
Some Witnesses on the Gradual Evolution of the Ivonian Textual Families*

Algunos testimonios de la evolución gradual de las familias textuales de Ivo

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Abstract: Ivo's intention was to present the canon law of the Church as a whole, so as to promote the role and work of ecclesiastical institutions, especially with regard to the care of souls and salvation as the final goal. This endeavor to apply the entirety of canon law might be realized in a variety of ways, and was to be fundamentally linked to the particular features of specific ecclesiastical institutions. Strict paleographical and codicological analyses of Orléans, Bibliothèque Municipale Ms. 222 (194) and Cambridge, Gonville and Caius College 393 (455) suggests convincingly that the term «textual families» be used in relation to Ivo's work.

Keywords: Pre-Gratian Canonical Collections, Ivonian Work, Textual Development, 12th Century Manuscripts, Canonical Reading Book.

Resumen: El proyecto de Ivo de Chartres pretendía una presentación completa del derecho canónico de la Iglesia como instrumento que facilitase el trabajo y la actividad de las instituciones eclesíásticas, con especial atención a la cura de almas y su salvación eterna como objetivo principal. Este planteamiento se podía realizar de diversas maneras, pero dependía fundamentalmente de las peculiaridades concretas de cada instituto eclesial. Por otra parte, el análisis detallado de los manuscritos de Orléans, Bibliothèque Municipale 222 (194) y Cambridge, Gonville and Caius College 393 (455), muestra que en relación con la obra de Ivo, es mejor utilizar la expresión de «familias textuales».

Palabras clave: Colecciones canónicas anteriores a Graciano, Colecciones de Ivo, Tradición manuscrita, Manuscritos del siglo XII, Libro canónico de referencia.

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The late 11th century is precisely the time when, as a result of the Gregorian Reform, several canonists intended to collect together the whole universal canonical discipline of the Church in order to give clear and detailed description of the canonical system, the ecclesiastical hierarchy, the daily sacramental life of the Church, the supreme authority of the Pope, and the judicial competence and activity of the ecclesiastical tribunals¹. The best cathedral schools played an important role in disseminating the elementary doctrine and discipline of the Church through their instruction. Among these, the two most remarkable centers in France were Rheims and Chartres². During the time that Ivo was bishop of Chartres (1090-1115)³, the instruction of the clergy had been well organized, especially regarding the canons of the cathedral chapter. This basic formation included the reading of ecclesiastical texts, decrees, canons, etc., in Latin⁴. Ivo had personal experience of the contemporary level of the theological knowledge of canons, because before his episcopal consecration he was prior of the Canons Regular of St. Quentin in Beauvais⁵. Ivo recognized the importance of promoting more expert erudition in ecclesiastical discipline. His letters shed much light on his intention to compose a canonical collection that would be as complete as possible. His canonical «reading-book» did indeed promote the thorough instruction of the clergy in the Latin disciplinary and doctrinal texts (e.g., IP 6. 20⁶; IP 6. 21⁷; IP 6. 22⁸). But in addition to this main objective, the work lent itself well to the insertion of further supplements and the formation of a rubric system and an inscription system –each along with their own develop-

¹ H. JEDIN and J. DOLAN (edd.), *The Church in the Age of Feudalism*. History of the Church III, New York, N.Y. 1980, pp. 426-432.

² G. DUBY, *The Age of the Cathedrals. Art and Society, 980-1420*, Chicago 1981, p. 26.

³ Cfr. R. SPRANDEL, *Ivo von Chartres und seine Stellung in der Kirchengeschichte*, Stuttgart 1962.

⁴ J. VERGER, «Les écoles au XIe siècle», in M. ROUCHE (dir.), *Fulbert de Chartres. Précurseur de l'Europe médiévale?* Cultures et civilisations médiévales 43, Paris 2008, pp. 33-42.

⁵ J. J. RYAN, «Ivo of Chartres, St.», in *Dictionary of the Middle Ages*, 7, New York, N.Y. 1986, pp. 21-22.

⁶ «De abiectioe et ambitione eius quem duo praesempserint ordinare episcopi in vestris provinciis placuit de praesumpserint, ut sicubi contigerit duos episcopos, tertium consecrare, et ipse et auctores damnabuntur, quo cautius ea quae sunt antiquitus statuta serventur». <http://knowledgeforge.net/> (24 February 2010).

⁷ «Episcopus quando ordinationes facere disponit (...) et sabbato qui probati sunt inventi episcopo paesententur». <http://knowledgeforge.net/> (24 February 2010).

⁸ «Quando presbyteri aut diaconi per parochias constituuntur, oportet eos professionem episcopo suo facere, ut caste et pure vivant sub Dei timore, et dum eos tali professione obligaverit, sanctam disciplinam retineant». <http://knowledgeforge.net/> (24 February 2010).

ment— in order to facilitate the use of this canonical book for different fields of reference.

We have compared several 11th-12th century manuscripts and fragments of the Ivonian canon law collection which are traditionally recognized as three independent works originating from 1093 and 1095 (i.e. *Decretum*, *Panormia*, *Tripartita*)⁹. The precise paleographical, codicological and textual-critical analysis has improved our considerations on the step by step textual-development which we have already noticed regarding the *Collectio Canonum Anselmi Lucensis*¹⁰. This new result has shown in new light Ivo's compiling work. Therefore, we do not classify the Ivonian textual versions as three independent works, but rather three textual-families. Through this expression «textual-families» we would like to emphasize that the similarity and interaction of these works, which have different extensions and structures, are much more significant than would be the case among three independent works. The formation or developing process of the Ivonian work is an emblematic example for the proper textual-history of Medieval canonical collections before the late 12th century, especially before 1234. The recent studies concerning the Pre-Gratian canon law collections show well how the earlier meaning of «canonical collection» differs from its classical meaning. The fundamental intention was to summarize the whole of canon law which —as «*ius sacrum*»— served the daily life of the Church and was useful in every field of the ecclesiastical activity. Here we would like to give an overview of this type of textual formation, based on the Orléans Bibliothèque Municipale Ms 222 (194) and the Cambridge, Gonville and Caius College 393 (455).

1. DESCRIPTION OF ORLÉANS, BIBLIOTHÈQUE MUNICIPALE MS 222 (194)

The Orléans Bibliothèque Municipale Ms 222 (194) manuscript¹¹ is a textual witness of the *Panormia*¹². The cover of the codex, probably from the 19th

⁹ P. ERDÖ, *Storia delle fonti del diritto canonico*. Istituto di diritto canonico San Pio X, Manualia 2, Venezia 2008, pp. 98-100.

¹⁰ Cfr. S. A. SZUROMI, *Anselm of Lucca as a Canonist*. Adnotationes in ius canonicum 34, Frankfurt am Main 2006, pp. 24, 45.

¹¹ Cfr. M. Ch. CUISSARD, *Catalogue général des manuscrits des Bibliothèques Publiques de France*, XII: Orléans, Paris 1889, pp. 115-116.

¹² Edition: *Liber decretorum siue panormia Ivonis* (ed. S. Brant, 1499); cfr. PL 161. 1041-1344. Corrected edition by M. Brett and B. Brasington: <http://knowledgeforge.net/>. About the collection: P. FOURNIER, «Les collections canoniques attribuées à Yves de Chartres», in *Bibliothèque de la*

century, is made of wood on both sides and covered with nice leather. The manuscript was written on refined, but not too thin parchments. Some sections of the manuscript have been frequently used, but these parts are clear, and there are only a few greasy pages¹³. The script style, employing very small letters, indicates the first part of the 12th century¹⁴. The quality of the parchments and the script style indicate France as the place of origin.

École des chartes, 57 (1896), pp. 645-698; 58 (1897), pp. 26-77, 293-326, 410-444, 624-676 [repr. in P. FOURNIER, *Mélanges de droit canonique* I, ed. P. Kölzer, Aalen 1983, pp. 451-678]; P. LANDAU, «Die Rubriken und Inschriften von Ivo Panormie», in *Bulletin of Medieval Canon Law*, 12 (1982), pp. 31-49; M. BRETT, «Creeping up on the Panormia», in R. H. HELMHOLZ (ed.), *Grundlagen des Rechts*, Paderborn 2000, pp. 205-270; M. BRETT, «The Sources and Influence of Paris, Bibliothèque de l' Arsenal 713», in P. LANDAU (ed.), *Proceedings of the Ninth International Congress of Medieval Canon Law*, Vatican City, 1997, pp. 149-167; L. KÉRY, *Canonical Collections of the Early Middle Ages (ca. 400-1140). A Bibliographical Guide to the Manuscripts and Literature*. History of Medieval Canon Law, Washington, D.C. 1999, pp. 244-260; G. AUSTIN, «Editorial concerns in the Ivonian Panormia: the case of repetitious canons in book 8», in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung*, 89 (2003), pp. 82-106; L. FOWLER-MAGERL, *Clavis Canonum. Selected Canon Law Collections Before 1140. Access with data processing*. Monumenta Germaniae Historica, Hilfsmittel 21, Hannover 2005, pp. 198-202; S. A. SZUROMI, «Some observations on BAV Pal. lat. 587 as compared with other textual witnesses of Ivo's works», in S. A. SZUROMI (ed.), *Parare viam Domino. Commemorative Studies on the occasion of Rt. Rev. Polikárp F. Zakar OCist.'s 75th Birthday*. Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/7, Budapest 2005, pp. 179-203; S. A. SZUROMI, «A 12th century pastoral pocket book (Some impressions on National Library of Scotland, Edinburgh, Adv. Ms. 18. 8. 6, as compared with Bruxelles, Bibliothèque Royal MS 1817)», in S. 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, pp. 65-96; S. A. SZUROMI, «The BAV Pal. lat. 587 as a textual witness of the canonical work of Ivo of Chartres», in *Rivista internazionale di diritto comune*, 17 (2006), pp. 343-358; S. A. SZUROMI, «Canon Law Handbook by Ivo of Chartres», in *Folia Canonica*, 9 (2006), pp. 93-116; S. A. SZUROMI, «Ivonian intention to collect the "ancient canons" together with new decretal materials», in *The Jurist*, 67 (2007), pp. 285-310; S. A. SZUROMI, «Some 12th century textual-witnesses of the family of the Ivonian Panormia (A Comparative Analysis of St. Petersburg, Rossiyskaya Nationalnaya Biblioteka Ermit. lat. 25 with BAV Barb. lat. 502 and other Ivonian manuscripts)», in *Ius Ecclesiae*, 20 (2008), pp. 369-387.

¹³ The whole codex, which contains 108 folios, was trimmed up to the punctuation. The codex was made from eight-folio quires, but the last two folios are missing from the end of the manuscript, cfr. Orléans Ms 222 (194), pp. 1a-16b (I); 17a-32b (II); 33a-48b (III); 49a-64b (IV); 65a-80b (V); 81a-96b (VI); 97a-112b (VII); 113a-128b (VIII); 129a-144a (IX); 145a-160b (X); 161a-176b (XI); 177a-192a (XII); 193a-204b (XIII); 205a-216b (XIV). The numeration is by pages, not folios, and the text is organized into two columns throughout the entire codex. The size of the folios is 235 x 120 mm, and the ruling is not too deep. From page 204 to page 216 the folios are smaller because at the foot of these pages, a 10 mm wide stripe is missing from the parchments (cfr. 225 x 120 mm). The iniciales are ornamented with red, blue, green and gold colors.

¹⁴ In the headline of page 1 can be read a 15th century inscription: «*Summa Canonum Iuonis Carnotensis. Liber pron. ff. benedictio flos*». There is another note at the bottom of this page by a 19th

The Prologue as an introductory text of the *Panormia* immediately begins on page 1 by the basic hand of the manuscript (n° 1): «*Exceptiones ecclesiasticarum regularum partis exemplis romanorum pontificum (...)*»¹⁵. This text ends on page 4b where the *tabula librorum* takes place¹⁶. The description of the contents of Book I is situated right after the Prologue¹⁷, then there is a supplementary rubric and a canon by a contemporaneous hand, but in smaller letters (n° 2): *Quid penitentiae et qualiter agere debebunt qui magna crimina committunt*¹⁸. Beginning at page 5b, where Book I begins¹⁹, the original hand (n° 1) returns. We cannot find any numeration of the canons, but from page 5b to page 6b there are one line summaries which introduce every single canon. At the bottom of page 13a the basic script style is ended, and from page 13b a new hand appears (n° 3). This hand indicates the attribution of canons with the same ink as the text itself, which makes it hard to recognize the particular canons. However, the same is also true of the beginning and ending of each book, the indications for which are very inconspicuous. The original hand (n° 1) appears one more time on page 23a, and remains until the end of the manuscript. Pages testify to frequent usage at pp. 20a-b, 36a-b, 64a-65b, 68a-69b. Moreover, the codex was opened several times and got wet at pp. 68a-69b, which is the part that discusses marriage. On page 79a, the text of the *Panormia* ends and a 19th century note signals the beginning of Ivo's letters: «*Epistola Ivonis Carnotensis*»²⁰, which section concludes on page 104b²¹. At page 105a, there appears a long

century hand: «*Volume de 216 pages 29 juliis 1884*», and at the right upper corner of this page is another 19th century mark (cfr. «*M. 194*»).

¹⁵ Cfr. «*Exceptiones ecclesiasticarum regularum (...) quod in una quaque parte sibi necessarium querere debeat*». Y. DE CHARTRES, *Prologue, texte latin et traduction française*, ed. J. Werckmeister, Sources canoniques 1, Paris 1997; R. SOMERVILLE y B. C. BRASINGTON, *Prefaces to Canon Law in Latin Christianity. Selected translations, 500-1245*, New Haven-London 1998; S. VIOLI, *Il Prologo di Ivo di Chartres*. Biblioteca Teologica, Sezione Canonistica 3, Lugano 2006, pp. 367-401.

¹⁶ Orléans Ms 222 (194), pp. 4b-5a: «*Prima pars continet de fide (...) omni genere mendatii*».

¹⁷ Orléans Ms 222 (194), p. 5a: «*Prima pars istius libri continet de fide (...)*».

¹⁸ Orléans Ms 222 (194), p. 5a: (Rubrica) «*Quid penitentiae et qualiter agere debebunt qui magna crimina committunt*»; (Textus) «*Quatuor quadragesime deominalibus (...) pauperinco medat uictum quadragesimale*».

¹⁹ Orléans Ms. 222 (194), p. 5b: «*Credimus unum deum esse patrem et filium et spiritum sanctum (...)*»; cfr. PL 161. 1045.

²⁰ Orléans Ms 222 (194), p. 79a: «*Ivo episcopus carnotensis h. archiepiscopo lugdunensis facile est uobis (...)*».

²¹ Orléans Ms 222 (194), pp. 101b-104b: «*Ivo carnotensis ecclesiae minister Vulgariuo parisiensis archidiacono salutem. (...) ac uenerari profiteor*».

patristic theological supplement in two basic parts. The first contains writings of St. Jerome and Origen²², and the second cites St. Augustine's works²³. There is a nice iniziale, decorated with green, red and yellow colors on page 173b, ten pages before the end of the first patristic section, which testifies to the first part of the 12th century²⁴. The pages which follow this mark are very greasy and got wet sometimes (i.e. pp. 176a-177b). The last third of page 182a and the entirety of 182b are empty. This separates the section of St. Augustine's texts from the previous part. The manuscript is incomplete, as is indicated by the last sentence which follows the second Augustinian work: «*Incipitur tractatio S. Augustinus in libro contra ad usarum*»²⁵.

The paleographical and textual peculiarities of the Orléans Ms 222 (194) help to identify the particular place of usage of the codex. It must be a cathedral chapter at some episcopal see. This supposition is supported by the very small letters, the inconspicuous text and the structure, the two basic supplementary materials (i.e. Ivo's letters, patristic sources), as well as by those frequently used pages at sections that deal with the authority of the Holy See, accusations, grades of consanguinity, and marriage. There is no «*arbor consanguinitatis*» or detailed commentary on the consanguinity degrees²⁶. Hence, it could not have been used at some parish or ecclesiastical tribunal. This manuscript appears to be composed for very educated readers –such as canons of cathedral chapters– who had profound dogmatic theological knowledge on the Catholic faith²⁷, as evidenced by the placement of Origen's and St. Augustine's theological works at the end of the codex.

²² Orléans Ms 222 (194), pp. 105a-182a: «*Prefatio sancti Hieronymi in Originem. Cognoscende veritatis amore permoti (...)*» [p. 105a].

²³ Orléans Ms 222 (194), pp. 183a-216b: «*In hoc uolumine continentur Sancti Augustini scilicet De libero arbitrio libri III. De natura boni liber unus. Cum adhuc Rome demoraremur (...)*» [p. 183a].

²⁴ Orléans Ms 222 (194), p. 173b: «*His igitur breuiter ad signatis de eo quod (...)*».

²⁵ Orléans Ms 222 (194), p. 216b.

²⁶ Orléans Ms 222 (194), pp. 66a-67a.

²⁷ Cfr. S. A. SZUROMI, «Fulbert et Bonipert – Les relations entre deux évêques au XI^e siècle», in M. ROUCHE (dir.), *Fulbert de Chartres. Précurseur de l'Europe médiévale? Cultures et civilisations médiévales* 43, Paris 2008, pp. 55-62, especially 58.

2. OBSERVATIONS ON THOSE MATERIALS OF ORLÉANS MS. 222 (194) WHICH WERE INSERTED AFTER THE BODY OF THE PANORMIA

2.1. *The «corpus» of the letters of Ivo of Chartres*

The considerable significance of the letters of Ivo of Chartres is indubitable²⁸, especially because this rich material is inserted at the end of his canonical collection in a high number of textual witnesses²⁹. The letters can be read in printed form in the edition by Jacques-Paul Migne³⁰. Ivo's letters are remarkable not only because they contain much data that assists the reconstruction of Ivo's organizational activity as bishop of Chartres, but they also give fundamental further information about his work of compiling the canons, especially due to the numerous canonical and patristic sources that he used for his letters and which had influence on his canonical work as well³¹. Nevertheless, this additional data can only shed light on Ivo's knowledge of canon law, his sources, his technique, and his conception of canon law, but it cannot interpret the most significant elements of the textual and structural development of the Ivonian collection, inasmuch as these are the effects of the different institutional fields of the Church and the concrete places of usage of the particular exemplars³².

2.2. *Works of patristic authors*

The presence of various patristic canons is really remarkable in the developing process of the different canon law collections and textual families. These canons usually supply most of the peculiarities for the particular canonical collections of the 11th and 12th centuries. The most cited patristic authors are certainly St. Augustine and St. Jerome if we take no notice of the let-

²⁸ Recently, Christof Rolker paid particular attention to Ivo's letters and explained the detailed results of his research in his PhD dissertation, defended in 2006 at the University of Cambridge, cfr. Ch. ROLKER, *Canon law and the letters of Ivo of Chartres*, Cambridge 2010.

²⁹ Cfr. J. LECLERCQ, «La collection des lettres d'Yves de Chartres», in *Revue bénédictine*, 56 (1946), pp. 108-125, especially 108-110.

³⁰ PL 162. 11-290.

³¹ J. LECLERCQ, «La collection des lettres d'Yves de Chartres», note 29, pp. 108-125.

³² S. A. SZUROMI, «Some 12th century textual-witnesses of the family of the Ivonian Panormia», note 12, p. 384.

ters of Pope Leo the Great and Pope Gregory the Great³³. This is true of the Ivonian *Decretum* and *Panormia* too, in which a remarkable amount of space was dedicated to lengthy passages from patristic sources, particularly St. Augustine's writings. Furthermore, we can also acknowledge that short, independent part of the *Tripartita* which quotes patristic authors³⁴. St. Augustine's writings are found in 184 canons of the basic canonical material of the *Panormia*³⁵. Therefore, it cannot be accidental that the Orléans Ms 222 (194) contains the patristic supplement right after the Ivonian material, which occupies half of the whole codex. The reason for the inclusion of this supplementary material is certainly the dogmatic-theological interest of the erudite college of canons at some cathedral.

The first section of the patristic material begins on page 105a with «*Prefatio sancti Hieronymi in Originem*». This is the whole text of St. Jerome's *Prefatio Rufini librorum ΠΕΡΙ ΑΡΧΩΝ quos de graeco transtulit in latinum*³⁶. Then we can read Rufinus's Latin translation of the *De Principiis* from page 125b. This famous theological work of Origen (184-254)³⁷ uses allegorical interpretation in examining the Bible and the doctrines of the Christian faith. The treatise had significant impact on later theological concepts, and was even suspected of heresy³⁸. The original Greek version was composed probably in 229, and in 397 Rufinus made his Latin translation, which is still in our possession

³³ Cfr. S. A. SZUROMI, «Patristic texts in the Collectio Canonum Anselmi Lucensis (Recension "A") and their correspondence with the Decretum Gratiani», in *Folia Canonica*, 7 (2004), pp. 71-108, especially 71-72, 74.

³⁴ Cfr. BAV Reg. lat. 973, foll. 116rb-119ra; BN lat. 13656, foll. 199v-204v.

³⁵ IP 1. 7-9, 11-12, 15, 26, 28, 30-36, 42, 52-57, 82, 84, 86-87, 95, 104-109, 111, 125, 128-131, 133-137, 139, 142-143, 145, 149; 2. 38, 63, 94, 119-121, 126-128, 143, 153-154, 158, 166-167, 185, 193, 195; 3. 24, 71, 77-79, 171, 179-180, 200; 5. 83, 125, 131; 6. 4, 10, 16, 22, 27-30, 43-45, 47, 59-61, 65-66, 74, 79-81, 100-101, 104-105; 7. 2, 4-6, 17, 19-20, 22, 26, 28-32, 34-37, 43-45, 47-48, 52; 8. 1-2, 12-13, 15-17, 22-26, 35, 38-47, 57, 59-60, 65-68, 74, 77, 79, 81, 84-86, 89, 92, 96-97, 107-111, 115-117, 124, 128-133 (Σ: 184).

³⁶ «Scio quam plurimos scientiae scripturarum desiderio prouocatos, popescisse ab aliquantis eruditius uiris et Graecarum peritis, ut Origenem Romanum facerent, et Latinis auribus eum donarent. (...) sed conferat cum exemplaribus unde scripserit, et emendet ad litteram, et distinguat; et inemendatum uel non distinctum codicem non habeat, ne sensuum difficultas, si distinctus codex non sit, maiores obscuritates legentibus generet». *San Jerónimo, Epistolario I*. Biblioteca de autores cristianos 530, Madrid 1993, pp. 863-867. Cfr. H. CROUZEL, «Jérôme, traducteur du "Peri Archôn" d'Origène», in Y.-M. DUVAL (dir.), *Jérôme entre l'Occident et l'Orient*, Paris 1988, pp. 153-161.

³⁷ Edition: *Sources Chrétiennes* 252-253, Paris 1978; 268-269, Paris 1980; 312, Paris 1984.

³⁸ Cfr. L. LIES, *Origenes' «Peri Archôn»*. *Eine undogmatische Dogmatik. Einführung und Erläuterung*, Darmstadt 1992.

today³⁹. It is known that Origen's works began to enjoy favor once again during the time of the Carolingian Renaissance⁴⁰.

The second section of the patristic material cites two entire fundamental dogmatic-theological works of St. Augustine, namely, the *De Libero Arbitrio libri tres*⁴¹ and the *De Natura Boni contra Manichaeos liber unus*⁴². St. Augustine's basic philosophical work on Free Will⁴³ was written between 391 and 395⁴⁴, and it became one of the most important sources for many medieval canonical collections because its clear conception of morality, conscience, and law could substantiate the disciplinary argumentation of the Church. Among such collections, we can mention the Ivonian *Decretum*, which quotes long passages of this Augustinian work. The *De Libero Arbitrio* is cited four times by the *Decretum Gratiani* (C. 23 q. 5 c. 41; C. 32 q. 6 c. 6; D. 1 c. 30 de pen.; D. 4 c. 7 de cons.) and these fragments (i.e. *De lib. arb.* I. 3; I. 4; I. 5; III. 23) are found in the Ivonian works as well (cfr. ID 8. 104 = IP 7. 19⁴⁵; ID 10. 101 = IP 8. 38

³⁹ Cfr. N. PACE, *Ricerche sulla traduzione di Rufino dal «De Principiis» di Origene*, Firenze 1990.

⁴⁰ G. D'ONOFRIO, *Storia della Teologia II*, Piemme 2003, pp. 94-97.

⁴¹ Orléans Ms 222 (194), pp. 184b-204b: «Dic mihi, quaeso te, utrum Deus non sit auctor mali? Aug. – Dicam, si planum feceris de quo malo quaeras. Duobus enim modis appellare solemus malum: uno, cum male quemque fecisse dicimus; alio, cum mali aliquid. (...) Nescio me aliquid praetermisisse quod ex nostra responsione, quantum Dominus praebere dignatus est, tuis interrogationibus desit: quamquam et si tibia liquid occurrit, modus libri nos iam finem facere, et ab hac disputatione requiescere aliquando compellit». Cfr. *De Libero Arbitrio libri tres: Corpus Christianorum. Series Latina* 29, Turnholti 1970, pp. 205-321.

⁴² Orléans Ms 222 (194), pp. 214a-216b: «Summum bonum, quo superius non est, Deus est; ac per hoc incommutabile bonum est, ideo uere aeternum et uere immortale. (...) Tantum enim ualet praepollens misericordia et potestas tua et ueritas Baptismi tui, clauisque regni coelorum in sancta Ecclesia tua, ut nec de illis desperandum sit, quamdiu in hac terra per tuam patientiam uiuunt, qui etiam scientes quantum malum sit talia de te sentire uel dicere, propter aliquam temporalis et terrenae commoditatis consuetudinem uel adeptionem in illa maligna professione detinentur, si ad tuam ineffabilem bonitatem saltem increpati tuis correptionibus fugiant, et omnibus carnalis uitae illecebris coelestem uitam aeternamque praeponant». Cfr. *De Natura Boni contra Manichaeos liber unus: Corpus scriptorium ecclesiasticorum Latinorum* 25/2, Vindobonae 1892, pp. 853-889.

⁴³ Cfr. M. HUFTIER, «Libre arbitre, liberté et péché chez St. Augustin», in *Recherches de théologie ancienne et médiévale*, 33 (1966), pp. 187-281.

⁴⁴ A. BERARDINO (ed.), *The Golden Age of the Latin Patristic Literature. From the Council of Nicea to the Council of Chalcedon*. Augustinian Patristic Institute-Rome, Patrology IV, Westminster-Maryland 1986, pp. 360, 414, 458-460.

⁴⁵ D. 1 c. 30 de pen.: «Si cui etiam non contingat facultas concumbendi cum coniunge aliena, planum tamen aliquo modo sit eum cupere, et, si potestas detur, facturum esse, non minus reus est, quam si in ipso facto deprehenderetur. Item, sicut auctoritas testatur: §. 1. Voluntas remuneratur, non opus. Voluntas autem in cordis contritione est opus uero in oris confessione». Friedberg I. 1165; cfr. *De lib. arb.* I. 3.

= Tr 3. 20 [21] 32⁴⁶; ID 7. 140 = Tr 3. 14 [15] 6-7⁴⁷; ID 1. 120 = IP 1. 12⁴⁸). Extensive theological academic training was indispensable for anyone who would undertake to read this study of St. Augustine. Therefore, this analyzed manuscript must have been used in a theologically ambitious milieu, which is clearly signaled by the insertion of the entire Augustinian work, not only some quotation of it. This ambitious milieu could not be the day-to-day usage at some parish, but it had to be a particular ecclesiastical institution where there was serious ambition for such a theoretical explanation of the faith. We can see again the gradual development of the contents of Ivo's textual-witnesses and we also have a significant example of how the institution affected the contents: the three basic textual-families (i.e. *Decretum*, *Panormia* and *Tripartita*), each of which arose rapidly from the same original canonical material (cfr., the «nucleus») with differences among them due to their different usage, could then once again come closer to each other because of the influence of a new and similar institutional milieu. This is also true of the insertion of the other work of St. Augustine on the Nature of the Good, which was composed in 399⁴⁹ and dedicated to explaining the original goodness of all things existing in the created world⁵⁰. Chapter 40⁵¹ is found not only in ID 14. 9 but also in

⁴⁶ C. 23 q. 5 c. 41: «Si homicidium est hominem occidere, potest occidere aliquando sine peccato. Nam et miles hostem, et iudex uel minister eius nocentem, et cui forte inuito atque imprudenti telum manu fugit, non michi uidentur peccare, cum hominem occidunt. Sed nec etiam homicidiae isti appellari solent. *Ide min questionibus Leuitici*, [quest. 68. ad cap. 19.]: § 1. Cum homo iuste occiditur, lex eum occidit, non tu». Friedberg I. 941; cfr. *De lib. arb.* I. 4.

⁴⁷ C. 32 q. 5 c. 6: «De pudicitia quis dubitauit, quin ea sit animo constituta, quandoquidem uirtus est? Unde a uiolento stupratore nec ipsa eripi potest. *Item Ieronimus super epistolam ad Romanos l. I.*: § 1. Fieri non potest, ut, nisi quis prius mechetur in corde, mechari possit in corpore». Friedberg I. 1133; cfr. *De lib. arb.* I. 5; ID 7. 141.

⁴⁸ D. 4 c. 7 de cons.: «Illud perscrutari homines solent, sacramentum baptismi Christi quid prosit paruulis, cum eo accepto plerumque moriuntur prius, quam ex se quicquam potuerint cognoscere. Qua in re satis pie recteque creditur prodesse paruulo fides eorum, a quibus consecrandus offertur. Et hoc ecclesiae commendat auctoritas, ut ex eo quisque sentiat quid sibi prosit fides sua, quando in aliorum quoque beneficio, qui propriam nondum habent potestatem, conmoda sit». Friedberg I. 1363; cfr. *De lib. arb.* III. 23.

⁴⁹ A. BERARDINO (ed.), *The Golden Age of the Latin Patristic Literature*, note 44, p. 382.

⁵⁰ AUGUSTINUS, *De Natura Boni contra Manichaeos liber unus*, 1: «Summum bonum, quo superius non est, Deus est; ac per hoc incommutabile bonum est, ideo uere aeternum et uere immortale. Caetera omnia bona non nisi ab illo sunt sed non de illo. De illo enim quod est, hoc quod ipse est; ab illo autem quae facta sunt, non sunt quod ipse. Ac per hoc, si solus ipse incommutabilis, omnia quae fecit, quia ex nihilo fecit, mutabilia sunt. (...)». PL 42. 551.

⁵¹ «*Nec Deo noceri potest nec alii, nisi De iusta ordinatione*. Quae cum ita sint secundum catholicam fidem et sanam doctrinam, et intelligentibus perspicuam ueritatem, nec naturae Dei nocere potest quisquam, nec natura Dei nocere iniuste cuiquam, uel nocere impune patitur quemquam.

Tr 3. 27 (28) 6 and in the *Decretum Gratiani* (C. 11 q. 3 c. 47)⁵². We must mention that some parts of another important dogmatic theological writing of St. Augustine also belong to the patristic material of the Ivonian work, namely the *De Trinitate* (Tr 3. 1. 1 = ID 1. 2 = IP 1. 7⁵³; Tr 3. 2 [3] 21 = ID 2. 107⁵⁴; Tr 3. 7. 4 = ID 4. 71 = IP 2. 120⁵⁵). These canons are inserted into the *Decretum Gratiani* as well.

3. Description of Cambridge, Gonville and Caius College 393 (455)

The Cambridge, Gonville and Caius College 393 (455)⁵⁶ is a textual-witness of the *Tripartita*⁵⁷, which was copied in the second half of the 12th century in two columns⁵⁸. The refined thin and white parchments as well as the

Qui enim nocet, ait Apostolus, recipiet id quod nocuit; et non est personarum acceptio apud Deum (Coloss. II, 25)». PL 42.563.

⁵² Friedberg I. 656-657.

⁵³ D. 3 c. 30 de cons.: «Omnes, quos legere potui, qui ante me scripserunt de Trinitate, que Deus est, diuinorum librorum ueterum et nouorum catholici tractatores, hoc intenderunt secundum scripturas docere, quod Pater, et Filius, et Spiritus sanctus unius eiusdemque substantiae inseparabili equalitate diuinam insinuant unitatem, ideoque non sint tres Dii, sed unus Deus, quamuis Pater Filium genuerit, et ideo Filius non sit qui Pater est, Filiusque a Patre sit genitus, et ideo Pater non sit qui Filius est, Spiritusque sanctus nec Pater sit, nec Filius, sed tantummodo Patris et Filii Spiritus, et Patri et Filio etiam ipse coequalis, et ad Trinitatis pertinens unitatem (...) sed tantummodo Patris uocem fuisse factam ad Filium, quamuis Pater et Filius, et Spiritus sanctus, sicut inseparabiles sunt, ita inseparabiliter operentur». Friedberg I. 1361; cfr. *De Trin.* I. 7.

⁵⁴ C. 1 q. 1 c. 95: «Neque enim id potest rite offerri nisi per sacerdotem iustum et sanctum, nec nisi ab eis accipiatur quod offertur, pro quibus offertur, atque id sine uicio sit, ut pro uiciosius mundandis possit offerri. Hoc certe omnes cupiunt, qui pro se offerri sacrificium Deo uolunt». Friedberg I. 392; cfr. *De Trin.* IV. 19.

⁵⁵ D. 9 c. 3: «Noli meis litteris quasi canonicis scripturis inseruire. Sed in illis et quod non crederas cum inueneris, incunctanter crede: in istis autem, quod certum habeas, nisi certum intellexeris, noli firme tenere». Friedberg I. 17; cfr. *De Trin.* III. Prol.

⁵⁶ N. R. KER, *Medieval manuscripts in the British Libraries* II, London 1977, p. 228; cfr. *Gonville and Caius College Manuscripts* (James Catalogue 14), 455/393.

⁵⁷ Edition: M. BRETT, *Tripartita* (Transcription of Paris, BN lat. 3858B) [April 24, 2008]: <http://knowledgeforge.net/>; cfr. L. KÉRY, *Canonical Collections of the Early Middle Ages*, note 12, pp. 244-246; L. FOWLER-MAGERL, *Clavis Canonum*, note 12, pp. 187-190; S. A. SZUROMI, «A snapshot from the process of the textual – development of Ivo's works (Comparative analysis of Angers, Bibliothèque Municipale, Ms. 369 with BAV Reg. lat. 973 and other textual witnesses)», in *Ius Ecclesiae*, 18 (2006), pp. 217-238; S. A. SZUROMI, «Some observations on the textual-development of the *Tripartita* (A Comparative Analysis of Paris, Bibliothèque Nationale lat. 3858 with other Ivonian manuscripts)», in *Ius Ecclesiae*, 19 (2007), pp. 369-384.

⁵⁸ The whole codex trimmed up to the punctuation (288 x 190 mm) and was basically made from twelve-folio quires (except quire VI and VII): foll. 1ra-12vb (I); 13ra-24vb (II); 25ra-36vb (III);

iniciales and other drawings⁵⁹ testify to a French origin very similar to Brussels, Bibliothèque Royal Ms 1817 (*Panormia*)⁶⁰. On fol. 1r is an inscription of the possessor from the first decade of the 17th century: «*Job. Banister liber ex dono Josiae Lambert Avunculi mei 1608*»⁶¹. The numeration of the folios was also inserted by the same 17th century hand. The iniciales were decorated with red, blue and green colors and the ruling are not by ruler but in ink. The introductory canon as an opening text begins on fol. 1ra in the basic hand of the codex (n° 1): «*Quem quorundam romanorum decretalia pontificum synodalibus (...)*», which is headed by rubric: «*Excerpta ex decretis romanorum pontificum*» as the title to the first part of the canonical material⁶². The folios are clean, but there are some frequently used pages⁶³, and the whole section about bishops, clerics, monks, and the matrimonial bond were used frequently as well⁶⁴. The consistency of the parchments is considerable within the *Collectio A* at a letter of Pope Leo the Great (440-461) on fol. 32vb⁶⁵ and at a letter of Pope Pelagius I (556-561) on fol. 45ra⁶⁶. Due to these characteristics, we are able to identify the place of usage of the codex. Among the papal authors, the last is Pope Urban II (1088-1099) whose canon⁶⁷ is helpful in estimating the date of origin of the composition. From the second part of the first section (cfr. *Collectio A*, II), which lists the conciliar material, we can find a numeration of canons, but this numeration re-begins at every single listed council. This body of conciliar canons is interrupted by a rubric on fol. 90rb: «*De inde sequentur*

37ra-48vb (IV); 49ra-60vb (V); 61ra-70vb (VI); 71ra-80vb (VII); 81ra-92vb (VIII); 93ra-104vb (IX); 105ra-116vb (X); 117ra-128vb (XI); 129ra-140vb (XII); 141ra-152vb (XIII); 153ra-164vb (XIV); 165ra-176vb (XV); 177ra-188vb (XVI).

⁵⁹ Cfr. Cambridge, Gonville and Caius College 393 (455), foll. 11r; 43r; 50v; 51r.

⁶⁰ S. A. SZUROMI, «A 12th century pastoral pocket book», note 12, p. 77.

⁶¹ Cambridge, Gonville and Caius College 393 (455), fol. 1r.

⁶² Cambridge, Gonville and Caius College 393 (455), fol. 1ra: (Rubrica) «*Excerpta ex decretis romanorum pontificum*»; (Textus) «*Quoniam quorundam Romanorum decretalia pontificum synodalibus (...)*»; (Rubrica) «*In prima epistola Clementis uerba Petri de Clemente*»; (Textus) «*Trado ipsi Clementi a Domino traditam (...)*».

⁶³ Cfr. Cambridge, Gonville and Caius College 393 (455), foll. 28ra-29vb; 32va-32vb; 40va-40vb; 45ra-45rb; 109ra-109rb; 145va-147vb; 154va-154vb; 158va-158vb; 171ra-171rb; 177ra-177rb.

⁶⁴ Cambridge, Gonville and Caius College 393 (455), foll. 141vb-168vb.

⁶⁵ Cambridge, Gonville and Caius College 393 (455), fol. 32vb: *Leo I*, «*Necesse autem ut quedam populi pars (...) sedis auctoritas teneret agnouit*»; JK 406. Cfr. ID 2. 87; D. 1 c. 51 de cons.

⁶⁶ Cambridge, Gonville and Caius College 393 (455), fol. 45ra: *Pelagius I*, «*De Syracusane (...) heredibus relicturus*»; JK 992. Cfr. D. 28 c. 13.

⁶⁷ Cambridge, Gonville and Caius College 393 (455), foll. 74va-75vb: «*Compatimur infirmitati tue et amminiculum (...) quamuis per se criminosa sit et dampnabilis*»; JL 5730. C. 35 q. 2/3 c. 11.

quedam sententie grecorum doctorum», and then there can be read some texts by Gregory of Nazianzen, John Chrysostom, and Eusebius of Caesarea⁶⁸. At the theme of baptism, the codex was opened numerous times and the parchment got wet (fol. 128v). The same is true of the concluding folios dedicated to the sacrament of penance⁶⁹. A supplement is situated on fol. 139ra attached to «*Constitutio VII Cap. I*» by the basic hand⁷⁰. Each theme is projected into the margin in a quadrangle by a new but contemporary hand (n° 2). We find throughout the entire manuscript a 14th century hand (n° 3) which sometimes marks notes to the canons (e.g., foll. 1va; 63rb; 63vb; 70va-70vb; 152rb). There is another hand of the late 12th or early 13th century which inserted a short note into the right margin on fol. 128r (n° 4)⁷¹. This script style appears again in the right margin of foll. 142v and 143r⁷². The last supplementary script style, with characteristics clearly of the 13th century (n° 5), can be found on two folios, making comments to the degrees of consanguinity (foll. 167r; 168v)⁷³. The text concludes with canon 10 of the Rubric *De Penitentia*⁷⁴. Hence, canons 11-18 and the entire last Rubric (*De causis laicorum*) are missing⁷⁵.

The narrowly paleographical and codicological analysis of Cambridge, Gonville and Caius College 393 (455) supports sufficiently that not only the *Decretum* (as an ideal canonical reading book), nor only *Panormia* (due to its logical and systematic structure), but even the *Tripartita* –perhaps because of its systematically arranged last section (cfr. *Collectio B*)⁷⁶– could have found its place in the day-to-day usage of some cathedral. This particular textual witness cannot be an official handbook of some tribunal because of the colorful

⁶⁸ Cambridge, Gonville and Caius College 393 (455), foll. 90va-92vb: «De sententiis Grecorum doctorum (...) hominis assume».

⁶⁹ Cambridge, Gonville and Caius College 393 (455), foll. 188ra-188vb.

⁷⁰ Cambridge, Gonville and Caius College 393 (455), fol. 139ra: «Nullis sub Romana (...)».

⁷¹ Cambridge, Gonville and Caius College 393 (455), fol. 128r: «Nam quo intellectu non (...)».

⁷² Cambridge, Gonville and Caius College 393 (455), fol. 142v: «Nouas quod leges (...)»; fol. 143r: «Reuelatione (...)».

⁷³ Cambridge, Gonville and Caius College 393 (455), fol. 167r: «Semel consanguinitatis vi. gradibus (...)».

⁷⁴ Cambridge, Gonville and Caius College 393 (455), fol. 188vb: «Si presbyter penitentiam abnegauerit (...) in hora ultima confessione»; (ID 15. 43; C. 26 q. 6 c. 12); cfr. M. BRETT, *Tripartita* (Transcription of Paris, BN lat. 3858B) [April 24, 2008: <http://knowledgeforge.net/>], XXVIII. *De penitentia*, xi-xviii.

⁷⁵ *De causis laicorum*, cann. 1-17; Paris, BN lat. 3858, foll. 300r-331r; cfr. M. BRETT, *Tripartita* (Transcription of Paris, BN lat. 3858B) [April 24, 2008: <http://knowledgeforge.net/>], XXIX. *De causis laicorum*, i-xvii (cclxxxiv).

⁷⁶ L. FOWLER-MAGERL, *Clavis Canonum*, note 12, p. 187.

pictures found at the sections of the frequently used themes of this volume. However, it is very probable that this Cambridge manuscript was a consultation book of some chapter of a cathedral where the canons were also involved in the juridical work of the ecclesiastical tribunal.

4. CONCLUSION

An original canonical textual witness testifies about the circumstances of its origin, and, indeed, about the physical effects which were made on the text during its daily usage: that is, its own entire history. If scientific research wants to reveal these circumstances and effects in order to interpret and adequately evaluate the particular textual-witness, it requires the following systematic study: 1) inquiring sufficiently into the basic paleographical and codicological evidences of the manuscript; 2) using precisely those special scientific auxiliary studies, registers, etc. which are already settled; 3) indentifying the original goal for the creation of the particular canonical collection, investigated by a consideration of the internal and external facts; 4) revealing the possible fields of usage of the manuscript (instruction, Episcopal court, ecclesiastical tribunal, parish, etc.); 5) locating the particular manuscript within the history of the sources, institutions, and science of canon law; 6) finally, forming a perspective on the effect of the textual-witness within the milieu in which the manuscript was used. We must be much more circumspect and keep the precise research method described above in mind when we ask our questions concerning the Ivonian textual-families and the origin of the supplements, rubrics, and inscriptions.

Several questions can arise based on the narrow comparison of the *Decretum*, the *Panormia*, and the *Tripartita*: Who composed the *Panormia*?⁷⁷ Is the *Decretum* the one and only original composition of Ivo?⁷⁸ Who is the author hidden behind the *Tripartita*? However, there are no adequate answers for these decisive questions. Nevertheless, there is a much more adequate question concerning the compiler of the Ivonian textual families: Whether the canonical material and the structure of the *Decretum*, the *Panormia*, or the *Tri-*

⁷⁷ Cfr. Ch. ROLKER, «Ivo of Chartres and the Panormia: The Question of Authorship Revisited», in *Proceedings of the Thirteenth International Congress of Medieval Canon Law. Esztergom, 3 August-8 August 2008*. Monumenta Iuris Canonici, C/14, Città del Vaticano [forthcoming].

⁷⁸ Cfr. *ibid.*

partita –each of which, in their textual families, appear to us now as independent collections– is closer to the original intention of the theoretical compiler. Based on the detailed comparative textual-critical, codicological, and paleographical analysis of Ivo's work, it is crystal-clear that the identification of those several concrete authors who had fundamental influence on the canonical material as well as on the structuralization of the text is an impossible task. On the one hand, we would like to draw attention to those numerous supplementary canons which can be examined in the comparison of the manuscripts of the same textual-family, which we have already classified⁷⁹. On the other, we can see several supplementary notes, short explications, inscription systems, each inserted into the particular manuscripts not by the basic hand but by a different contemporary or later script style. Moreover, even the titles of the rubrics or their structure are sometimes altered, too (e.g., Cambridge, Gonville and Caius College 393 [455]; Paris, BN lat. 3858). These facts shed light on the independent life of the particular manuscripts, each of which existed under several different influences. Therefore, according to our settled opinion, we can reconstruct only the supposed original intention and the particular segment of clerics whom Ivo of Chartres was addressing when he compiled a canonical reading-book. However, after an extensive research, we are able to list those six basic themes of that original collection, which at times was abbreviated, and at other times was enlarged, and furthermore, into which was inserted a developed inscription or rubric system, step by step, according to the peculiarity of the place of usage⁸⁰. Around these basic themes –as a «nucleus»– further disciplinary or doctrinal texts have been organized in longer or shorter form. Nevertheless, there was certainly no canon enumeration in the original composition of Ivo's collection. Those textual witnesses of the *Decretum*, the *Panormia*, and the *Tripartita* without any rubric or inscription system are well-known to scientific research. These manuscripts support the Ivonian canonical collection's original character, because they have partially conserved the peculiarities of the early form of the text, which should have been a canonical reading-book. Through a similar circumspect analysis, we can reconstruct those particular institutions of the contemporary ecclesiastical institutional system where the original Ivonian canonical reading-

⁷⁹ S. A. SZUROMI, «Some 12th century textual-witnesses of the family of the Ivonian Panormia», note 12, p. 383.

⁸⁰ S. A. SZUROMI, «The BAV Pal. lat. 587 as a textual witness», note 12, p. 346.

book of the cathedral chapter would have been employed as an auxiliary book for the clergy educated by discipline, and where this canonical collection began its own independent life, and where the so called «nucleus» form of the text suffered minor or significant modifications. We must understand that this type of modification at the place of usage merely adapted to the contemporary basic canonical conviction concerning institutionalized ecclesiastical discipline. This conviction was the same as that of Ivo, which motivated him to compose the original collection. Ivo's concept was the intention to present the entire canon law of the Church, since this presentation would promote the work and activity of the ecclesiastical institutions, particularly the care of souls (cfr. *cura animarum*) and salvation as a final goal. This endeavor to apply the entirety of canon law could happen in various ways –as we have already explained– and fundamentally, it had a strong link to the peculiarities of the concrete ecclesiastical institutions, namely, to those preferences which were essential to the work of a particular place of usage. All these institutional activities formed a wide panorama of variation in textual families from the original «nucleus» version of the Ivonian collection. Therefore, the later supplements which facilitated the text, according to the interest of the person or institution using it, established the basic peculiarities of the three main versions which became adapted, crystallized canonical handbooks. These versions are those which are recognized by the traditional classification of the science of canonical source history as three independent collections (cfr. theory of «intact literary work»), but we classify them as three textual families represented in the above described institutional and source historical background.

The classical question indeed: «Who is the author who stands behind the three textual families?» As an answer of our considered judgment, we can see that at the beginning, we certainly find St. Ivo of Chartres. However, he is obviously not the immediate author of the single textual families and the further textual and structural modifications which may be identified in many manuscripts. These significant or minor modifications, structuralizations, inscriptions, rubrics, etc., are the effects of the daily application of the ecclesiastical discipline, and they remain witnesses to that gradual crystallization process⁸¹ which had produced settled canonical collections –and their various versions– from a reading book.

⁸¹ Cfr. S. A. SZUROMI, «Some impressions on the 12th century textual witnesses of Ivo's canonical work», in *Studia Canonica*, 42 (2008), pp. 347-365.

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