Anselmi Collectio Canonum'*. In M. BELLOMO–O. CONDORELLI (ed.): *Proceedings of the Eleventh International Congress of Medieval Canon Law. Catania, 30 July – 6 August 2000*. (Monumenta Iuris Canonici, C/12), Città del Vaticano, 2006, 519–528.

<sup>6</sup> U. HORST: *Die Kanonessammlung "Polycarpus" des Gregor von S. Grisogono. Quellen und Tendenzen*. (Monumenta Germaniae Historica Hilfsmittel 5) München, 1980.

<sup>7</sup> Sz. A. SZUROMI: ‘Work in progress’ – The transition from cathedral teaching to university instruction of canon law in the 11<sup>th</sup> and 12<sup>th</sup> Century. *Zeitschrift der Savigny-Stiftung Kanonistische Abteilung* 91 (2005), 758–766.

<sup>8</sup> A. WIMART (ed.): *Bibliothecae Appostolcae Vaticanae. Codices manu scripti recensiti iussu Pii XI pontificis Maximi. Codices Reginenses latini*. II. Codices 251–500. Città del Vaticano 1945. 225–229; cf. SZUROMI Sz. A.: Some Observations on BAV Reg. Lat. 325 as a Witness of Anselm of Lucca’s Collection. *Ius Ecclesiae* 15 (2003), 799–810.

The second part of the manuscript begins on fol. 61r. This text is organized in one column and a script style is a real clear humanistic form from the 15<sup>th</sup>-16<sup>th</sup> century (n° 2). The quality of the parchments is very good as in the first part. This part was made of eight folio quires, but only the first and last folios are parchments, the inside of quires contains good quality paper folios (255/262 x 152/155 mm). We mention here that the ruling on the paper folios was made by dark ink. The pages of the entire codex were trimmed on at least 3 sides. The Collection of Anselm begins on fol. 61r without a listing of the themes of the books. There is a red and gold headline: *Incipit autentica et compendiosa collectio regularum et sententiarum sanctorum patrum* [...]. Also the titles of the canons (*Tabula titulorum*) are not found. The first 47 canons of Book 1 are situated on foll. 61r-68v. The signed word “*uniurse*” is to be found at the bottom of the last page of this quire, but the follower quires has a different “*incipit*”.<sup>9</sup> A new section begins on fol. 69r with the title: *In nomine Dei summi incipit ordo celebrando Concilio*. The writing style also alters little from this page (n° 3). This section finishes on 72r, then we can read various themes under different titles: *Sermo* of Pope Leo the Great (440-461);<sup>10</sup> *Exemplar libertatis*;<sup>11</sup> *Exemplar formate*;<sup>12</sup> a commentary of the consanguinity degrees,<sup>13</sup> moreover an empty arbor of consanguinity.<sup>14</sup> Anselm’s Collection begins again on fol. 80r, where the titles of 13 books (*Capitulatio librorum*) are found. The titles of the canons of Book 1 (*Tabula titulorum*) are found starting on fol. 80v by cursive writing style. There are 94 titles listed there. The first Anselm’s canon is Book 1 c. 75 on fol. 83r from Pope Nicolas I (858–867)<sup>15</sup> but it is only the second part of that canon.<sup>16</sup> The original hand (n° 2) which has copied previously the text of Anselm’s Collection appears again. Two more canons can be found there from the *Liber Pontificalis*, i. e. cc. 76–77.<sup>17</sup>

<sup>9</sup> Book 1 c. 47: *Apostolicae vero sedis auctoritas, quod cunctis saeculis Christianis et ecclesiae prelata sit [universae, et canonum serie paternorum et multiplici traditione firmatur]*. This last part is missing from the text of BAV Reg. lat. 325 because the binder has placed different quires after this particular quire.

<sup>10</sup> Foll. 72r–73v.

<sup>11</sup> Foll. 74r–74v.

<sup>12</sup> Foll. 74v–75r.

<sup>13</sup> Foll. 75r–78v; 79r–79v.

<sup>14</sup> Fol. 78v.

<sup>15</sup> Foll. 83r–85r: *Nicena synodi non aliquid precepta testantur, adeo ut non aliquid super eam ausa si constituere, cum videret nihil supra meritum suum posse ferri. [...] In cuius dampnationem quia presulum quoque assensus, est subsequutus, apparet id causa patratum fuisse adulationis non legitime sanctionis.*

<sup>16</sup> Cf. *Non ergo quales sint sacerdotes Domini, sed quid de Domini loquantur est magnopere vobis providendum. Nec in vicariis beati Petri apostoli vobis est attendendum, qui sint, sed quid pro correctione ecclesiarum quid pro salute vestra satagant. [...] Proinde animadvertendum est, quia non Nicena, non denique ulla synodus quodquam Romanae ecclesiae contulit privilegium, quae in Petro noverat eam totius iura potestatis pleniter meruisse et cunctarum Christi ovium regimen accepisse, sicut beatus presul Bonifacius attestatur iniversis episcopis per Thessaliam constitutis scribens: 'Institutio universalis nascentis ecclesiae de beati Petri sumpsit honore principium, in quo regimen eius et summa consistit. Ex eius enim ecclesiastica disciplina per omnes ecclesias religionis iam crescente cultura fons emanavit. [...] THANER 44. This is Book c. 72 in recension 'A'.*

<sup>17</sup> Cf. BAV Reg. lat. 325, foll. 85r–85v; BAV Reg. lat. 325, Book 1 c. 76= 'A' Book 1 c. 73; BAV Reg. lat. 325, Book 1 c. 77= 'A' Book 1 c. 74.

The last one is fragment again, what contains a part of the first sentence.<sup>18</sup> The codicological and paleographical evidences clearly indicate that the second section of BAV Reg. lat. 325 originally an unfinished copy of Anselm's Collection. Originally this copy begins with the titles of the 13 books,<sup>19</sup> which were continued the text of Book 1.<sup>20</sup> The section of 69r–79v was fitted between the quires of Anselm's text and the whole canonical part was bound after the also unfinished Old Testament Commentary.<sup>21</sup> We can ask a question, what was the binder's intention who has compiled this volume, which is known as BAV Reg. lat. 325. The theme of the biblical commentary certainly differs from the theme of the canonical texts. But this is not unique, because we know of similar instance concerning the manuscripts of Anselm's Collection. This is a 12<sup>th</sup> century textual-witness of recension 'A' of Anselm's Collection, namely Paris, Bibliothèque Nationale, lat. 12519. This particular manuscript begins with the history of Hasmoneas and it continues until the death of St. Peter and St. Paul.<sup>22</sup>

## II. BAV Reg. lat. 325 compared with the version 'Bb'

The examination of canons of Book 1 shows that the canon structure follows the canons of the version 'Bb' which is represented the BAV Barb. lat. 535 and the Paris, Bibliothèque Nationale, lat. 12450.<sup>23</sup> We can recognize the canons which are supplements in version 'Bb' compared with recension 'A'.<sup>24</sup> Therefore, from c. 1 until c. 8 the canons are the same as in the recension 'A'. Book 1 c. 9 is a new canon which cites St. Cyprian's letter.<sup>25</sup> The contents of this text is similar as Book 1 c. 10 in recension 'A', which is also a canon from St. Cyprian and that's number in BAV Reg. lat. 325 is Book 1 c. 11.<sup>26</sup> If we read preciously the rest part of Book 1 there are found

<sup>18</sup> Fol. 85v : Constantinus natione Syrus ingressus est Constantinopolim. Cui a septimo miliario obviam venit Tyberius Imperator. Cf. recension 'A' Book 1 c. 74: Constantinus natione Syrus ingressus est Constantinopolim, cui a septimo miliario obviam venit Tiberius imperator filius Justiniani Augusti cum patriiis et omni sinclatu et Cyrus patrircha cum clero et multitudine populi omnes laetentes et diem festum agentes. Pontifex et eius clerus et primates cum sellaribus imperialibus et frenis inauratis simul et mappulis ingressi sunt civitatem. Et apostolicus pontifex cum caumelaucio, ut solitus est Romae procedere. In die autem, qua se invicem viderunt, Justinianus Augustus christianissimus cum regno in capite sese prostravit et pedes osculans pontificis deinde in amplexu mutuo correrunt et facta est laetitia magna in populo. THANER i. m. 49.

<sup>19</sup> Foll. 80r–82v.

<sup>20</sup> Foll. 61r–68v; 83r–85v.

<sup>21</sup> Foll. 1r–56r.

<sup>22</sup> Cf. Paris, BN lat. 12519, foll. 1ra–40vb.

<sup>23</sup> We use 'Bb' as abbreviation of BAV Barb. lat. 535.

<sup>24</sup> Cf. SZUROMI Sz. A.: Some observations concerning whether or not BAV Vat. lat. 1361 is a text from the Collection of Anselm of Lucca. *Ius Ecclesiae* 13 (2001), 693–715, especially 706.

<sup>25</sup> BAV Reg. lat. 325, fol. 62v: Deus unus est et Christus unus et una ecclesia et una cathedra una super Petrum domini uoce fundata. [...] presumptionem contemnitur. Cf. 'Bb' fol. 18r.

<sup>26</sup> Loquitur Dominus ad Petrum: 'Ego dico tibi, quia tu es P. et s. h. p. aedificabo ecclesiam meam'. Super unum aedificat ecclesiam, et quamvis apostolis omnibus post resurrectionem suam parem potestatem tribuat et dicat: 'Sicut misit me pater, et ego mitto vos; accipite Spiritum sanctum' tamen ut unitatem manifestaret, unitatis eiusdem originem ab uno incipientem sua auctoritate disposuit. Hoc erant utique

again a new canon compared with text tradition of recension 'A'. It is Book 1 c. 39 which is attributed to Pope Marceline (296–304).<sup>27</sup> Both of mentioned canons are in the same order in the 'Bb' version. Moreover, we also refer to Book 1 c. 13, which abbreviated canon is situated on the margin as a supplement and it is found also in BAV Reg. lat. 325 with a same content.<sup>28</sup>

The new section of the manuscript which begins *Ordo de celebrando concilio* testifies again the 'Bb' form.<sup>29</sup> Here the compiler of 'Bb' used one of the opening text of the *Decretales Pseudo-Isidorianae*<sup>30</sup> supplemented with three canons of the Council of Chalcedon (451).<sup>31</sup> We do not want to get into a detailed analysis of the text of the other recensions of Anselm's Collection, except to mention that the text tradition of recension 'C' (i.e. BAV Vat. lat. 4983;<sup>32</sup> BAV Ottob. lat. 224;<sup>33</sup> Huesca, Biblioteca Publica Provincial 20<sup>34</sup>) also conserves this part from the *Decretales Pseudo-Isidorianae*. The context of recension 'C' contains some canons after this Pseudo-Isidorian material which made influence on text of the Paris, Bibliothèque Nationale, lat. 12450.<sup>35</sup> The

---

ceteri apostoli, quod Petrus fuit pari consortio prediti et honoris et potestatis; sed exordium ab unitate proficisitur, ut ecclesia Christi una monstretur. Quam unum ecclesiam etiam in Cantico canticorum Spiritus sanctus ex persona Domini designat et dicit: 'Una est columba mea, perfecta mea, una est matri suae electa genitrici suae.' Hanc ecclesiae unitatem et beatus apostolus Paulus docet, et sacramentum unitatis ostendit dicens: 'Unum corpus et unus spiritus, unus spes vocationes vestrae, unus Dominus, una fides, unum baptisma, unus Deus.' Quam unitatem tenere firmiter et vindicare debemus, maxime nos episcopi qui in ecclesia presidemus, ut episcopatum quoque ipsum unum atque indivisum probemus. Nemo fraternitatem mendacio fallat, nemo fidei veritatem perfida prevaricatione corrumpat. THANER i. m. 11.

<sup>27</sup> BAV Reg. lat. 325, fol. 67v: Non ergo licet imperatori uel cuiquam pietatem custodiendi aliquid contra mandata diuina presumere nec quicquam quod euangelicis propheticisque regulis obuiatur agere. Cf. 'Bb' fol. 22r. *Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, ed. P. JAFFÉ–G. WATTENBACH, curauerunt S. LOEWENFELD [JL]– F. KALTENBRUNNER [JK]– P. EWALD [JE], I. Lipsiae 1885.<sup>2</sup> JK †159 (cxvii).

<sup>28</sup> BAV Reg. lat. 325, fol. 63r: Haec sancta et apostolica mater omnium ecclesiarum. *Require in hoc eodem libro cap. xxxvi. usque in fine Tenus manet*. Cf. 'Bb' fol. 18v.

<sup>29</sup> 'Bb' foll. 4v–7r: Ordo de celebrando concilio; fol. 7r–8v: Sermo Leonis; foll. 9r–12v: Exemplar libertatis, Exemplar formate; fol. 13r: *Arbor of consanguinity*. Cf. Paris, Bibliothèque Nationale, lat. 12450, foll. 7r–13v: Ordo de celebrando concilio; fol. 14r–16r. Sermo Leonis; fol. 16r–16v: Exemplar libertatis; fol. 16v–17r; fol. 17r–21v: Consanguinity relations without the Arbor of consanguinity.

<sup>30</sup> P. HINSCHIUS: *Decretales Pseudo-Isidorianae et Capitula Angilramni*. Lipsiae, 1863 (repr. Aalen 1963), 22–24.

<sup>31</sup> 'Bb' foll. 6v–7r: Ex actionibus concilii calcedonense. [...].

<sup>32</sup> Foll. 1r–3r.

<sup>33</sup> Foll. 1r–4r.

<sup>34</sup> Foll. 1r–5r.

<sup>35</sup> BAV Vat. lat. 4983. foll. 3r–4r: De IIII synodis principalibus. [canon graece latine [...] societate multorum in unum.]; fol. 4r–5r: Item ratio de canonibus apostolorum et de sex synodis principalibus [apostolorum canones [...] ix cap intenus an exa.]; fol. 5r–6r: Item annotatio breuis de reliquis synodis [prima annotatio anquirinae synody [...] episcopus extitit.]; fol. 6r–7r: Item anotatio de decretalibus apostolorum [Silvester pp a Petro xxxiiii congregatis [...] uinculo alligauit.]; fol. 7r–13v: Incipit libellus sancti Amprosii [Si quis frater [...] dare permisti perpetua.]; fol. 13v–20v: Gregorius pp. Ioanni constantinopol. Elogio alexander. Greg. Antiochi. Ioanni ierosolmit et anastasio ex patriarchae antiochiae [Consideranti mihi [...] regnat consubstantialiter deus in unitate spiritus sancti per omnia secula seculorum. Am.]. Cf. BAV Ottob. lat. 224, fol. 4r–29r.

compiler of this late witness of the version 'Bb' enlarged the codex with a quire which contains that particular supplement from the recension 'C'. This new supplement breaks the continuity of the *Ordo de celebrando concilio*.<sup>36</sup> We can read a note on the margin of fol. 9r "ex Ms Vat." this sign is found many times in the entire codex by a contemporaneous hand. Therefore, it is very possible that this is a manuscript of recension 'C'.

The version 'Bb' explains the above mentioned theme of consanguinity after the celebrating rule of councils. These some pages can strengthen our supposition about the origin of the supplementary canons in the recensions of Anselm's text.<sup>37</sup> The source of this significant theme is the *Decretum* of Ivo of Chartres.<sup>38</sup> The quoted canons and the arbor of consanguinity also can be found in the *Decretum*.<sup>39</sup> They are all the same in the 'Bb' and in the BAV Reg. lat. 325.<sup>40</sup>

The Collection of Anselm immediately begins after the consanguinity theme in the version 'Bb'<sup>41</sup> and the structure of BAV Reg. lat. 325 follows it. Both manuscripts marks a same numbered of canons (94) in *Tabula titulorum* of Book 1.<sup>42</sup> If we observe the canons of Book 1 from 75 until 77 in the version 'Bb' those support our previous assertion on the text similarity. Moreover, the whole title list has same peculiarities as version 'Bb'. There are found the other supplementary canons of the 'Bb' form, i. e.:

<sup>36</sup> Foll. 9r–12v.

<sup>37</sup> Sz. A. SZUROMI: Some observations on the developing of different versions of the Collectio Canonum Anselmi Lucensis (A comparative analysis of Biblioteca Mediceo-Laurenziana S. Marco 499 with other manuscripts of Anselm's Collection). *Ius Ecclesiae* 14 (2002), 425–449, especially 446.

<sup>38</sup> Edition: I. P. MIGNÉ (ed.): *Patrologiae cursus completus. Series Latina*, I–CCXXI. Lutetiae Parisiorum, 1844–1864. (PL) CLXI. 47–1022 (Hereafter: ID).

<sup>39</sup> PL CLXI. 673–674.

<sup>40</sup> BAV Reg. lat. 325, foll. 75r–76r: Heredis nomen imposuit census aeris, soluit. n. tributum autoris, in hoc. n. uocabulo prima successio est hereditatis, et generis ut sunt filii et nepotes. Proheres est, qui loco heredis fungitur, quasi proherde, est. n. [...] iste et defuncti nomen accepit sic. n. lex uoluit, ut qui defuncto patre nascitur, defuncti nomine apelletur. Cf. 'Bb' foll. 9v–10v; Paris, BN lat. 12450, foll. 17r–18r.

BAV Reg. lat. 325, foll. 76r–78r: Nothus dicitur qui de patre nobili et matre ignobili gignitur, sicut ex concubina. [...] dicitur autem et filium quo sacerdotes tempore aetatis capita sua ligabant, quando eis pilleum ferre non licebat unde et pro corona a ponitur. Cf. 'Bb' foll. 10v–12r; Paris, BN lat. 12450, foll. 18r–20r.

BAV Reg. lat. 325, fol. 78r: Manichei dicebant omnes animas a Deo in principio mundi esse simul creatas, et uno loculo fuisse repositas et inde in corpora mitti sed mentiuntur. [...] Postea vero quo tempore animetur neque etiam ipse matres sciunt quia soli Deo cognitum est. Cf. 'Bb' fol. 12r; Paris, BN lat. 12450, fol. 20r.

BAV Reg. lat. 325, foll. 78r–78v: Augustinus. De annis quadraginta sex aedificationis templi, sex, nouem, duodecim, decem et octo, haec in unum coacta fiunt quadraginta quinque. [...] tot quoque dies fuerunt in corpore dominici perfectione. Cf. 'Bb' foll. 12r–12v; Paris, BN lat. 12450, foll. 20r–20v.

BAV Reg. lat. 325, foll. 79r–79v: Primo gradu superiori linea continetur. Pater, Mater. Inferiori filius, filia, quibus nullae aliae personae iunguntur. [...] Ultra quos nec affinitas inueniri nec successio potest amplius propagare. Cf. 'Bb' foll. 13v–14r; Paris, BN lat. 12450, foll. 21r–21v. Cf. ID 9. 64 (PL CLXI. 671–672), IP 7. 90 (PL CLXI. 1303–1304).

<sup>41</sup> Fol. 14v.

<sup>42</sup> 'Bb' foll. 15r–16v.

cc. 70,<sup>43</sup> 74,<sup>44</sup> and also the canons 82–83 attributed to Pope John VIII (872–882)<sup>45</sup> which are combined in recension ‘A’ (Book 1 c. 79).<sup>46</sup> Unfortunately, Book 1 does not finish in BAV Reg. lat. 325, therefore we do not know that the four supplementary canons which are situated at the end of the version ‘Bb’ without numeration belong or not to its imagined material. These canons quote letters from Pope Hormisda (514–523) [suppl. can. 1],<sup>47</sup> Pope Nicolas I (858–867), [suppl. can. 2–3]<sup>48</sup> and St. Augustine [suppl. can. 4].<sup>49</sup> The end of Book 1 in recension ‘A’ real differs from the contents of the ‘Bb’ witnesses, because the ‘A’ Book 1 cc. 90,<sup>50</sup> [91]<sup>51</sup> are not found there, and also the finishing canon attributed to Pope Boniface III (607).<sup>52</sup> However, Book 1 c. 94 of the version ‘Bb’ nor belongs to the material of recension ‘A’.<sup>53</sup>

### Conclusion

Based on what has been said above, it seems that the BAV Reg. lat. 325 is most likely an unfinished witness of the version ‘Bb’. The compiler of this volume fitted new quires before the title list of the books of Anselm’s Collection. These quires supplied

<sup>43</sup> Paris, BN lat. 12450, fol. 38r: *Nicolaus pp.* Decretalia quae sanctis pontificibus primae sedis romanae ecclesiae sunt instituta [...] si habetis et non obseruatis de temeritate estis corripiendi atque increpandi. The ‘Bb’ contains abbreviated text on fol. 27r: Decretalia quae a sanctus pontificibus. Req. in lib. II cap. xxxiii. Cf. BAV Reg. lat. 325, fol. 82r.

<sup>44</sup> ‘Bb’ fol. 28r; Paris, BN lat. 12450, fol. 39v: *Leo pp.* Omnes res aliter tutae esse non possunt, nisi quae ad diuinam confessionem pertinent et regia et sacerdotalis defendat auctoritas. Cf. BAV Reg. lat. 325, fol. 82r.

<sup>45</sup> ‘Bb’ Book 1 c. 82: Et quia pridem apostolicae memoriae predecessoris nostri papae Nicolai [...] Omnes respondent consentimus.

‘Bb’ Book 1 c. 83: Igitur quia, sicut domino placuit Luduicus [...] sanctae romanae ecclesiae matris tua et ad securitatem populi christiani eligendam esse sperauimus. ‘Bb’ foll. 34r–34v; Paris, BN lat. 12450, foll. 46v–47r; cf. BAV Reg. lat. 325, fol. 82v.

<sup>46</sup> THANER i. m. 52–53. This canon also divided into two parts in BAV Vat. lat. 1361 (Book 1 cc. 77–78); cf. SZUROMI (2001) i. m. 697.

<sup>47</sup> ‘Bb’ fol. 40r: Quotiens uniuersalis poscit religionis causa ad concilium [...] ad scientiam sostram instructa relationis attestazione perueniat. Cf. Paris, BN lat. 12450, fol. 53v; HINSCHIUS i. m. 693. JK 861 (564).

<sup>48</sup> ‘Bb’ fol. 40r: Priuilegia sedis nostrae usque ad mortem diuina annuente gratia [...] Priuilegia inquam huius ecclesiae munimina sunt contra omnes impetus prauitatum. Cf. Paris, BN lat. 12450, fol. 53v.

‘Bb’ fol. 40r: Nos certissime credimus quod priuilegia sanctae romanae ecclesiae [...] quibuslibet et quantislibet fluetu actionibus admoueri. Cf. Paris, BN lat. 12450, fol. 53v.

<sup>49</sup> ‘Bb’ fol. 40r: Habebat cartago episcopum, qui posset non curare conspirantem [...] ubi practus esset causam suam agere. Cf. Paris, BN lat. 12450, fol. 53v.

<sup>50</sup> BAV Vat. lat. 1363. foll. 26v–27r: *Leo imp.* Si quemquam uel in hac urbe regia uel in ceteris [...] utroque similis poena comitetur. Cf. Paris, BN lat. 12519, fol. 60ra; Cambridge, Corpus Christi College Ms 269, fol. 27v.

<sup>51</sup> BAV Vat. lat. 1363. fol. 27r: *Ex conc. Stephanii pp.* Quod a beato petro et eius successoribus [...] sed in hanc canonicam traditionem anathema sit. Cf. Paris, BN lat. 12519, fol. 60rb; cf. D. 79 cc. 3–5: A. FRIEDBERG (ed.): *Corpus iuris canonici*. I. Lipsiae, 1879, 277.

<sup>52</sup> BAV Vat. lat. 1363. fol. 27r: Ut Romana ecclesia [...] adunato clero et filiis ecclesiae. et tunc electio fiat. Cf. Paris, BN lat. 12519, fol. 60va; cf. JE a. D. 607 post Febr. 19.

<sup>53</sup> ‘Bb’ fol. 39v: *Const. imp.* Iustam quippe est ut ibi lex sancta caput teneat principatus [...] praedia constulimus, et rebus diuersis eas ditauimus. Cf. Paris, BN 12450, fol. 53r.

the codex with the introducing section of the 'Bb' text tradition which seemed missing for the binder. But this supplement had broken the structure of Book 1, which is interrupted by the celebrating rule of councils and the explaining of the consanguinity degrees. These two particular themes belong to the basic elements of the material which is outside of Anselm's Collection in the version 'Bb'. Moreover, these themes are characteristic examples for the motive of the text development. The knowledge of the consanguinity degrees was important on the ecclesiastical day to day basis, as the rules on councils served the administration of the diocese. The place of the supplement marks the preference of these themes. Therefore, it supports that version 'Bb' has made for a regular even daily basis at some cathedral. This text form testifies again the influence of Ivo of Chartres's canonical work.

We could see some supplementary canons which have been placed among the material of Book 1 of Anselm's Collection. These very probable belong to the early enlarging of the version 'Bb' which had happened by instruction, before the other supplements appeared in this version. During the age of the "Renaissance", the manuscripts of Anselm were again important for the humanist text edition of the *Decretum Gratiani* which can be recognized through the example of Paris, BN lat. 12450 and the textual-witnesses of recension 'C'.

The BAV Reg. lat. 325 is a very important fragment witness of the text tradition 'Bb' of Anselm's Collection, because that is situated after BAV Barb. lat. 535 and before Paris, BN lat. 12450 in the chronological order.