

and growth. This group assigns particular importance to the appendix in Fd, which they claim contains the first stage of additions gathered after the completion of the first recension⁴².

While I was initially open to the possibility that the additions in Aa, Bc, Fd, and Vx preserve intermediate stages, my research has led me back to Winroth's position that they must ultimately derive from the finished second recension. The theory of intermediate stages faces two major obstacles. First, no two manuscripts or layers of additions (appendices, margins etc.) seem to preserve exactly the same intermediate stage⁴³. If these layers really did contain intermediate stages, we might expect at least one pair to show close correspondence. However, for every case of shared omission between two layers, it is easy to find another case where one layer contains texts which the other does not⁴⁴. According to Winroth's model, such diversity is to be expected. Individual scribes attempting to excerpt second-recension additions in reference to a manuscript of the first recension naturally made diverse choices and errors.

The second major problem with the theory of intermediate stages is that none of the textual layers in Aa, Bc, Fd, or Vx appear to align in any way with the application of formal sources⁴⁵. If one of our layers did contain an intermediate stage, we might expect that it would omit texts from at least one of Gratian's formal sources⁴⁶. Surveys of the

42) A summary of the arguments for the precedence of Fd's appendix can be found in LARSON, Gratian's *De penitentia* (as n. 7) p. 66–87. For recent criticism of the theory that the appendices contain stages prior to the second recension, see John C. WEI, *The Importance and Influence of Gratian's Tract De penitentia*, in: ZRG Kan. 101 (2015) p. 373–88, at p. 380–88.

43) WINROTH, *Making* (as n. 2) p. 133–35.

44) Larson concedes this point to some degree: „In the *Decretum* as a whole, Fd, Aa, and Bc exhibit striking amounts of overlap in their ‚additiones‘, but yet there are several ‚capitula‘ that are commonly omitted from them or appear in the ‚additiones‘ of one or two of the manuscripts but not in the other one or two.“ LARSON, Gratian's *De penitentia* (as n. 7) p. 107.

45) The term „formal“ source describes the direct, intermediate source from which a text was taken rather than the original „material“ source such as a papal letter or the decree of a church council.

46) Atria Larson has recognized the potential of patterns of formal source application to prove the existence of intermediate stages. In the case of Fd, she has identified a handful of cases where marginal additions in the appendix seem to come from a different formal source than nearby texts in the body of the appendix; LARSON, Gratian's *De penitentia* (as n. 7) p. 71–73; LARSON, *Master* (as n. 2) p. 501–06. The problem with the evidence provided so far is that in each case the formal source of the relevant marginal addition is used already in other parts of the appendix.