

This article will attempt to provide some clarity regarding the early transmission of the *Decretum* by surveying approximately two hundred manuscripts from the late twelfth and early thirteenth centuries. The main conclusion is that the second recension did exist, but that the vast majority of surviving manuscripts which appear to contain the second recension actually contain „mixed recensions“⁹. Mixed-recension manuscripts resulted from a peculiar two-stage copying process common in the 1150s and 1160s. The first stage occurred when an owner of a first-recension manuscript came into contact with a second-recension manuscript and chose to add the new texts into the margins or into appendices. The second stage occurred when these supplemented manuscripts were recopied so as to integrate the second-recension additions into the first-recension main text. As we will see, the difficulty of first excerpting and later reintegrating the second-recension additions produced many and diverse errors on the seams between the two recensions. Several examples of the first stage survive today in the form of manuscripts Aa, Bc, and Fd, and in Vatican, BAV, Ott. lat. 3062 (Vx), a newly identified appendix of second-recension additions now separated from its first-recension partner¹⁰. Many examples of the second stage also survive, including the error-prone manuscripts Bi, Gt, Me, Py, and Wi. This peculiar two-stage copying process should not surprise historians of medieval law since Paul Krüger long ago observed much the same in contemporary manuscripts of Justinian’s *Code*. Like the *Decretum*, the *Code* travelled in longer and shorter versions which often mixed¹¹.

A precise understanding of the early transmission of the *Decretum* is important for two main reasons. First, a project to edit the first and second recensions is already underway with the aim of replacing Friedberg’s 1879 edition, which, as we will see, relies primarily on mixed-re-

9) Anders Winroth foreshadowed this possibility in WINROTH, Making (as n. 2) p. 128–36.

10) For a complete list of manuscripts and sigla used in this article, see the Appendix.

11) Codex Iustinianus, ed. Paul KRÜGER (1877) p. i–xliii; Max CONRAT, Geschichte der Quellen und Literatur des Römischen Rechts im frühen Mittelalter (1891) p. 354–359. For a recent summary, see Charles RADDING / Antonio CIARALLI, The Corpus Iuris Civilis in the Middle Ages: Manuscripts and Transmission from the Sixth Century to the Juristic Revival (Brill’s Studies in Intellectual History 147, 2007) p. 133–68.