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Mixed Recensions in the Early Manuscripts of Gratian's *Decretum*

by

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For¹ over twenty years it has been known that Gratian's *Decretum* was compiled in at least two stages². Anders Winroth demonstrated that at least four surviving manuscripts contain an earlier version of the text which is approximately half the size of the versions which appear in the

1) The research presented here has been supported by the Medieval Institute at the University of Notre Dame, the Volkswagen Foundation, and the Hill Museum and Manuscript Library in Collegeville, Minnesota. I would like to thank Anders Winroth, John C. Wei, and J. Tucker Million for commenting on drafts of the article as well as Prof. Dr. Martin Rehak and Dr. Waltraud Kozur for providing me access to Rudolf Weigand's microfilm collection at the Julius-Maximilians-Universität in Würzburg.

2) Anders WINROTH, *The Making of Gratian's Decretum* (2000); IDEM, *Recent Work on the Making of Gratian's Decretum*, in: *BMCL* 26 (2008) p. 1–29. Useful overviews of recent scholarship include John C. WEI, *Gratian the Theologian* (*Studies in Medieval and Early Modern Canon Law*, 2016) p. 5–9, 24–26; Giovanna MURANO, *Graziano e il Decretum nel secolo XII*, in: *Rivista Internazionale di Diritto Comune* 26 (2015) p. 61–139, at p. 85–91; Atria A. LARSON, *Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century* (*Studies in Medieval and Early Modern Canon Law*, 2014) p. 17–20; Melodie H. EICHBAUER, *Gratian's Decretum and the Changing Historiographical Landscape*, in: *History Compass* 11,12 (2013) p. 1111–25; Peter LANDAU, *Gratian and the Decretum Gratiani in the Classical Period, 1140–1234*, in: *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX*, ed. Wilfried HARTMANN / Kenneth PENNINGTON (*History of Medieval Canon Law*, 2008) p. 22–54.

Roman edition (1582) and in Emil Friedberg's edition (1879)³. Winroth called this earlier version the „first recension“ and argued that it was completed around 1140⁴. Winroth also argued for a „second recension“ in the sense that the vast majority of post-first-recension texts were added in a single effort of revision which was completed by 1150⁵. Since Winroth's initial study, the first recension has become widely accepted, although some dispute whether it was truly the „first“ recension⁶.

3) *Decretum Gratiani emendatum et notis illustratum una cum glossis*, ed. Gregorii XIII pont. max. iussu (Corpus Iuris Canonici 1, 1582); *Decretum Magistri Gratiani*, ed. Emil FRIEDBERG (Corpus Iuris Canonici 1, 1879 [Reprint 1959]).

4) The dating of the first recension to around 1140 is based on the inclusion of a reference to the Second Lateran Council (1139) at D.63 d.p.c.34: *in generali synodo Innocentii pape Rome habita*; WINROTH, Making (as n. 2) p. 136–40. Atria A. Larson, Kenneth Pennington, and others have argued for progressive compilation which possibly began decades earlier. On the dating of the first recension, see WEI, Gratian the Theologian (as n. 2) p. 20–33; MURANO, Graziano (as n. 2) p. 85–86; LARSON, Master of Penance (as n. 2) p. 25–28; Kenneth PENNINGTON, The Biography of Gratian, the Father of Canon Law, in: Villanova Law Review 59 (2014) p. 679–706, at p. 679–88; Anders WINROTH, Where Gratian Slept: The Life and Death of the Father of Canon Law, in: ZRG Kan. 99 (2013) p. 105–28.

5) WINROTH, Making (as n. 2) p. 130–44. In practical terms, the second recension is the text of Emil Friedberg's edition minus those later additions known as *paleae*. The second recension was probably finished by around 1150 because Paucapalea's *Summa* and the abbreviation *Quoniam egestas* must have used it around this time. Further evidence for use of the *Decretum* around 1150 can be found in the letters of Abbot Wibald of Stablo and Corvey (d. 1158), and in episcopal judgments from Salzburg and Siena. Martina HARTMANN, The Letter Collection of Abbot Wibald of Stablo and Corvey and the Decretum Gratiani, in: BMCL 35 (2012–2013), p. 35–49; Rainer MURAUER, Geistliche Gerichtsbarkeit und Rezeption des neuen Rechts im Erzbistums Salzburg im 12. Jahrhundert, in: Römische Zentrum und kirchliche Peripherie. Das universale Papsttum als Bezugspunkt der Kirchen von den Reformpäpsten bis zu Innozenz III, ed. Jochen JOHRENDT / Harald MÜLLER (Neue Abh. der Akad. der Wissenschaften zu Göttingen, Phil.-Hist. Klasse N.F. 2: Studien zu Papstgeschichte und Papsturkunden, 2008) p. 259–284; Paolo NARDI, Fonti canoniche in una sentenza senese del 1150, in: Life, Law and Letters: Historical Studies in Honour of Antonio García y García, ed. Peter LINEHAN (Studia Gratiana 29, 1998), p. 661–670.

6) On the question of whether Sankt Gallen, Stiftsbibliothek, 673 (Sg) preserves a stage earlier than the first recension, see WEI, Gratian the Theologian (as n. 2) p. 27–33; MURANO, Graziano (as n. 2) p. 86–87; LARSON, Master (as n. 2) p. 228–35; PENNINGTON, Biography (as n. 4) p. 689–98; Jean WERCKMEISTER, Le manuscrit 673 de Saint-Gall: Un Décret de Gratien primitif?, in: Revue de droit canonique 60 (2010) p. 155–70; John C. WEI, A Reconsideration of St. Gall, Stiftsbibliothek 673 (Sg) in Light of the Sources of Distinctions 5–7 of the De penitentia, in: BMCL 27 (2007) p. 141–80.

Opinions on the second recension are more divided⁷. Unlike the first recension, the second recension has never been precisely defined using manuscripts. Many twelfth-century manuscripts approximate the size of the second recension but vary slightly in their contents and readings. This diversity has led some scholars to argue that a true second recension never actually existed and that it was just one of many stages of accumulation following the first recension⁸.

7) On the debates surrounding the existence and nature of the second recension, see Atria A. LARSON, Gratian's *De penitentia* in Twelfth-Century Manuscripts, in: *BMCL* 31 (2014) p. 57–110, at p. 57–64. Also helpful are Rudolf Weigand's final reflections on the two recensions in Rudolf WEIGAND, *Causa 25 des Dekrets und die Arbeitsweise Gratians*, in: *Grundlagen des Rechts. Festschrift für Peter Landau zum 65. Geburtstag*, ed. Richard H. HELMHOLZ / Paul MIKAT / Jörg MÜLLER / Michael STOLLEIS (2000) p. 277–90; IDEM, Chancen und Probleme einer baldigen kritischen Edition der ersten Redaktion des Dekrets Gratians, in: *BMCL* 22 (1998) p. 53–75; IDEM, Zur künftigen Edition des Dekrets Gratians, in: *ZRG Kan.* 83 (1997) p. 32–51.

8) In general, the diverse readings of early *Decretum* manuscripts have so far defied attempts to neatly group them into families. Atria A. Larson explains: „While some manuscripts have more readings in common with certain other manuscripts, the early Gratian manuscripts do not fall neatly into families, and evidence abounds for much cross contamination [...]“; LARSON, Gratian's *De penitentia* (as n. 7) p. 107. Larson has recently edited Gratian's *De penitentia* (C.33 q.3) using seven manuscripts; Atria A. LARSON, *Gratian's Tractatus de penitentia: A New Latin Edition with English Translation* (Studies in Medieval and Early Modern Canon Law, 2016). Regula Gujer has also drawn attention to early contamination in the manuscript tradition and argued that the *Decretum* must be treated as a living text. Regula GUJER, *Concordia Discordantium Codicum Manuscriptorum? Die Textentwicklung von 18 Handschriften anhand der D.16 des Decretum Gratiani* (2004) p. 193–202, 416–18. On proposed stages both pre- and post-second recension, see Carlos LARRAINZAR, Métodos para el análisis de la formación literaria del *Decretum Gratiani*: „Etapas“ y „esquemas“ de redacción, in: *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Esztergom 2008*, ed. Péter ERDŐ / Sz. Anzelm SZUROMI (Monumenta Iuris Canonici C 14, 2010) p. 85–116; IDEM, La edición crítica del Decreto de Graciano, in: *BMCL* 27 (2007) p. 71–105; IDEM, La formación del Decreto de Graciano por etapas, in: *ZRG Kan.* 87 (2001) p. 5–83; José Miguel VIEJO-XIMÉNEZ, „Costuras“ y „Descosidos“ en la versión divulgada del Decreto de Graciano, in: *Ius Ecclesiae* 21 (2009) p. 133–54; IDEM, La composición de C. 28 del Decreto de Graciano, in: *Mélanges Anne Lefebvre-Teillard*, ed. Bernard D'ALTEROCHE / Florence DEMOULIN-AUZARY / Olivier DESCAMPS / Franck ROUMY (2009) p. 1007–30; IDEM, Variantes textuales y variantes doctrinales en C.2 q.8, in: *Proceedings of the Twelfth International Congress of Medieval Canon Law, Washington D.C. 2004*, ed. Uta-Renate BLUMENTHAL / Kenneth PENNINGTON / Atria A. LARSON (Monumenta Iuris Canonici C 13, 2006) p. 161–90; IDEM, La composición del Decreto de Graciano, in: *Ius canonicum* 45 (2005) p. 431–45.

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.

cension manuscripts¹². Second, scholars are becoming increasingly aware that the first recension differs from the second recension in terms of sources, design, and purpose¹³. While the second recension contains many Roman law texts from Justinian's *Corpus iuris civilis*, the first recension contains almost none¹⁴. Liturgical and sacramental details are also common in the second recension but are generally lacking in the first recension¹⁵. As recent studies affirm, the first recension was designed to be a concise teaching text and was informed by the latest trends in scholastic theology and dialectic¹⁶. It was meant to resolve theoretical conflicts and provide a framework for students to understand canon law. In contrast, the second recension acts more as a dossier of proof texts on the model of older canon law collections¹⁷. Frustratingly, the additions of the second recension often interrupt and confuse the arguments of the first recension. Fueled by new manuscript research, our understanding of the *Decretum* is undergoing rapid change. We now know more about the early text than Emil Friedberg in the nineteenth century, Antonio Agustín and the *Correctores Romani* in the sixteenth century, and – in some respects – even Huguccio and the Bolognese glossators in the twelfth century. This article hopes to shed yet more light onto the mysterious origins of the *Decretum*.

12) Details on the project, which is led by Anders Winroth, can be found at <http://gratian.org/>.

13) Stephan DUSIL, *Wissensordnungen des Rechts im Wandel: Päpstlicher Jurisdiktionsprimat und Zölibat zwischen 1000 und 1215 (Mediaevalia Lovaniensia I / 47, 2018)* p. 329–412; WEI, *Gratian the Theologian (as n. 2)* p. 247–296. Recent interpretations largely confirm and expand upon the guidelines set forth in WINROTH, *Making (as n. 2)* p. 3–4, 122–136.

14) Anders WINROTH, *Roman Law in Gratian and the Panormia*, in: *Bishops, Texts and the Use of Canon Law around 1100: Essays in Honour of Martin Brett*, ed. Bruce C. BRASINGTON / Kathleen G. CUSHING / Stephan DUSIL (2008) p. 183–90; IDEM, *Making (as n. 2)* p. 146–74; José Miguel VIEJO-XIMÉNEZ, *El Derecho Romano „nuevo“ en el Decreto de Graciano*, *ZRG Kan.* 88 (2002) p. 1–19.

15) WEI, *Gratian the Theologian (as n. 2)* p. 253–295. The entire treatise *De consecratione (pars tertia of the Decretum)* is absent in the first recension.

16) DUSIL, *Wissensordnungen (as n. 13)* p. 356–363; On Gratian and scholastic theology, see recently WEI, *Gratian the Theologian (as n. 2)*; LARSON, *Master (as n. 2)*.

17) DUSIL, *Wissensordnungen (as n. 13)* p. 363–374.

Supplemented First-Recension Manuscripts

During the twentieth century, scholarly work on the text of the *Decretum* advanced only slowly beyond the conclusions of Emil Friedberg in the 1870s. Franz Gillmann, Stephan Kuttner, Rudolf Weigand, and Peter Landau produced many notable studies – and, in the case of Kuttner and Weigand, assembled the fundamental manuscript inventories – but each applied their critical acumen mainly to glosses, *paleae*, sources, theology, and decretist literature¹⁸. Among scholars who focused their attention on the text, three stand out above the rest for their contributions. In the 1940s, Adam Vetulani, who was deeply familiar with Polish manuscripts, suggested (correctly) that most texts of Roman law – based on their position at the end of *distinctiones* and *questiones* – were added at a late stage of composition¹⁹. In the 1950s and 1960s, Jacqueline Rambaud-Buhot charted the diverse contents in many French manuscripts, especially in regard to the *De penitentia* (C.33 q.3)²⁰. Since the 1980s, Titus Lenherr has collated small portions of the text using several dozen manuscripts and assessed them for accuracy against Gratian’s known sources²¹. Building upon these

18) The relevant manuscript inventories, with a focus on glosses, are Stephan KUTTNER, *Repertorium der Kanonistik (1140–1234): Prodromus corporis glossarum I* (Studi e testi 71, 1937); Rudolf WEIGAND, *Die Glossen zum Dekret Gratians: Studien zu den frühen Glossen und Glossenkompositionen*, 2 vols. (Studia Gratiana 26, 1991) vol. II, part IV. The studies of the first three scholars are gathered in collected volumes; Franz GILLMANN, *Gesammelte Schriften zur klassischen Kanonistik von Franz Gillmann 1: Schriften zum Dekret Gratians und zu den Dekretisten*, ed. Rudolf WEIGAND (Forschungen zur Kirchenrechtswissenschaft 5.1, 1988); Stephan KUTTNER, *Gratian and the Schools of Law, 1140–1234* (Variorum Collected Studies, 1983 and 2018); Peter LANDAU, *Kanones und Dekretalen: Beiträge zur Geschichte der Quellen des kanonischen Rechts* (Bibliotheca Eruditorum, 1997). Weigand’s other relevant works are cited throughout the article.

19) Adam VETULANI, *Sur Gratien et les Décrétales* (Variorum Collected Studies, 1990).

20) Jacqueline RAMBAUD-BUHOT, *Le legs de l’ancien droit: Gratien*, in: *L’âge classique (1140–1378): Sources et théorie du droit*, ed. Gabriel LE BRAS / Charles LEFEBVRE / Jacqueline RAMBAUD (Histoire du Droit et des Institutions de l’Église en Occident 7, 1965) p. 47–129.

21) Titus LENHERR, *Die vier Fassungen von C.3 q.1 d.p.c.6 im Decretum Gratiani: Zugleich ein Einblick in die neueste Diskussion um das Werden von Gratians Dekret*, in: *Archiv für katholisches Kirchenrecht* 169 (2000) p. 353–81; Titus LENHERR, *Arbeiten mit Gratians Dekret*, in: *Archiv für katholisches Kirchenrecht* 151 (1982) p. 140–66; Titus LENHERR, *Die Summarien zu den Texten des 2. Laterankonzils von 1139 in Gratians Dekret*, in: *Archiv für katholisches Kirchenrecht* 150 (1981) p. 528–51.

studies, Anders Winroth was able to demonstrate in the late 1990s that manuscripts Aa, Bc, Fd, and P – once thought to be later abbreviations – actually contain the earlier first recension. Since Winroth's discovery, Carlos Larrainzar, Atria A. Larson, and the present author have uncovered several other abbreviated and fragmentary witnesses to the first recension²².

As mentioned above, three of the four manuscripts which contain the first recension – Aa, Bc, and Fd – also contain second-recension texts added in the margins, in appendices, and/or on inserted leaves²³. Anders Winroth, in his initial study, suggested that these additions derive from completed copies of the second recension which were excerpted so as to bring the text of the first recension „up to date“²⁴. Since then, Carlos Larrainzar, Melodie H. Eichbauer, Atria A. Larson, and José Miguel Viejo-Ximénez have proposed an alternative theory: the additions do not descend from the completed second recension, but rather preserve intermediate stages of accumulation between the first and second recensions²⁵. These scholars tend to doubt that the second recension ever existed as a fixed and actively disseminated form (i.e. a recension), casting it instead as one stage of organic growth on the way to the vulgate text of the thirteenth century. However trivial this debate might seem to outsiders, there is much interpretive value at stake. If the second recension did exist as a fixed and actively disseminated text, scholars should absolutely try to identify the specific motives and people behind it. If it did not, then scholars should hesitate to associate it too closely with specific schools or political movements of the mid-twelfth century²⁶. The following section will re-examine

22) These additional witnesses include Sg, Pfr, Mw, and Gw. On Sg, see Carlos LARRAINZAR, *El borrador de la „Concordia“ de Graciano: Sankt Gallen, Stiftsbibliothek MS 673 (=Sg)*, in: *Ius ecclesiae* 11 (1999) p. 593–666; on Mw, see Atria A. LARSON, *An Abbreviation of the First Recension of Gratian's Decretum in Munich?*, in: *BMCL* 29 (2011–2012) p. 51–118; on Gw, see John BURDEN, *Gratian North of the Alps: New Evidence of the First Recension in the Archdiocese of Salzburg*, in: *BMCL* 34 (2017) p. 89–112.

23) On the additions to first-recension manuscripts, see also Melodie H. EICHBAUER, *From the First to the Second Recension: The Progressive Evolution of the Decretum*, in: *BMCL* 29 (2011–2012) p. 119–67.

24) WINROTH, *Making* (as n. 2) p. 130–33.

25) For a summary of these arguments, see LARSON, *Gratian's De penitentia* (as n. 7) p. 66–87. See also the works (as n. 32) of Eichbauer, Larrainzar, and Viejo-Ximénez.

26) For one such attempt, see Stanley CHODOROW, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's*

the additions in Aa, Bc, and Fd in light of the possibility of stages. It will also introduce Vx, a newly identified appendix of second-recension additions at the Vatican Library.

Firenze, Biblioteca Nazionale Centrale, Conv. soppr. A I.402 (Fd)

Fd has played a central role in *Decretum* scholarship of the last twenty years because it contains the only nearly complete text of the first recension not contaminated by later interpolations²⁷. Fd also contains an appendix of second-recension additions. The contents of Fd are as follows (second-recension additions appear in bold):

fol. 1r–104r: *Decretum*, first recension.

Begins with D.28, d.p.c.13 (previous folios missing). **Second-recension additions appear in the margins.**

fol. 104r–164r: Appendix of second-recension additions.

Distinctiones and individual *causae* are prefaced by relevant portions of the *Decretum* introduction *In prima parte agitur*²⁸.

fol. 164r–167v, 168r–175v: *De consecratione*.

The texts on fol. 168r–175v were added later than the rest.

fol. 176r–181v: Miscellaneous later additions; Camaldolese documents.

Fd has been variously dated to between the 1140s and 1180s with firm evidence placing it at the monastery of Camaldoli in Tuscany by 1406²⁹. Several hands worked on the first-recension main text and the appendix of second-recension additions, but there is general agreement

Decretum (Publications of the UCLA Center for Medieval and Renaissance Studies 6, 1972).

27) WINROTH, Making (as n. 2) p. 28–32. A description of Fd can be found in WEIGAND, Die Glossen (as n. 18) p. II,748–52. In 1998, Carlos Larrainzar argued that Fd, with its many additions and corrections, was the manuscript used to create the second recension, but has since walked back this claim; Carlos LARRAINZAR, El Decreto de Graciano del Codice Fd (=Firenze, Biblioteca Nazionale Centrale, Conventi Soppressi A.I.402): In memoriam Rudolf Weigand, in: *Ius ecclesie* 10 (1998), p. 421–89; IDEM, La edición (as n. 8) p. 84–87; Anders WINROTH, Le manuscrit florentin du Décret de Gratien: Une critique des travaux de Carlos Larrainzar sur Gratien, in: *Revue de droit canonique* 51 (2001) p. 211–31.

28) On the introduction *In prima parte agitur*, see Carlos LARRAINZAR, Notas sobre las introducciones *In prima parte agitur* y *Hoc opus inscribitur*, in: *Medieval Church Law and the Origins of the Western Legal Tradition: A Tribute to Kenneth Pennington*, ed. Wolfgang P. MÜLLER / Mary SOMMAR (2009) p. 134–53.

29) WINROTH, Making (as n. 2) p. 28–32; MURANO, Graziano (as n. 2) p. 88; LARSON, Gratian's *De penitentia* (as n. 7) p. 65.

that both were copied around the same time³⁰. Fd also contains many second-recension additions in the margins of the main text and the appendix. The additions in lighter ink were added around the same time as the appendix. The marginal additions and corrections in darker ink, which include the latter part of the *De consecratione* on fol. 168r–175v, were added much later.

Admont, Stiftsbibliothek, 23 and 43 (Aa)

The massive, two-volume Aa contains in its main text a complete version of the first recension interpolated with texts from the second recension³¹. Aa also contains an appendix of second-recension additions. The contents of Aa are as follows:

Aa 23:

fol. 1v–8r: *In prima parte agitur*.

Introduction to the *Decretum*. D.1–C.14.

fol. 8rv: *Hoc opus inscribitur*³²

Introduction to the *Decretum*. D.1–C.14.

fol. 9r–199v: *Decretum*, first recension (**interpolated with second-recension texts**).

D.1–C.14. **Second-recension additions appear in the margins.**

fol. 200r–296v: Appendix of second-recension additions.

D.1–C.14.

Aa 43:

fol. 1r–11r: *In prima parte agitur*.

Introduction to the *Decretum*. C.15–C.36.

fol. 11r–12v: *Hoc opus inscribitur*.

Introduction to the *Decretum*. C.15–C.36.

fol. 13r–198r: *Decretum*, first recension (**interpolated with second-recension texts**).

C.15–C.36. **Second-recension additions appear in the margins.**

fol. 198r–236v: *Collectio Admontensis*, including the *Tractatus de sacrilegiis et immunitatibus* and excerpts from Ivo's *Tripartita*³³.

30) LARRAINZAR, El Decreto (as n. 27) p. 434–42; WINROTH, Making (as n. 2) p. 31.

31) WINROTH, Making (as n. 2) p. 23–26; WEIGAND, Die Glossen (as n. 18) p. II,662–63.

32) On the introduction *Hoc opus inscribitur*, see: LARRAINZAR, Notas (as n. 28); José Miguel VIEJO-XIMÉNEZ, La redacción original de C.29 del Decreto de Graciano, in: *Ius Ecclesiae* 10 (1998) p. 149–85, at p. 175–78.

33) On the *Collectio Admontensis*, see Winfried STELZER, Gelehrtes Recht in Österreich von den Anfängen bis zum frühen 14. Jahrhundert (MIÖG 26, 1982)

fol. 237r–279v: *De consecratione*.

fol. 280r–340v: Appendix of second-recension additions.

C.15–C.36.

fol. 342rv: D.73 (*palea*).

Aa's provenance and history are well known. Copied at Admont Abbey in Styria in the 1160s, Aa has resided there since the Middle Ages. The assembly of Aa is particularly complicated³⁴. The interpolated first-recension text must derive from a first-recension manuscript which had been supplemented with second-recension additions. The scribe copied all of the first-recensions texts into the main text of Aa, but only some of the second-recension additions. In the process, several marginal glosses accidentally made their way into the main text³⁵. Soon after, the rest of the second-recension additions were added into the appendices of Aa by a hand very similar to the main text. Like Fd, Aa contains many second-recension additions in the margins of the main text and the appendix.

Barcelona, Arxiu de la Corona d'Aragó, Ripoll 78 (Bc)

Bc contains the first recension through C.12³⁶. Unlike our other examples, Bc's second-recension additions do not appear in an appendix, but entirely in the margins and in leaves inserted between the pages of the first-recension text. The contents of Bc are as follows:

fol. 1r–15v: *In prima parte agitur*.

Introduction to the *Decretum*. D.1–C.36.

fol. 17r–178v: *Decretum*, first recension.

Distinctiones and *causae* through C.12. **Second-recension additions appear in the margins.**

fol. 19, 23, 29, 30, 31, 36, 38, 63, 70, 71, 77, 81, 82, 85, 88, 91, 98, 106: Added leaves containing second-recension additions.

Bc was copied in Italy, possibly in Bologna or Tuscany, in the 1150s or 1160s, and has belonged to the monastery of Ripoll in Catalonia since the Middle Ages. The hands of the first-recension main text and the second-recension additions are very similar, suggesting that both

p. 25–44; MURANO, Graziano (as n. 2) p. 105–06.

34) On the making of Aa, see BURDEN, Gratian (as n. 22) p. 96–99; GUJER, Concordia (as n. 8) p. 223–27. Closely related to Aa is Gw, which contains on fol. 2ra–23vb a *capitulatio* (Gw1) of rubrics and inscriptions from the first recension. Based on many shared readings, it is likely that Gw and Aa were copied from the same manuscript.

35) BURDEN, Gratian (as n. 22) p. 111–112.

36) WINROTH, Making (as n. 2) p. 26–28; Weigand, Die Glossen (as n. 18) p. II,686–87.

were copied around the same time. Nevertheless, a keen eye can distinguish the sharper letter forms and darker ink of the first-recension text from the thicker letter forms and lighter ink of the additions. The margins of Bc also contain occasional glosses, which are much smaller than the second-recension additions and are prefaced by an „S“-shaped paragraph mark.

Vatican City, Biblioteca Apostolica Vaticana, Ott. lat. 3062 (henceforth Vx)

The newly identified Vx consists of 62 folios written in a twelfth-century Carolingian minuscule hand. The text appears in two columns of between 55 and 60 lines. Occasional glosses, which are prefaced by *nota* marks, appear in the margins. Decoration is almost non-existent except for rubricated initials at the beginning of canons and *dicta*. The contents of Vx are as follows:

fol. 1r–5rb: *In prima parte agitur*.

Introduction to the *Decretum*. Contains the middle of C.14 to C.36.

fol. 5rb–62vb: Appendix of *Decretum* texts from the second recension.

Begins with D.10, c.9. The last decipherable text is C.28 q.1 c.10. At least one folio is missing from the beginning of Vx and several folios are missing from the end. The *Decretum* text begins with the words *dictur[us] fuerit sciatis eum pro certo* (D.10 c.9) and follows directly upon the end of the *In prima parte agitur*. After fol. 60, in the middle of C.22, the text gradually becomes mangled and unreadable.

Vx was first mentioned in modern *Decretum* scholarship by Stephan Kuttner, who included it in the category of abbreviations³⁷. As no modern catalog of the Ottobonian collection exists, almost nothing is known about the history of Vx before it made its way to the Vatican Library in the eighteenth century. At first glance, Vx is quite obviously missing many of the canons and *dicta* found in Friedberg's edition. A closer look reveals that there are patterns to this omission. Vx contains most of the additions of the second recension but omits nearly all texts of the first recension. Vx was clearly designed to supplement a single, specific manuscript of the first recension since in its margins and between the lines a scribe has placed tie marks and notes which reference where in the manuscript the additions belong („in prima pars,“ „in prima/ii/iii causa,“ etc.). Vx's now-lost first-recension partner must

37) KUTTNER, *Repertorium* (as n. 18) p. 266.

have contained corresponding tie marks, otherwise it would have been impossible to accurately locate the additions.

Compared to the aforementioned examples, Vx is particularly messy and often misplaces texts. A major disturbance occurs at the end of C.22 where the scribe has placed a number of canons and *dicta* which were omitted in other parts of the manuscript (including texts from the *De penitentia*, which is otherwise lost to damage). The misplaced texts include:

MISPLACED TEXTS IN Vx

Vx, fol. 53vb–54vb (after C.22 q.4 c.10)	Notes
C.18 q.2 c.28	
C.22 q.4 c.19	
C.16 q.5 c.10	
C.8 q.3 c.1	Second-recension expansions only.
C.16 q.1 d.p.c.40	
Parts of C.23 q.8 c.18–d.p.c.18	Contains some first-recension parts.
C.16 q.1 d.p.c.39	Contains some first-recension parts
C.16 q.7 c.30	
De pen. D.1 c.41, 45–48	
De pen. D.1 c.57	Only the first half.

The next page, fol. 55ra, picks up again with C.23. It seems that the scribe of Vx, who was trying to excerpt texts from another manuscript, reached the end of the *Decretum* and realized that he had overlooked some. To correct this mistake, he added the missing texts on extra space left over at the end of C.22.

Explaining the Additions

In order to assess the additions in Aa, Bc, Fd, and Vx, I have conducted a complete inventory of their contents³⁸. One peculiarity common to the four sets of additions is that, to varying degrees, they are all missing

38) Because the inventory is too lengthy to print, it will be made available online at <http://gratian.org/>.

texts which we would expect to find in the complete second recension. Vx omits the most second-recension texts, including entire series of canons and *dicta*, but many of these texts were probably once present in the margins of its now-lost first-recension partner. Fd is more complete, but it also omits many second-recension texts. Aa and Bc are even more complete than Fd, but even they occasionally omit entire canons and *dicta*. Another peculiarity common to our four examples is the presence of some first-recension texts among the second-recension additions. Vx contains the most first-recension texts, with particular concentrations in D.10–12, 22, and 37. Occasional first-recension texts also appear in the appendix of Fd and are spread evenly throughout. Very few first-recension texts appear in the appendix of Aa or on the added folios of Bc³⁹. When first-recension texts appear among the second-recension additions, they almost always duplicate texts which are already present in the first-recension portion of the manuscript.

Anders Winroth offered an explanation for these peculiarities in his initial study of the two recensions. When owners of first-recension manuscripts encountered second-recension manuscripts in the 1150s and 1160s, they often chose to add the missing texts into the margins or appendices of their manuscripts rather than make entirely new copies of the second recension⁴⁰. In doing so, they were able to quickly and cheaply bring their manuscripts up to date. The process of comparing and excerpting, however, was messy and prone to error. The *Decretum* is hugely complex, and in the middle of the twelfth century it lacked many of the organizational features familiar today. Scribes found it difficult to isolate the second-recension additions, especially the many minor modifications made to first-recension texts. As a result, they often overlooked the minor changes and accidentally duplicated texts of the first recension. Observing these same peculiarities, Melodie H. Eichbauer, Carlos Larrainzar, and others have come to a different conclusion as to how they came into being⁴¹. For these scholars, the omission of some second-recension texts indicates, above all, intermediate stages between the first and second recensions. According to them, the individual layers of additions in Aa, Bc, and Fd (appendices, margins etc.) reflect a gradual process of organic accumulation

39) A rare cluster of first-recension texts appears in Aa at D.21 d.p.c.3, c.4, and c.5.

40) WINROTH, *Making* (as n. 2) p. 134–36.

41) See the many works of Eichbauer, Larrainzar, Larson, and Viejo-Ximénez mentioned above (as n. 25, 32).

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.

additions at C.11 q.3 and C.24 q.1–3 reveal, however, that all five of Gratian's main formal sources can be identified in the appendices of Aa, Bc, Fd, and Vx⁴⁷. I have also analyzed each layer of additions for the use of certain minor sources which scholars have long suspected were added to the *Decretum* at a late stage of composition⁴⁸. These sources include canons from the First and Second Lateran Councils (1123 and 1139), decrees of Paschal II (r. 1099–1118) and Innocent II (r. 1130–1143), and Roman law texts from Justinian's *Corpus iuris civilis*. Again, all of these sources can be witnessed in each layer of additions⁴⁹:

47) The five major formal sources of both the first and second recensions are Ivo's *Tripartita* (IT), the *Panormia* (IP), Anselm of Lucca's *Collectio canonum* (AA), the *Collectio trium librorum* (DR), and the *Polycarpus* (PX). On these collections, see Linda FOWLER-MAGERL, *Clavis Canonum: Selected Canon Law Collections before 1140* (MGH Hilfsmittel 21, 2005); Lotte KÉRY, *Canonical Collections of the Early Middle Ages (ca. 400–1140)* (History of Medieval Canon Law, 1999). On Gratian's sources, see: WINROTH, *Making* (as n. 2) p. 15–18; Peter LANDAU, *Quellen und Bedeutung des gratianischen Dekrets*, in: *Studia et Documenta historiae et Iuris* 52 (1986) p. 218–35 (reprint in: *Kanones und Dekretalen* (as n. 18) p. 207*–224*); Peter LANDAU, *Neue Forschungen zu vorgratianischen Kanonensammlungen und den Quellen des gratianischen Dekrets*, in: *Ius Commune* 11 (1984) p. 1–29 (reprint in *Kanones und Dekretalen* (as n. 18) p. 177*–205*). By comparing my inventory of the additions in Aa, Bc, Fd, and Vx to the source tables for C.11 q.3 and C.24 qq.1–3 in WINROTH, *Making* (as n. 2) p. 34–121, it is possible to locate all five major sources in the appendices of Aa, Fd, and Vx.

48) WINROTH, *Making* (as n. 2) p. 13. On the potential late addition of texts from the Second Lateran Council, see LENHERR, *Die Summarien* (as n. 21) p. 528–31; Gérard FRANSEN, *La date du Décret de Gratien*, in: *RHE* 51 (1956) p. 521–31. On Roman law in the *Decretum*, see WINROTH, *Roman Law* (as n. 14); IDEM, *Making* (as n. 2) p. 146–74; VIEJO-XIMÉNEZ, *El Derecho Romano „nuevo“* (as n. 14); Stephan KUTTNER, *Additional Notes on the Roman Law in Gratian's Decretum*, in: *Seminar* 12 (1954) p. 68–74 (reprint in: *Gratian and the Schools* [as n. 18] no. V); IDEM, *New Studies on the Roman Law in Gratian's Decretum*, in: *Seminar* 11 (1953) p. 12–50 (reprint in: *Gratian and the Schools* (as n. 18) no. IV). See also the classic essays in VETULANI, *Sur Gratien* (as n. 19).

49) I have included in these tables only texts from the second recension, excluding both first-recension texts and *paleae* known to be later additions. For Roman law, I have combined the tables in FRIEDBERG, *Decretum* (as n. 3) p. xxxix–xl with the revised versions of Vetulani's tables in KUTTNER, *New Studies* (as n. 48) p. 19. For the Lateran councils, I have combined FRIEDBERG, *Decretum* (as n. 3) p. xxv with LENHERR, *Die Summarien* (as n. 21) p. 536–43. For the letters of Paschal II and Innocent II, I have relied on FRIEDBERG, *Decretum* (as n. 3) p. xxxi. The following abbreviations are employed: T = main text; A = appendix; M = margin. In order to save space, I have adopted the following shorthand for *Decretum* texts: 1.1 = D.1 c.1; 1.1.1 = C.1 q.1 c.1; DP = *De penitentia*; DC = *De consecratione*; p =

ROMAN LAW

Digest	Fd	Aa	Vx	Bc	Notes
50.45	A	A	A	M	
1.1.127–130	A+TM	T		M	
1.4.9pE	A	A	A	M	
1.4.12pE	AM+TM	A		M	
2.1.14	A	T	A	M	
2.3.8p	A+TM	T	A	M	
2.6.29–31	A	A		M	
2.8.5pE	A*	T		M	Fd: Includes entire canon.
3.7.1p	A	A	A		
3.7.2	A	T	A	M	
4.2–3.2p, 3	A	A	A	M	
12.2.58p	TM	A		M	Bc ends after C.12.
15.1.2	A	A			
17.4.29p					
DP 1.12–21	A	A			
Code	Fd	Aa	Vx	Bc	Notes
50.46		A	A		
1.1.126	A+TM	T	A*	M	Vx: Rubric, inscription, and first four words of the canon.
1.7.26	A	A			
2.3.8p	A+TM	T	A	M	
2.6.39pE	A+TM	A		T*	Bc: Added in gap in main text.
2.6.41p	A+TM	A		T*	Bc: Added in gap in main text.
2.8.2		A+T		M	
3.3.4p	A	T	A	M	
3.11.2	A	T		M	

dictum post canonem; a = *dictum ante canonem*; E = second-recension expansion to a first-recension text.

3.11.3pE, 4, 4p	A	T		M	
4.4.2p	A	A		M*	Bc: Missing some parts.
5.1.3p	A	T*	A	M	Aa: Misplaced in q.2.
5.3.1pE	A	T		M	
5.6.3E	A	T		M	
6.1.22–23	A	A		M	
6.4.7E	A	TM		M	
10.2.1p, 2, 3	TM			M	
11.1.9E		TM		M	
12.2.58p, 59, 60	TM	A		M	Bc ends after C.12.
16.1.40pE	TM	A+T	A		
16.3.16, 16pE	A	A+T	A		
17.4.29p	A	A	A		
25.2.14–15	AM		A		
25.2.16p			A		Vx ends in C.28.
32.1.10pE	A	T*			Aa: Misplaced after c.6.
DP 1.6–11	A	A			
36.2.3	A	A			
Authenticum (Novellae)	Fd	Aa	Vx	Bc	Notes
54.20	TM	T	A	M	
2.6.41	A+TM	A		M	
3.3.4p	A	T	A	M	
3.9.15p	A*+TM*	T*+A*		M	FdTM/AaT: pr.–§1 only; AaA: §2 only; FdA: Entire canon.
10.2.2–3	TM			M	
11.1.9E		TM		M	

16.3.15pE, 16	A	A+T	A		AaT: c.15p, c.16, c.16p appear out of place at end of C.10.
19.3.9	A	A			

FIRST AND SECOND LATERAN COUNCILS

Lateran I	Fd	Aa	Vx	Bc	Notes
62.3	A	A	A	M	
1.1.10	A	A	A	M	
10.1.14	A	A	A	M	
12.2.37	A	A	A	M	
16.1.10	A	T	A		Bc ends after C.12.
16.7.11	TM	A	A		
16.7.25	A	A			
18.2.31	A	A			
24.3.23	A	T	A		
24.3.24	A	T	A		
Lateran II	Fd	Aa	Vx	Bc	Notes
28.2	A	A	A	M	
60.3	A+TM	T	A	M	
63.35	A+TM	T	A	M	
90.11		A	A	M	
1.3.15	A+TM	T*	A	M	
8.1.7	A	A		M	
12.2.47	A	AM	A	M	
17.4.29	A	A	A		
18.2.25	A*	A	A		Fd: Some missing parts added in margins.
21.2.5	A	TM*			Aa: cc.4p-5 misplaced after C.21 q.3 c.2.
21.4.5	A	A			
23.8.32	A	T			
27.1.40	AM	T	A		
DP 5.8	A	T			

TWELFTH-CENTURY DECRETALS

Paschal II	Fd	Aa	Vx	Bc	Notes
1.1.125	A+TM	T	A	M	
1.3.14	A	T	A	M	
16.1.9	TM	A	A		Bc ends after C.12.
16.1.47	A	T*	A		Aa: Misplaced between cc.43 and 44.
16.7.18	A	A	A*		Vx: cc.18–19 are also duplicated in the margins of fol. 31ra.
16.7.19	A	A	A*		
18.2.18	A	A	A		
35.2–3.22	A				Vx ends in C.28.
Innocent II	Fd	Aa	Vx	Bc	Notes
35.6.8	A	A			

Intermediate stages between the first and second recensions may yet be found⁵⁰. But at this point, the evidence does not suggest that the additions in Aa, Bc, Fd, or Vx contain any. It is far more likely that these additions descend from complete copies of the second recension which were diversely excerpted in order to supplement the corresponding text of the first recension.

A Parallel Case: Justinian's *Code* and the *Epitome Codicis*

The practice of supplementing manuscripts of the shorter first recension with excerpts from the longer second recension mirrors what has long been known about the transmission of Justinian's *Code* in the eleventh and twelfth centuries⁵¹. Unlike the *Digest*, which was largely lost, many ancient and complete copies of the *Code* were known during

50) John Wei has suggested that the *De consecratione* was added later than the rest of the second recension since the relevant section is missing from the *Decretum* introduction *In prima parte agitur* in many of the oldest surviving manuscripts. WEI, Gratian the Theologian (as n. 2) p. 277–80.

51) On the medieval transmission of the *Code* up to thirteenth century, see RADDING / CIARALLI, Corpus (as n. 11) p. 133–68; Emanuele CONTE, *Tres Libri Codicis: La ricomparsa del testo e l'esegesi scolastica prima di Accursio* (Ius Commune, Sonderhefte 46, 1990); Carmen TORT-MARTORELL, *Tradición textual del Codex Iustinianus: Un estudio del Libro 2* (Ius Commune, Sonderhefte 45, 1989). Man-

the Early Middle Ages⁵². Several abbreviated versions of the *Code* also circulated, including the *Summa Perusina* and the *Epitome Codicis*. The *Epitome Codicis*, in particular, holds a special place in the history of Roman law⁵³. According to Paul Krüger, it was this abbreviation which – through a process of supplementation and reintegration – served as the basis of the vulgate *Code* text used in Bologna during the twelfth century⁵⁴. Unfortunately, no manuscript of the original *Epitome Codicis* survives, but rather ten or so diversely expanded copies which are known collectively as *Epitome aucta*. The oldest of these is Pistoia, Archivio Capitolare, 106, which has been dated to the third quarter of the eleventh century⁵⁵. Common to the *Epitome aucta* is a core group of texts which include approximately one-quarter of the Latin constitutions taken from books 1–9 of the *Code*⁵⁶. In addition to

uscripts of the *Code* are listed in Gero DOLEZALEK, *Repertorium manuscriptorum veterum Codicis Iustiniani* (Studien zur europäischen Rechtsgeschichte 23, 1985).

52) Two early medieval palimpsests survive in Verona and Cologne as well as several fragments. The *Code* was also cited in several legal compilations including the *Anselmo dedicata*, a late ninth-century canon law collection, and the *Liber Papiensis*, a collection of Lombard law compiled in the first half of the eleventh century; RADDING / CIARALLI, *Corpus* (as n. 11) p. 146, 163; TORT-MARTORELL, *Tradición textual* (as n. 51) p. 7–16. On fragments of the *Code*, see: Simon CORCORAN, *New Subscripts for Old Rescripts: The Vallicelliana Fragments of Justinian Code Book VII*, in: *ZRG Rom.* 126 (2009) p. 401–22; IDEM, *After Krüger: Observations on some Additional or Revised Justinian Code Headings and Subscripts*, in: *ZRG Rom.* 126 (2009) p. 423–39; Rudolf WEIGAND, *Fragmente des römischen Rechts in der Universitätsbibliothek Würzburg*, in: *ZRG Rom.* 105 (1988) p. 784–88.

53) Paul Krüger and Max Conrat dated the *Epitome Codicis* to the seventh or eighth century, but more recent work by Charles Radding, Antonio Ciaralli, and Gero Dolezalek has dated it to the middle or end of the eleventh century. Paul KRÜGER, *Kritik des Justinianischen Codex* (1867) p. 12–36; CONRAT, *Geschichte* (as n. 11) p. 187–191; RADDING / CIARALLI, *Corpus* (as n. 11) p. 138–43; Gero DOLEZALEK / Antonio CIARALLI, *Codicis Justiniani Epitome Beinecke and Summa Perusina* (11th century), in: *Ius Romanum, ius commune, ius hodiernum: Studies in Honour of Eltjo J.H. Schrage on the Occasion of his 65th Birthday*, ed. Harry DONDORP / Jan HALLEBEEK / Tammo WALLINGA / Laurens WINKEL (2010) p. 75–100, at p. 77. Radding and Ciaralli follow Carlo Guido Mor in associating the *Epitome* with the Lombard law schools. Carlo Guido MOR, *Epitome codicis: qualche considerazione sulla sua forma originaria*, in: *Scritti di storia giuridica altomedievale* (1977 [orig. 1972]) p. 25–62.

54) KRÜGER, *Kritik* (as n. 53) p. 12–36.

55) RADDING / CIARALLI, *Corpus* (as n. 11) p. 143.

56) Entirely missing, however, were all Greek constitutions and all texts from books 10–12 (known as the *Tres libri*). TORT-MARTORELL, *Tradición textual* (as n. 51) p. 9–16. On other patterns of omission, see RADDING / CIARALLI, *Corpus*

these core texts, each of the *Epitome aucta* also contains diverse other excerpts from the *Code* incorporated into their main texts.

As scholars have long observed, these interpolations must have begun as excerpts from the complete *Code* which were added into the margins or appendices of manuscripts of the *Epitome Codicis*⁵⁷. When these supplemented manuscripts were recopied, some of the additions were integrated into the main text, thus resulting in the diversely augmented *Epitome aucta*. Nearly all of the surviving *Epitome aucta* also contain further excerpts from the complete *Code* in their margins and in appendices. Eventually, some of these manuscripts – similar to Bc and Aa – came to closely approximate the complete contents of the *Code*. One such example is Pesaro, Biblioteca Comunale Oliveriana, 26, which was compiled near the beginning of the twelfth century⁵⁸. Despite its currently damaged form, its main text, appendix, and marginal additions once contained basically every Latin constitution present in the full *Code*⁵⁹. Why did owners of *Epitome aucta* choose to add the missing texts into the margins or appendices of their manuscripts rather than make new copies based on the ancient and complete *Code*? The reason – as with Aa, Bc, Fd, and Vx – was surely time and cost. As Federico Patetta explained in 1895, „there would have been no small difference in expense for those who owned the *Epitome Codicis* between procuring a new copy of the entire *Code* instead of supplementing their own copies“⁶⁰.

One might expect that the explosion of legal learning in Bologna and elsewhere during the twelfth century would have resulted in law professors casting away their *Epitome aucta* in favor of the more accurate and consistent text available in ancient copies of the *Code*. For

(as n. 11) p. 142. The most detailed assessment of what the original *Epitome Codicis* might have looked like can be found in: MOR, *Epitome codicis* (as n. 53).

57) KRÜGER, *Codex* (as n. 11) p. i–xlili; CONRAT, *Geschichte* (as n. 11) p. 354–359.

58) Carmen TORT-MARTORELL, En torno a Pesaro 26, un manuscrito epitomado del *Codex Iustinianus*, in: *Iuris Historia: Liber amicorum Gero Dolezalek*, ed. Vincenzo COLLI / Emanuele CONTE (Robbins Collection Studies in Comparative Legal History, 2008) p. 37–60. The manuscript was identified and described in Federico PATETTA, Di un nuovo manoscritto del Codice epitomato, in: *Bullettino dell'Istituto di Diritto Romano* 7 (1895) p. 203–24.

59) TORT-MARTORELL, En torno (as n. 58) p. 39. Interestingly, the main text, appendix, and marginal additions all appear to have been written by a single individual; RADDING / CIARALLI, *Corpus* (as n. 11) p. 152–53.

60) PATETTA, Di un nuovo manoscritto (as n. 58) p. 220, as cited in RADDING / CIARALLI, *Corpus* (as n. 11) p. 163.

some reason, however, they did not. As Paul Krüger worked to edit the *Code* in the 1860s and 1870s, he observed that nearly all manuscripts seemed to contain errors of omission and dislocation on the seams between the *Epitome Codicis* and the original *Code*⁶¹. Based on these errors, Krüger determined that the vulgate version of the *Code* used in Bologna must have descended from a manuscript of the *Epitome aucta* which was supplemented and then reintegrated into a form which approximated the full *Code*. Krüger then advanced an even more startling conclusion: the entire surviving Latin manuscript tradition – apart from a few fragments and palimpsests – descends from the Bolognese vulgate text and no complete, direct copies of the ancient *Code* survive today. Scholars since Krüger have challenged his overly neat version of events. Carmen Tort-Martorell has argued for extensive correction and contamination on the way back to the reintegrated *Code* while Charles Radding and Antonio Ciaralli have argued that the jump from the supplemented *Epitome aucta* to the reintegrated *Code* occurred several times and in different places⁶². Nevertheless, Krüger's basic idea that nearly all surviving Latin manuscripts of the *Code* descend from supplemented *Epitome aucta* remains standard. With these conclusions in mind, let us return to the *Decretum*.

Mixed-Recension Manuscripts of the *Decretum*

During the 1150s and 1160s, supplemented copies of the first recension such as Aa, Bc, Fd, and Vx would have been useful because they cheaply approximated the second recension. Sooner or later, however, most were recopied. In the process, scribes usually chose to integrate the second-recension additions and modifications into the main text since it made them easier to read. The resulting copies, because they derive from separate manuscripts of the first and second recensions, can be said to „mix“ recensions. Occasionally, as in Aa, only some of the additions made their way into the main text as interpolations. Most of the time, however, scribes included as many texts as possible and approached the complete contents of the second recension. During the 1170s and 1180s, as the second recension decisively supplanted the

61) KRÜGER, *Codex* (as n. 11) p. i–xlili; KRÜGER, *Kritik* (as n. 53) p. 12–36; RADDING / CIARALLI, *Corpus* (as n. 11) p. 15–16, 135–38, 155–68.

62) TORT-MARTORELL, *Tradición textual* (as n. 51) p. 1–3, 16–18; RADDING / CIARALLI, *Corpus* (as n. 11) p. 157–58.

first recension at the schools, purely first-recension manuscripts – like the original *Epitome Codicis* – ceased to be copied⁶³. Without new first-recension manuscripts, the practice of supplementing them also ceased and existing copies were relegated to monastic libraries such as Camaldoli, Admont, and Ripoll. They were survived, however, by their mixed-recension descendants.

Because mixed-recension manuscripts generally approximate the second recension and are poorly understood, scholars so far have made no attempt to differentiate them systematically from true manuscripts of the second recension. Luckily, mixed-recension manuscripts are relatively easy to identify when one focuses on the „untidy seams“ between the two recensions⁶⁴. When one checks for minor modifications and expansions introduced in the second recension, mixed-recension manuscripts tend to reveal themselves by omitting and dislocating them. To date, the jump from a supplemented first-recension manuscript to a mixed-recension manuscript has been observed most clearly in a group of manuscripts from the archdiocese of Salzburg including Aa⁶⁵. Closely related to Aa is München, BSB, Clm 13004 (Me), which has been dated to the 1160s and has been variously associated with the Salzburg cathedral library, the Regensburg cathedral library, and Prüfening Abbey⁶⁶. Because Aa and Me contain many first-recension readings, similar glosses, and shared non-*Decretum* texts, it has been suggested that Aa was used to create Me or that both descend from a common supplemented first-recension exemplar⁶⁷. Beyond the Salz-

63) On the reception and study of the *Decretum* in the universities, see the relevant essays in HARTMANN / PENNINGTON, *The History* (as n. 2); on the *De penitentia* at the universities, see LARSON, *Master of Penance* (as n. 2).

64) Long before the discovery of the first recension, Stephan Kuttner argued that evidence of stages and revisions could be seen in the many „untidy seams“ present in the *Decretum*; Stephan KUTTNER, *Research on Gratian: Acta and Agenda*, in: *Proceedings of the Seventh International Congress of Medieval Canon Law*, Cambridge 1984, ed. Peter LINEHAN (*Monumenta Iuris Canonici C/8*, 1988) p. 3–26, at p. 10 (Reprint in: *Studies in the History of Medieval Canon Law* [Variorum Collected Studies, 1990] no. V). Several of these seams are also discussed in: VIEJO-XIMÉNEZ, *Costuras* (as n. 8).

65) On this group of Austrian manuscripts, see most recently: BURDEN, *Gratian* (as n. 22) p. 96–104.

66) On Me, see: WEIGAND, *Die Glossen* (as n. 18) p. II,848–50.

67) Me, for example, is the only known manuscript besides Aa which contains the *Decretum* introduction *Hoc opus inscribitur*. Aa alone, however, is not enough to fully account for all the texts and readings present in Me. Gujer has convincingly argued that Me was created by comparing Aa to another second-recension manu-

burg group, Anders Winroth has also identified ten additional early *Decretum* manuscripts which, based on second-recension omissions and dislocations, probably also derive from a process of supplementation and reintegration⁶⁸. These include Br, Cg, Gg, In, Mz, Pa, Pf, Pl, Sa, and Vd.

Any attempt to search systematically for mixed recensions is limited by our imprecise knowledge of the second recension. While first-recension readings can be confirmed using Bc, Fd, P, and – to some degree – Aa, we have not yet identified any specific manuscripts which contain the pure second recension. Lacking firm grounding, it is impossible to know for sure if any post-first-recension reading belongs to the second recension or if it entered the manuscript tradition at some later point. With these caveats in mind, I have isolated eight minor expansions to first-recension texts which probably belong to the second recension: 1) D.56 c.1, 2) D.67 c.2, 3) C.13 q.1 d.p.c.1, 4) C.13 q.2 c.15, 5) C.19 d. init., 6) C.26 q.5 c.4, 7) C.27 q.2 c.46, and 8) C.29 q.1 d.p.c.1⁶⁹. As we will see, all eight expansions can be found in many early and geographically diverse manuscripts. To my knowledge, none have ever been treated as *paleae* by any modern scholars or medieval decretists. Five of the eight expansions are made to canons, and in each case the expansion can be found among Gratian's known formal sources. These expansions tend to fill out texts which for various reasons had been truncated in the first recension. In the three remaining cases where the expansions occur in *dicta*, they either provide proof examples from the Bible or help clarify details which were left vague in the first recension.

I have searched systematically for these eight expansions in approximately two hundred early *Decretum* manuscripts, including over 80% of those catalogued by Rudolf Weigand⁷⁰. In the data set below, I have noted whether each expansion is **present**, **absent**, or was origi-

script. I have suggested that this second-recension manuscript could have been the same one used to supplement Aa in the first place. Winroth and Weigand say that Aa and Me share a common exemplar. BURDEN, Gratian (as n. 22) p. 96–104; WINROTH, Making (as n. 2) p. 134; WEIGAND, Die Glossen (as n. 18) p. II,849; GUJER, Concordia, (as n. 8) p. 343–50.

68) WINROTH, Making (as n. 2) p. 128–36.

69) Only occasionally do these expansions appear among the additions to Aa, Bc, Fd, and Vx. The expansion to D.56 c.1 can be found in the margins of Bc's main text while the expansions to C.13 q.2 c.15 and C.19 d.init. can be found in the margins of Aa's main text. D.56 c.1 also appears in the interpolated main text of Aa on fol. 72v.

70) WEIGAND, Die Glossen (as n. 18).

nally absent but later **added** in the margins, between the lines, or over erasure⁷¹:

SECOND-RECENSION EXPANSIONS

1. D.56 c.1. Text added to the end: *nisi aut in cenobiis, aut in canonicis religiose probati fuerint conversari*⁷².

Present: Ab; Ad(78ra); Am(47rb); An(33rb); Ar(27ra); As; Ba(36vb); Bb(30vb); Be(48va); Bk(38va); Bm(34ra); Bn(31ra); Bp(42vb); Br(31vab); Bs(52va); Bu; Ca(42ra); Cb(48vb); Cc(60va); Cd(25vb); Cg; Ck(44ra); Cm(37vb); Cu(40ra); Cv(48rb); Da(38rb); Db(37va); Dh(44r); Di(39vb); Do(43r); Dp(30va); Du; Er(56rb); Es(36rb); Fb(47va); Fc(59va); Fe(47ra); Fi(43va); Fs(55vb); Ga; Gb; Gc(44ra); Gd; Ge(45vb); Gf(33ra); Gg(46ra); Gn(34rb); Gr(27ra); He(42rb); Hk(48va); Hl(57va); In(51ra); Iv(61vb); Je(32rb); Kr(40rb); Ks(41rb); La(36va); Lc(35vb); Ld(53ra); Le(46rb); Lf(40rb); Lg(34vb); Li(45rb); Ll(46v); Lo(34ra); Lp(42ra); Lu(41va); Ma(45va); Mc(48ra); Md(31vb); Mf; Mg(48vb); Mh(33va); Mi(31va); Mk(48rb); Ml(40rb); Mm(27va); Mn(49ra); Mo; Mp(44vb); Mq(72va); Mr(47va); Mt(106b); Mx(43va); My(43rb); Mz(39va); Nb(39ra); Ny; Oe(44va); Ol; Ox(38ra); Pa(50ra); Pb(56va); Pc(38ra); Pd(46ra); Pe(55ra); Pg(35rb); Ph(31vb); Pi(32va); Pk(54rb); Pl(49ra); Pm(50va); Po(43vb); Pr(41rb); Ps(7va); Pt(56rb); Pv; Pw(36va); Px(45va); Pz(45rb); Qc(51ra); Ra; Re(42vb); Sa(40va); Sf(30va); Sp(44va); Sq(49va); Sr(57vb); St(43rb); Tr(45rb); Ts(38va); Tu(24ra); Tx(95b); Tz(46vb); Va(37va); Vb(18va); Vd(38vb); Ve(39vb); Vf(42rb); Vh(43va); Vi(37va); Vn(32vb); Vo(76vb); Vr(59va); Vs; Vt(44va); Vz(33va); Wa; Wo(31va); Zw; A; B(48va); C(32va); D; E(53rb); F(52r); G(33vb)

Absent: Bl(41ra); Bt; Dc; Gt(65rb); Ka(56rb); Kb(53ra); Kq(59va); Me(72va); Mv(92); Pf1(70vb); Py(65vb); Qb(40va); Sb(60ra); So(50va);

71) A complete list of manuscript *sigla* can be found in the Appendix. All manuscripts with permanent *sigla* (two letters) date to the twelfth or early thirteenth centuries. I have also included seven later manuscripts from the late thirteenth and fourteenth centuries, and assigned them temporary *sigla* A-G. The following manuscripts are damaged, incomplete, or otherwise missing parts of the text: Ap; Aq; Ar; Br; Bs; Ck; Db; Dh; Fc; Fg; He; Kc; Ks; Ml; Ny; Od; Ox; Pe; To; Tt; Wa. In other cases, the manuscripts are complete, but the microfilms or digital scans which I have consulted are either incomplete or unreadable: Ba; Bp; Bt; Gg; Ra; Tx; Vl. I have included only the older, original part of Lh as described in: WEIGAND, *Die Glossen* (as n. 18) p. II,812–13.

72) D.56 c.1 probably comes from *Collectio trium librorum* (DR) 2.1.43 in both recensions. This text also appears as a distinct canon at D.56 c.11, which is present already in the first recension.

Ty(37va); Vl(50ra); Vv(57vb); **Added:** Au; Bi(51va); Cf(39vb); Cp(61ra); Fa; Lb(53vb); Lh(80vb); Mb(69vb); Na(36rb); Pn(51ra); Pq(46vb); Pu; Ro(36rb); Sl(40rb); Tt; Vc(57vb); Vp(36rb); Vq(40ra); Wi(34ra)

2. D.67 c.2. Text added to the end: *solus auferre non potest*⁷³.

Present: Ab(71rb); Ad(85ra); Am(53rb); An(38rb); Ap(37va); Ar(30rb); As; Ba(42vb); Bb(34vb); Be(55va); Bk(45ra); Bm(39rb); Bn(35va); Bp(49ra); Br(37vb); Bs(58vb); Bt; Bu; Ca(46vb); Cb(56rb); Cd(30vb); Ck(49ra); Cm(43va); Da(44va); Db(43va); Dc; Dh(48r); Di(45rb); Do(49va); Dp(36va); Du; Er(63va); Es(41va); Fa; Fb(54ra); Fc(65ra); Fe(55ra); Fs(65vb); Ga; Gb; Gd; Ge(52va); Gf(38ra); Gg(52ra); Gn(39va); Gr(31rb); He(58rb); Hk(55ra); Hl(65ra); In(57vb); Iv(69rb); Je(37vb); Kr(46rb); Ks(48ra); La(41rb); Lc(40vb); Le(52va); Lf(46ra); Li(51va); Ll(53v); Lo(38vb); Lp(47va); Lu(48ra); Ma(53va); Mc(65vb); Md(36va); Mg(54vb); Mh(37vb); Mi(36rb); Mk(54vb); Ml(46va); Mm(31va); Mn(56ra); Mo; Mp(50vb); Mr(55va); Mt(120a); Mx(49vb); My(50rb); Na(42ra); Nb(45va); Ny; Oe(50vb); Ol; Ox(44ra); Pb(62vb); Pc(44va); Pd(54ra); Pe(62rb); Pg(40vb); Ph(36vb); Pi(37va); Pk(61ra); Pl(55ra); Pn(57vb); Po(49rb); Pq(52vb); Pr(48va); Ps(12va); Pu; Pv; Pw(41rb); Px(52rb); Py(74rb); Pz(51vb); Qb(46ra); Qc(59va); Ra; Re(47vb); Ro(32ra); Sa(45vb); Sf(34rb); So(57ra); Sp(50ra); Sq(55va); Sr(64vb); Tr(51ra); Ts(43rb); Tt; Tu(36rb); Tx(110b); Tz(52rb); Va(44vb); Vb(24ra); Vc(65va); Vd(43vb); Ve(45vb); Vf(49rb); Vh(50vb); Vi(43rb); Vn(40rb); Vo(86vb); Vp(42va); Vq(46ra); Vr(65ra); Vs; Vt(51rb); Vz(59vb); Wo(36vb); Zw; A; B(56va); C(37va); D; E(59vb); F(60v); G(38vb)

Absent: Cc(68va); Cf(46va); Cv(55vb); Kb(59vb); Mb(79rb); Me(79ra); Mf(43ra); Mq(81vb); Mv(94b); Sb(67vb); Vl(56ra); Vv(67ra); **Added:** Au; Bl(41ra); Cg; Cp(70ra); Cu(46ra); Fi(49vb); Gc(51ra); Gt(73ra); Ka(63rb); Kq(67va); Lb(60rb); Ld(60vb); Lg(39vb); Mz(45vb); Pa(56vb); Pf1(79va); Pm(57vb); Pt(63va); Sl(45va); Ty(42vb); Wi(39rb). **Possibly added:** Bi(58vb); St(49rb)

3. C.13 q.1 d.p.c.1. Text added in the middle: *Nam Moyses precepit filiis Israel [...] qui manent in urbibus tuis.*

Present: Ab(168va); Ad(171rb); Am(143ra); An(107va); Ap(111vb); Ar(81ra); As(101va); Ba(125rb); Bb(94va); Bi(171va); Bk(130vab); Bl(144va); Bm(113vab); Bn(102va); Br(112ra); Bs(146rb); Bu; Ca(117rab); Cb(162vb); Cc(181va); Cd(90va); Cf(142ra); Cm(123vb);

73) D.67 c.2 comes from *Collectio trium librorum* (DR) 2.4.6 in both recensions.

Cp(176ra); Cu(139vb); Da(129rb); Dc; Di(119rb); Do(138vb); Dp(107rb); Du; Er(154va); Es(111vb); Fc(139vb); Fe(164ra); Fg; Fi(142rb); Fs(179rab); Gb; Gc(148rb); Gd; Ge(147rb); Gf(111ra); Gg(134rb); Gn(120ra); Gr(81vab); He(130va); Hl(171ra); Iv(164vb); Je(106ra); Ka(164rb); Kb(152ra); Kc(79vb); Kr(136rab); Ks(140rb); La(105rb); Lc(111va); Ld(169rb); Le(140ra); Lf(125vb); Lg(116va); Li(134ra); Ll(175v); Lo(106rb); Lu(138rb); Ma(157vab); Mc(160vb); Md(103rb); Me(173va); Mf(110ra); Mg(133vb); Mh(75vb); Mi(99vab); Mk(143rb); Ml(124vb); Mm(89rb); Mn(160va); Mo; Mp(140rb); Mq(203vb); Mr(169va); Mt(317b); Mv(269b); Mx(138rb); My(138rb); Mz(128rb); Na(122ra); Nb; Ny; Od; Oe(134va); Ol; Pa(150rb); Pb(146rb); Pc(132vb); Pd(152rb); Pe(166vb); Pf(201vab); Pg(120ra); Ph(101rb); Pi(107ra); Pk(158vb); Pl(139vb); Pm(157rb); Po(121vb); Pq(133va); Pr(143vb); Ps(76ra); Pt(167rb); Pu; Pv; Pw(109rb); Px(147rb); Pz(134rb); Qb(133va); Qc(179va); Ra; Re(116vb); Ro(117va); Sf(88va); Sl(127rb); So(146rb); Sp(125ra); Sq(140rb); Sr(163rb); St(128vb); Tr(123ra); Ts(109rb); Tu(109ra); Tx(147ra); Ty(114ra); Va(141va); Vb(99ra); Vc(168rb); Vd(110vb); Ve(126rb); Vf(145rb); Vh(148va); Vi(112rb); Vl(138ra); Vn(129rb); Vo(202vb); Vp(125vb); Vq(131ra); Vr(152ra); Vs; Vt(156rb); Vv(183rb); Vz(149va); Wa; Wo(120rb); Zw; A(119ra); B(158rb); C(102va); D; E(151ra); F(178ra); G(109vb)

Absent: Be(153vb); Cg(132vb); Ck(119ra); Cv(150rb); Fb(137ra); Gt(180ra); Mb(205vb); Py(182ra); Tt. **Added:** Au; Fa; Ga; Hk(147va); Lh(223ra); In(129ra); Kq(166va); Lb(152rb); Lp(123vb); Pn(141vb); Sa(123rb); Sb(164rb); Tz(132ra); Wi(112va)

4. C.13 q.2 c.15. Text added in middle: *aliquid sponte dare voluerint; et tamen nullatenus a presbiteris illis aliquid*⁷⁴.

Present: Ab(170vb); Ad(173ra); Aq(31ra); As(103rb); Ba(127ra); Bb(95va); Be(156rab); Bl(146vb); Bm(115rb); Bn(104rb); Br(113vb); Bs(148rb); Bu; Ca(118va); Cb(165ra); Cc(183vb); Cd(92ra); Cf(144b); Cm(125va); Cp(178ra); Cu(142ra); Cv(152va); Da(131ra);

74) C.13 q.2 c.15 is a curious case because the repetition of „aliquid“ makes it susceptible to scribal eyeskips (*homoioteleuton*). The source in the first recension is clearly Ivo, *Tripartita* (IT) 3.3.30, which contains in place of this text the words „a quibus“. Among Gratian's known sources the expanded form is only present in two manuscripts of the *Tripartita*: Paris, BnF, lat. 3858B and Olomouc, Státní Okresní Archiv, Zemský Archiv v Opavě, C. O. 205. Neither copy of the *Tripartita* is likely to have been cited directly by the *Decretum*; *Tripartita*: Provisional Edition, ed. Martin BRETT / Bruce BRASINGTON, p. 49 at https://ivo-of-chartres.github.io/tripartita/trip_b_a.pdf; accessed: March 3, 2020.

Dc; Dh(115r); Do(141ra); Dp(109ra); Du; Er(156va); Fc(141va); Fe(166rb); Fg; Gc(150va); Gd; Ge(149rb); Gf(112vb); Gg(136ra); Gn(121va); Gr(83ra); He(132rb); Hl(173ra); Iv(166vb); Je(107va); Kr(138ra); Ks(142rb); Lb(153vb); Lc(113ra); Ld(171vb); Le(141vb); Lf(127va); Lg(118rb); Li(136ra); Lo(108ra); Lu(140rb); Ma(159vb); Mc(163ra); Md(104vb); Me(175ra); Mf(111rb); Mg(135rb); Mh(47ra); Mi(101rb); Mk(145rb); Ml(126vb); Mm(90va); Mn(163ra); Mo; Mp(142rb); Mq(205rb); Mr(172vb); Mt(328a); Mx(140rb); My(140ra); Mz(130rb); Na(123va); Ny; Oe(136rb); Ol; Pb(148ra); Pc(134vb); Pd(154rb); Pg(121vb); Ph(102vb); Pk(160vb); Pl(141vb); Pm(160ra); Po(123rb); Pr(146ra); Pv; Pw(111ra); Px(149ra); Qc(182rb); Ra; Re(118ra); Ro(119ra); Sf(89vb); Sl(128va); So(148ra); Sp(126va); Sr(165vb); St(130rb); Tr(127va); Tx(149ra); Tz(134ra); Va(143va); Vb(100vb); Vc(170vab); Ve(128ra); Vf(147va); Vi(114ra); Vn(131rb); Vo(204vb); Vq(132vb); Vr(153vb); Vs; Vt(158rb); Vv(186rb); Vz(151rb); Wa; Wo(122rb); Zw; A(122va); B(160vb); C(105ra); D; F(180rb); G(111rb)

Absent: Bk(132va); Cg(134vb); Ck(120va); Fb(138vb); Fs(181vb); In(130vb); Ka(166va); Kb(154ra); Kc(81va); Kq(168vb); La(106vb); Lp(125va); Mb(208rb); Nb; Pe(169ra); Py(184rb); Qb(135va); Sb(166ra); Sq(142rb); Ts(110va); Tt; Vh(150vb). **Added:** Am(145ra); An(108va); Au; Bi(174rb); Di(121ra); Es(113ra); Fa; Fi(144vb); Ga; Gb; Gt(182va); Hk(149vb); Lh(227va); Ll(178v); Mv(270b); Pa(152va); Pfl(204va); Pi(108va); Pn(143rb); Pq(135rb); Ps(77va); Pt(169va); Pu; Pz(136rb); Sa(125ra); Tu(110va); Ty(115vb); Vd(112rb); Vp(127rb); Wi(113vb); E(153rb)

5. C.19 d.init. Text added near the beginning: *unus relicta propria ecclesia eo invito, alter dimissa regulari canonica cenobio se contulit.*

Present: Ab(195rb); Ad(195ra); Am(166rb); An(122ra); Ap(131rb); Aq(36va); Ar(94va); As(121va); Ba(148rb); Bb(107va); Be(182vb); Bi(203va); Bl(178ra); Bk(152vb); Bn(121va); Bs(169va); Bu; Ca(136va); Cb(188ra); Cc(210vb); Cd(108va); Cg(156ra); Cm(144rb); Cp(201vab); Cu(166rb); Cv(178vb); Da(150vb); Db(141vb); Dc; Dh(134v); Di(140rb); Do(164vb); Dp(132vb); Du; Er(178va); Es(128ra); Fb(160ra); Fc(155ra); Fe(190ra); Fg; Fi(172ra); Fs(209va); Ga; Gb; Gc(174rb); Gd; Ge(172va); Gf(151va); Gg(155vb); Gn(149ra); Gr(98rb); Hk(175ra); Hl(198ra); In(150vb); Iv(188va); Je(124va); Ka(194va); Kb(178va); Kr(160vb); Ks(165ra); La(122vb); Lc(129rb); Ld(200vb); Le(162rb); Lf(146rb); Lg(141ra); Li(157rb); Ll(209r); Lo(127rb); Lp(144vb); Lu(148rab); Ma(186ra); Mc(190va);

Md(122rb); Me(199va); Mf(126va); Mg(153rb); Mh(110vb); Mi(118vb); Mk(167vb); Mm(105ra); Mn(191rb); Mo; Mp(165ra); Mr(203rb); Mt; Mx(163rb); My(162rb); Mz(152va); Na(146ra); Nb; Od; Oe(156ra); Ol; Ox(142ra); Pa(173va); Pb(169ra); Pc(155vb); Pd(167va); Pg(142vab); Ph(120ra); Pi(126rb); Pk(185vb); Pl(163va); Pm(185rb); Pn(167ra); Po(141va); Pq(156rb); Pr(170ra); Ps(93vb); Pu; Pv; Pw(129rb); Px(170va); Pz(161ra); Qb(157va); Qc(212vb); Ra; Re(134va); Ro(139ra); Sa(145vb); Sf(102ra); Sl(153rb); So(169vb); Sp(125vb); Sq(164rb); Sr(189vb); St(146rb); To; Tr; Ts(126va); Tx; Tz(153vb); Va(168rb); Vb(114va); Vd(129ra); Ve(147rb); Vf(172rb); Vh(175rb); Vi(135rb); Vl(161ra); Vn(155va); Vo(227rb); Vq(152va); Vr(175rb); Vs; Vt(180vb); Vv(216va); Vz(154rb); Wa; Wo(143vb); Zw; A(139ra); C(122rb); D; E(179ra); F(205rb); G(129vb)

Absent: Mb(236vb); Mq(236ab); Mv(317a); Sb(188rb); Ty(132vb); Vc(195vb); Wi(131ra). **Added:** Au; Bm(133va); Cf(167rb); Fa; Gt(209vb); Kc(102vb); Kq(196va); Lb(153vb); Ml(146vb); Pf2(1ra); Pt(197rb); Py(211va); Tu(130rb); Vp(148rb)

6. C.26 q.5 c.4. Text added to the end: *Hos autem, qui talibus rebus utuntur, proici ab ecclesia iussimus*⁷⁵.

Present: Ab(238rb); Ad(235rb); Am(205ra); An(147vb); Ap; Ar(122vb); As(155ra); Au; Ba(187va); Bb(134va); Be(229va); Bi(260ra); Bl(218ra); Bk(190rb); Bm(169ra); Bn(153rb); Br(156ra); Bs(211rb); Bu; Ca(166va); Cb(229vb); Cc(263va); Cd(137vb); Cf(214ra); Cg(190va); Ck(170va); Cm(176ra); Cp(245va); Cu(211ra); Cv(225va); Da(187va); Db(180vb); Dc; Dh(156v); Di(177rb); Do(209rb); Dp(170rb); Du; Er(219va); Es(158rb); Fa; Fb(197vb); Fe(233vb); Fi(215rb); Fs(260rb); Ga; Gb; Gc(217vb); Gd; Ge(214rb); Gf(166vb); Gr(126ra); He(171ra); Hk(219va); Hl(244vb); In(192vb); Iv(230vb); Je(156ra); Ka(236rb); Kb; Kc(145ra); Kq(243rb); Kr(199ra); La(152rb); Lb(210ra); Lc(160va); Ld(254vb); Le(199va); Lf(179vb); Lg(180va); Li(195ra); Ll(260v); Lo(161rb); Lp(190vb); Lu(191rb); Ma(223va); Mb(288rb); Mc(240rb); Md(153rb); Mf(154rb); Mg(188vb); Mh(137rb); Mi(150ra); Mk(209rab); Mm(130va); Mn(239vb); Mo; Mp(207va); Mq(293va); Mr(250va); Mt; Mv(392b); Mx(205rb); My(202vb); Mz(193rb); Nb; Oe(189rb); Ol; Ox(181ra); Pa(215va); Pb(208vb); Pc(187vb); Pd(216ra); Pf2(62va); Pg(181vb); Ph(152vb); Pi(159ra); Pk(232va); Pl(204va); Pm(231ra);

75) C.26 q.5 c.4 probably comes from *Panormia* (IP) 8.63 in the first recension, but was revised using Ivo, *Tripartita* (IT) 2.7.17 or 2.31.67 in the second recension.

Pn(209va); Po(175va); Pq(196rb); Pr(214rb); Ps(124va); Pt(229va); Pu; Pv; Pw(158rb); Px(211vb); Pz(208va); Qb(212vb); Qc(266va); Ra; Re(167rb); Ro(175va); Sa(183rb); Sb(228va); Sf(127vb); Sl(195ra); So(210rb); Sp(181vb); Sq(203ra); Sr(236rb); St(172rb); To; Tr(175va); Ts(158ra); Tx; Ty(165rb); Tz(190rb); Va(214rb); Vb(156ra); Vc(241vb); Vd(161rb); Ve(183ra); Vf(222rb); Vh(216ra); Vi(175va); Vl(200ra); Vn(203va); Vo(268va); Vq(186vb); Vr(216va); Vs; Vt(231rb); Vz(216ra); Wa; Wo(183va); Zw; B(228va); C(153vb); D; E(224va); F(251rb); G(164va)

Absent: Gt(259rb); Py(264ra); Vv(270vb). **Added:** Me(245va); Na(190rb); Tu(166vb); Vp(187ra); Wi(162ra)

7. C.27 q.2 c.46. Text added to the end: *etiam si eis a raptoribus vis illata constiterit*⁷⁶.

Present: Ab; Ad(245rb); Am(214ra); Ap(174rb); Ar(129ra); As(161va); Ba(196va); Bb(141rb); Be(239rb); Bk(198vb); Bn(160rb); Bs(220vb); Bu; Ca(174ra); Cb(239rb); Cc(275ra); Cf(224rb); Cm(182v); Cp(255vb); Cu(220ra); Cv(235rb); Da(195vb); Db(190ra); Dh(162r); Do(218va); Dp(177vb); Du; Er(228vb); Es(165ra); Fg; Fi(227vb); Fs(271va); Gc(227ra); Ge(224rb); Gf(174rb); Gn(178ra); Gr(132va); He(180rb); Hk(229rb); Hl(257rb); Je(163rb); Ka(245ra); Kb; Kr(207va); Ks(207ra); Lc(167va); Ld(267rb); Le(207vb); Lf(187va); Lg(188vb); Li(203rb); Ll(271r); Lo(168va); Lu(201rb); Ma(232rb); Mc(251rb); Md(160ra); Mf(160vb); Mg(196rb); Mh(142vb); Mk(218ra); Mm(136rb); Mn(249va); Mo; Mp(217ra); Mr(262va); Mt; Mx(214va); My(214rb); Mz(202va); Oe(197ra); Ol; Ox(190ra); Pa(227vb); Pb(216vb); Pc(206vb); Pd(225va); Ph(160ra); Pi(165vb); Pk(243ra); Pm(241rb); Pn(219ra); Po(183rb); Pq(204vb); Pw(166ra); Px(221va); Pz(217rb); Qb(225va); Qc(278rb); Ra; Re(175rb); Sl(204rb); So(219vb); Sp(190ra); Sr(246vb); St(180rb); Tz(199rb); Va(224vb); Vb(164rb); Vc(251va); Ve(191va); Vf(233rb); Vh(224vb); Vi(185va); Vn(214va); Vo(277vb); Vq(194vb); Vr(226rb); Vs; Vt(245va); Vv(282rb); Wa; Wo(193ra); A(167ra); B(240ra); C(160ra); D; E(233rb); F(261vb); G(171va)

Absent: Au; Bm(177rb); Br(164va); Cd(144rb); Cg(193va); Dc; Fa; Fb(208va); Fc(191vb); Fe(243va); In(202vb); Kc(154vb); Mb(300vb); Me(255vab); Mi(156va); Mq(307ra); Pf2(75rb); Ps(131rb); Pu; Sb(238vb); Sq(211va); Tr; Ts(164ra); Ty(172vb); Vd(168ra); Vl(209ra); Zw. **Added:** An(153vb); Bi(271va); Bl(227va); Ck(178va); Di(185va);

76) C.27 q.2 c.46 comes from Ivo, *Tripartita* (IT) 2.2.2 in both recensions.

Ga; Gb; Gd; Gt(269ra); Iv(240va); Kq(253rb); La(158rb); Lb(218ra); Lp(189ra); Mv(408a); Na(199va); Nb; Pg(190rb); Pl(214rb); Pr(224rb); Pt(259vb); Pv; Py(276va); Ro(183vb); Sa(191rb); Sf(132vb); To; Tu(175vb); Vp(195va); Vz(225vb); Wi(168vb)

8. C.29 q.1 d.a.c.1. Text added to the end: *et aliam ducere*.

Present: Ab; Ad(249rb); Am(217va); An(156rb); Ar(131vb); As(164va); Bb(144ra); Be(242vb); Bi(276ra); Bk(202ra); Bl(231rb); Br(168ra); Bu; Ca(177ra); Cb(243ra); Cc(279vb); Cd(147ra); Ck(181vb); Cm(185vb); Cu(223vb); Cv(238va); Da(199rb); Db(193vb); Dc; Dh(164v); Do(222va); Dp(180rb); Du; Er(232rb); Es(167va); Fb(212ra); Fc(195ra); Fe(247rb); Fg; Fi(232rb); Fs(276va); Ga; Gb; Gc(230vb); Gd; Ge(228rb); Gf(177rb); Gn(181rb); Gr(135vb); Hk(233ra); Hl(261rb); In(206vb); Je(166ra); Kr(211rb); Ks(210vb); La(161vb); Lb(221rb); Lc(170rb); Ld(272ra); Le(211ra); Lf(190va); Lg(192ra); Ll(275v); Lo(171rb); Lp(192rb); Lu(205va); Ma(235vb); Mc(255vb); Md(162vb); Mf(163rb); Mg(199vb); Mh(145ra); Mi(159rb); Mm(138va); Mn(253rb); Mp(220va); Mq(317ra); Mr(266rb); Mt; Mx(218ra); Mz(206rb); Na(204ra); Nb; Oe(200rb); Ol; Ox(193va); Pb(220rb); Pc(210ra); Pd(229vb); Pg(193vb); Ph(163ra); Pi(168va); Pk(247rb); Pl(218rb); Pm(245ra); Po(186ra); Pq(208ra); Pr(228rb); Ps(134ra); Pu; Pv; Pw(167va); Px(225va); Pz(221rb); Qb(230rb); Qc(283ra); Re(178ra); Ro(183vb); Sa(194va); Sb(242vb); Sf(134vb); Sl(207vb); So(223va); Sp(193rb); Sq(215ra); Sr(250va); St(183vb); To; Tr; Ts(167ra); Tu(179va); Va(229ra); Vb(167vb); Vd(170va); Ve(195ra); Vf(237ra); Vh(228va); Vi(190va); Vl(213ra); Vn(219ra); Vo(281rb); Vq(198ra); Vr(230va); Vs; Vt(249va); Vv(287ra); Wa; Wo(196vb); A(170rb); B(245ra); C(162va); E(236va); F(266rb); G(174vb)

Absent: Ap(177ra); Au; Bm(180vb); Cf(227ra); Cg; Di(188vb); Fa; Gt(273ra); He(184ra); Kb; Kc(158ra); Kq(257rb); Li(206va); Mb(304vb); Me(260ra); Mk(221va); Mo; Mv(414a); My(219rb); Pn(222vb); Pt(265rb); Py(281rb); Ty(172vb); Tz(202rb); Vc(255rb); Vp(199ra); Vz(229va); Zw. **Added:** Bn(163ra); Cp(259vb); Iv(244va); Ka(248ra); Pa(230va); Pf2(80rb); Wi(171rb)

Some broad observations are possible at first glance. First, the frequent addition of missing expansions in the margins, between the lines, or over erasure suggests that readers of the *Decretum* – probably students – often compared and corrected their manuscripts against other manuscripts. Second, some expansions are more likely to be omitted than others. The sizable expansions to C.13 q.1 d.p.c.1 and C.26 q.5 c.4

were hard for scribes to miss while the smaller expansion to the end of C.29 q.1 d.a.c.1 was easily overlooked.

By reorganizing the data, it is possible to see how many expansions each manuscript was originally missing before later additions:

SECOND-RECENSION EXPANSIONS BY MANUSCRIPT

Missing 8							
Gt (0/8)	Wi (0/8)						
Missing 7							
Au (1/8)	Kq (1/8)	Mb (1/8)	Py (1/8)				
Missing 6							
Fa (2/8)	Lb (2/8)	Mv (2/8)	Pf (2/8)	Sb (2/8)	Ty (2/8)	Vp (2/8)	
Missing 5							
Cg (3/8)	Pt (3/8)						
Missing 4							
Bi (4/8)	Cf (4/8)	Ka (4/8)	Kb (4/8)	Kc (2/6)	Me (4/8)	Pn (4/8)	Tu (4/8)
Missing 3							
Bl (5/8)	Cp (5/8)	Ga (5/8)	Lp (5/8)	Pa (5/8)	Tt (1/4)	Vv (5/8)	
Bm (5/8)	Di (5/8)	In (5/8)	Mq (5/8)	Pu (5/8)	Vc (5/8)		
Ck (4/7)	Fb (5/8)	Lh (0/3)	Na (5/8)	Sa (5/8)	Vl (4/7)		
Missing 2							
An (6/8)	Fi (6/8)	Iv (6/8)	Pq (6/8)	Ro (6/8)	Ts (6/8)	Zw (6/8)	
Cv (6/8)	Gb (6/8)	La (6/8)	Ps (6/8)	Sl (6/8)	Tz (6/8)		
Dc (6/8)	Hk (6/8)	Nb (6/8)	Qb (6/8)	Sq (6/8)	Vd (6/8)		
Missing 1							
Am (7/8)	Bt (1/2)	Fe (7/8)	Lg (7/8)	Ml (4/5)	Pi (7/8)	Sf (7/8)	Vq (7/8)
Ap (5/6)	Cc (7/8)	Fs (7/8)	Li (7/8)	Mo (7/8)	Pl (7/8)	So (7/8)	Vz (7/8)
Be (7/8)	Cd (7/8)	Gc (7/8)	Ll (7/8)	My (7/8)	Pm (7/8)	St (7/8)	E (7/8)
Bk (7/8)	Cu (7/8)	Gd (7/8)	Mf (7/8)	Mz (7/8)	Pr (7/8)	To (3/4)	
Bn (7/8)	Es (7/8)	He (6/7)	Mi (7/8)	Pe (3/4)	Pv (7/8)	Tr (7/8)	
Br (6/7)	Fc (6/7)	Ld (7/8)	Mk (7/8)	Pg (7/8)	Pz (7/8)	Vh (7/8)	
Missing 0							
Ab (8/8)	Cb (8/8)	Gf (8/8)	Lo (8/8)	Mt (8/8)	Pk (8/8)	Vb (8/8)	A (7/7)
Ad (8/8)	Cm (8/8)	Gg (5/5)	Lu (8/8)	Mx (8/8)	Po (8/8)	Ve (8/8)	B (7/7)
Aq (2/2)	Da (8/8)	Gn (7/7)	Ma (8/8)	Ny (4/4)	Pw (8/8)	Vf (8/8)	C (8/8)
Ar (7/7)	Db (6/6)	Gr (8/8)	Mc (8/8)	Od (2/2)	Px (8/8)	Vi (8/8)	D (7/7)
As (8/8)	Dh (7/7)	Hl (8/8)	Md (8/8)	Oe (8/8)	Qc (8/8)	Vn (8/8)	F (8/8)
Ba (7/7)	Do (8/8)	Je (8/8)	Mg (8/8)	Ol (8/8)	Ra (7/7)	Vo (8/8)	G (8/8)
Bb (8/8)	Dp (8/8)	Kr (8/8)	Mh (8/8)	Ox (6/6)	Re (8/8)	Vr (8/8)	
Bp (2/2)	Du (8/8)	Ks (7/7)	Mm (8/8)	Pb (8/8)	Sp (8/8)	Vs (8/8)	
Bs (7/7)	Er (8/8)	Lc (8/8)	Mn (8/8)	Pc (8/8)	Sr (8/8)	Vt (8/8)	
Bu (8/8)	Fg (5/5)	Le (8/8)	Mp (8/8)	Pd (8/8)	Tx (6/6)	Wa (7/7)	
Ca (8/8)	Ge (8/8)	Lf (8/8)	Mr (8/8)	Ph (8/8)	Va (8/8)	Wo (8/8)	

As a general rule, those manuscripts which are missing one or more expansions probably contain mixed recensions. Unsurprisingly, basically all of the manuscripts identified by Winroth – including Me – are missing several: Br (6/7); Cg (3/8); Gg (5/5); In (5/8); Me (4/8); Mz (7/8); Pa (5/8); Pf (2/8); Pl (7/8); Sa (5/8); Vd (6/8). Manuscripts at the top of the table, which omit most or all of the expansions, tend to be very messy. In these manuscripts, it is easy to find other examples of second-recension omission and dislocation. For example, both Gt (0/8) and Py (1/8) – as well as Iv (6/8), Ka (4/8), Pa (5/8), Pt (3/8), Pu (5/8), and Sq (6/8) – are missing all of the second-recension additions from De pen. D.1 c.6 to c.29⁷⁷. Similarly, Bi (4/8) contains a striking example of second-recension dislocation at C.2 q.1 c.7.⁷⁸ Many more examples could be provided here⁷⁹.

Somewhat more complicated are those manuscripts at the bottom of the table which contain all eight expansions. At first glance, these manuscripts might seem to preserve the pure second recension, and indeed some may. There are good reasons to suspect, however, that most do not. First, a good scribe working from a quality supplemented first-recension manuscript may well have been able to integrate all eight expansions in their proper places. Second, missing expansions could enter the manuscript tradition through comparison, correction, and recopying. As the tables above show, missing expansions were very often added into the margins, between the lines, or over erasure. When

77) Folio numbers: Gt(289rb); Iv(260rb); Ka(262vb); Pa(245vb); Pt(283rb); Py(314vb); Sq(229ra). Jacqueline Rambaud-Buhot also noticed this gap in Gt, Pa, and several other French manuscripts; RAMBAUD-BUHOT, *Le legs* (as n. 20) p. 84–85.

78) In the first recension, C.2 q.1 c.7 is a medium-sized canon. The redactor(s) of the second recension added substantial material to the beginning and the end, tripling its size. The scribe of Bi, when confronted by the first-recension canon and separate second-recension additions, became confused as to how they fit together. On fol. 98vb, he placed the second-recension additions (in their proper place) after c.6, but without the first-recension core paragraph. The missing first-recension paragraph can be found two pages later on fol. 99va (misplaced) between the second-recension c.10 and the first-recension c.11. Tie marks were later included to alert readers that the two texts belong together. Rudolf Weigand also noticed several similar dislocations and omissions in Bi; Rudolf WEIGAND, *Die Dekrethandschrift B 3515 des Spitalarchivs Biberach an der Riss*, in: *BMCL 2* (1972), p. 76–81, at p. 77.

79) Py(53vb) is missing both the second-recension expansion to D.45 d.p.c.17 („Percussor quoque dicitur [...] conscientiam vulnerat“) and the entire second-recension c.18. These two texts are present in all other manuscripts which I have investigated.

these corrected manuscripts were recopied, the additions were usually incorporated into the main text. Over time, descendants of mixed-recension manuscripts thus came to better approximate the second recension. For these reasons, many of the manuscripts which contain all eight expansions probably contain mixed recensions. Further collations will be necessary to see what version of the text they contain.

It also stands to reason that omission-prone manuscripts such as Gt (0/8), Wi (0/8), Au (1/8), Kq (1/8), Mb (1/8), and Py (1/8) are probably very old. Since missing expansions tended to accumulate over time through correction and recopying, these manuscripts were probably copied before time had allowed missing expansions to accumulate in their exemplars. It is even possible that some of these omission-prone manuscripts are direct copies of supplemented first-recension manuscripts.

For proponents of intermediate stages between the first and second recensions, it might be tempting to search for patterns of gradual accumulation among the expansions. In order to test for this possibility, the following table charts the contents of manuscripts with high numbers of omissions:

PATTERNS IN MIXED-RECENSION MANUSCRIPTS

	56.1	67.2	13.1.1p	13.2.15	19.d.i.	26.5.4	27.2.46	29.1.1a
Gt (0/8)								
Wi (0/8)								
Au (1/8)						X		
Kq (1/8)						X		
Mb (1/8)						X		
Py (1/8)		X						
Fa (2/8)		X				X		
Lb (2/8)				X		X		
Mv (2/8)			X			X		
Pf (2/8)			X			X		
Sb (2/8)						X		X
Ty (2/8)			X			X		
Vp (2/8)		X	X					
Cg (3/8)	X				X	X		
Pt (3/8)	X		X			X		

Based on this table, one might suppose that certain expansions such as those to C.26 q.5 c.4 or C.13 q.1 d.p.c.1 entered the tradition at a stage before the other expansions because they are present in several manu-

scripts which are missing all other expansions. The problem with this line of thinking is that both expansions are also absent in many manuscripts which otherwise contain half or over half of the expansions. The expansion to C.26 q.5 c.4 is missing from Me (4/8), Na (5/8), Tu (4/8), and Vv (5/8) while the expansion to C.13 q.1 d.p.c.1 is missing from Be (7/8), Ck (4/7), Cv (6/8), Fb (5/8), Ga (5/8), Hk (6/8), In (5/8), Lp (5/8), Pn (4/8), Sa (5/8), and Tz (5/8). The absence of these expansions in more complete manuscripts suggests that they were not added before the other expansions.

Mixed-Recension Manuscripts in Previous Scholarship

Mixed-recension manuscripts, because of their first-recension preservations, have played a large role in *Decretum* scholarship of the last 150 years. Emil Friedberg came to believe that Ka (4/8) and Kb (4/8) possessed very old readings and so prioritized them as the leading manuscripts A and B in his edition⁸⁰. Jacqueline Rambaud-Buhot commented frequently on Gt (0/8), Py (1/8), Pf (2/8), Pn (4/8), and Pa (5/8), which were available to her in the vicinity of northern France⁸¹. Rudolf Weigand also commented on many mixed-recension manuscripts in his work on early glosses⁸². Titus Lenherr found that Mk (7/8), Bi (4/8), Py (1/8), and Sb (2/8), among dozens of manuscripts, contain readings closest to Gratian's formal sources⁸³. In her working edition of

80) FRIEDBERG, *Decretum* (as n. 3) p. xcv–xcix. Friedberg's other six manuscripts include Mm (as C, 8/8), Mc (as D, 8/8), Md (as E, 8/8), Ld (as F, 7/8), Wo (as G, 8/8), and Bh (as H), which I have not been able to examine. Three of Friedberg's manuscripts – Md, Wo, and Bh – also belong to the Sigma (Σ) group, a French revision of the *Decretum* which will be discussed below.

81) RAMBAUD-BUHOT, *Le legs* (as n. 20).

82) Among the manuscripts which contain the *First Gloss Composition* (Bologna, c. 1150) are Bi (4/8), Gt (0/8), Hk (6/8), Tt (1/4), and Vc (5/8). Other manuscripts which contain the *First Gloss Composition* often contain all or nearly all of the expansions. For Weigand's comprehensive study of glosses, see WEIGAND, *Die Glossen* (as n. 18). A helpful summary can be found in Rudolf WEIGAND, *The Development of the Glossa ordinaria to Gratian's Decretum*, in: HARTMANN / PENNINGTON, *The History* (as n. 2) p. 55–97.

83) In most cases, Lenherr's results can be explained by the preservation of first-recension readings in mixed-recension manuscripts; LENHERR, *Arbeiten* (as n. 21) p. 163. Lenherr has also identified nineteen manuscripts which contain early forms of the rubrics to canons from the Second Lateran Council (1139): Aa (1/8); An (6/8); Bi (4/8); Br (6/7); Hk (6/8); In (5/8); Ka (4/8); Kb (4/8); Mc (8/8);

D.16, Regula Gujer used mostly the same manuscripts as Lenherr and came to similar results⁸⁴. Atria Larson, in her edition of the *De penitentia*, demonstrated that Fs (7/8), Pf (2/8), and Sb (2/8) often preserve first-recension readings against later readings⁸⁵. Melodie H. Eichbauer also identified post-first-recension omissions and dislocations in Br (6/7), Ka (4/8), Mc (8/8), Me (4/8), Mk (7/8), Mz (7/8), and Pf (2/8)⁸⁶. Many of the manuscripts which Giovanna Murano has described as containing the „most ancient manuscript tradition of the *Decretum*“ also contain mixed recensions⁸⁷.

Mixed-Recension Abbreviations

Several early abbreviations of the *Decretum* also appear to contain mixed recensions. The best-known example is the Sankt Gallen manuscript Sg, which dates to the twelfth century and contains an abbreviated form of the *distinctiones* and *causae* divided into 37 cases⁸⁸. Sg derives almost entirely from the first recension but contains occasional texts from the second recension integrated into the main text and in the margins. Some scholars contend that Sg preserves, in part, a stage of composition which is actually prior to the first recension as identified in Aa, Bc, Fd, and P⁸⁹. Everyone agrees, however, that Sg's exemplar must have also contained post-first-recension additions in the margins or in an appendix. Much like in Aa, some of these additions became interpolated into the main text of Sg⁹⁰.

Me (4/8); Mk (7/8); Mm (8/8); Pa (5/8); Pf (2/8); Pk (8/8); Pl (7/8); Py (1/8); Sa (5/8); Sb (2/8); LENHERR, *Die Summarien* (as n. 21) p. 551.

84) GUJER, *Concordia* (as n. 8) p. 193–95.

85) LARSON, *Gratian's De penitentia* (as n. 7) p. 97–98. Larson calls these manuscripts „mixed or intermediate“ versions and contrasts them with Bi (4/8) and Mk (7/8), which she calls the „finalized“ second recension.

86) EICHBAUER, *From the First* (as n. 23) p. 134, 143–44. Eichbauer argues that these manuscripts preserve the last intermediate stage before the *Decretum* stabilized along the lines of the second recension.

87) MURANO, *Graziano* (as n. 2) p. 104–28.

88) On the contents of Sg, see LARRAINZAR, *El borrador* (as n. 22) p. 652–662.

89) On this debate, see above (n. 6).

90) On the marginal additions in Sg, see LARRAINZAR, *El borrador* (as n. 22) p. 662–663. Philipp Lenz and Enrique de León have drawn attention to the collection of canons included in Sg after the end of the main *Decretum* text at p. 201a. Philipp LENZ, *The Context of Transmission of the Decretum Gratiani in Sankt Gallen*, Stiftsbibliothek, Cod. 673 (= Sg): An Investigation of pp. 201a–246b, in:

As Anders Winroth has recently demonstrated, a parallel example to Sg can be found in the manuscript Tp, which was copied in the twelfth century and belonged to the abbey of St. Matthias in Trier⁹¹. Tp contains a heavily abbreviated version of the *causae*, but nothing from the *distinctiones* or the *De consecratione*. Like Sg, Tp derives mostly from the first recension but also includes second-recension interpolations. Examples can be found at De pen. D.1 c.82 and 84, and De pen. D.6 c.3 on fol. 83vb–85ra.

A third abbreviation, which has never been discussed in modern scholarship, but also clearly mixes recensions is Vatican, BAV, Vat. lat. 2707 (henceforth Vg). Vg includes excerpts from all three parts of the *Decretum* and appears to date to the second half of the twelfth century⁹². Vg contains more texts from the second recension than Sg or Tp, but very often misplaces them. The second-recension additions C.5 q.6 c.5 and c.7, for example, have been misplaced at the end of C.6 q.1 on fol. 44rb. Another example of misplacement can be found on fol. 35va, where the second-recension additions to the beginning and end of C.2 q.1 c.7 appear out of order. Many more examples of second-recension dislocation could be identified in Vg.

The Later History of Mixed-Recension Manuscripts

By the 1160s, the diverse contents of circulating *Decretum* manuscripts began to raise concerns at the universities⁹³. Not only did mixed-re-

Proceedings of the Fourteenth International Congress of Medieval Canon Law, Toronto 2012, ed. Joseph GOERING / Stephan DUSIL / Andreas THIER (Monumenta Iuris Canonici C/16, 2016) p. 95–114; Enrique DE LEÓN, *Collectio Sangallensis*, in: BMCL 27 (2007), p. 57–70.

91) On Tp, see the forthcoming article; Anders WINROTH, *St. Gallen 673 in Context: Twelfth-Century Transformations and Abbreviations of Gratian's Decretum*, in: *Generating and Transferring Legal Knowledge in the 12th Century: The Manuscript Saint Gall, Stiftsbibliothek 673*, ed. Stephan DUSIL / Andreas THIER (Medieval Law and Its Practice, 2021). A description can be found in Jakob MARX, *Handschriftenverzeichnis der Seminar-Bibliothek zu Trier (Veröffentlichungen der Gesellschaft für Trierische Geschichte und Denkmalpflege 4, 1912)* p. 72.

92) Stephan KUTTNER / Reinhard ELZE, *A Catalogue of Canon Law and Roman Law Manuscripts at the Vatican Library 2 (Studi e testi 328, 1987)* p. 308; KUTTNER, *Repertorium* (as n. 18) p. 266.

93) The author of the *Summa Parisiensis* (c. 1170), who appears to have been a teacher of canon law in Paris, comments frequently on the diverse contents of contemporary manuscripts. The author also expresses strong – although currently

cension manuscripts provide conflicting and confusing readings, new texts were being added into the margins as *paleae*⁹⁴. To bring order to this diversity, several attempts were made to standardize and revise the text. As John Wei has recently summarized, scholars have so far identified two certain revisions undertaken in northern France and one probable revision undertaken in northern Italy⁹⁵. Analysis of these revisions in reference to mixed recensions produces fascinating results. As we will see, both French revisions bear the unmistakable signs of deriving from mixed-recension manuscripts while the Italian revision does not. These revisions deserve more attention from scholars. Were they intended only to standardize the text and improve readability? Or can we identify political or intellectual motives in them? Do they take different positions on issues? Can we tell which revision was used by individual scholars, popes, and lawyers who cited the *Decretum*?

As far as we know, the first major attempt to revise the *Decretum* following the second recension occurred in northern France – probably Paris – in the 1160s or 1170s and produced the Sigma (Σ) group⁹⁶. Titus Lenherr and Regula Gujer have shown that manuscripts of the Sigma (Σ) group contain many characteristic interpolations and corrections which testify to its existence as a true recension⁹⁷. Of the twenty-three manuscripts which have been assigned to the Sigma (Σ) group, I have examined twenty-one: Bk (7/8); Cd (7/8); Ck (4/7); Di (5/8); Es (7/8); In (5/8); La (6/8); Lp (5/8); Md (8/8); Mi (7/8); Oe (8/8); Pn (4/8); Pr (7/8); Sa (5/8); Sf (7/8); Tz (5/8); Vd (6/8); Vh

unverifiable – opinions about whether specific texts were added by Gratian, by Paucapalea, or by unnamed „magistri Boloniensis“. Terence P. McLAUGHLIN, ed., *The Summa Parisiensis on the Decretum Gratiani* (1952) p. xi–xv.

94) On the *paleae*, see Jürgen BUCHNER, *Die Paleae im Dekret Gratians: Untersuchung ihrer Echtheit* (Pontificium Athenaeum Antonianum, *Facultas Iuris Canonici* 12, 2000).

95) John C. WEI, *The Later Development of Gratian's Decretum*, in: *Proceedings of the Fourteenth International Congress of Medieval Canon Law*, Toronto 2012, ed. Joseph GOERING / Stephan DUSIL / Andreas THIER (*Monumenta Iuris Canonici* C/16, 2016) p. 149–61.

96) On the Sigma (Σ) group, see WEI, *Later Development* (as n. 95) p. 153; John C. WEI, *Gratian's Decretum in France and Halberstadt*, in: *Rechtshandschriften des deutschen Mittelalters: Produktionswege und Importwege*, ed. Patrizia CARMASSI / Gisela DROSSBACH (*Wolfenbütteler Mittelalter-Studien* 29, 2015) p. 363–82; GUJER, *Concordia* (as n. 8) p. 357–369. Titus Lenherr first identified the Sigma (Σ) group as a distinct recension in: LENHERR, *Die Summarien* (as n. 21) p. 543–44.

97) GUJER, *Concordia* (as n. 8) p. 233–34, 331–33, 357–69; LENHERR, *Die Summarien* (as n. 21) p. 543–44.

(7/8); Wo (8/8); B (7/7); and D (7/7)⁹⁸. Given the frequent absence of second-recension expansions in Sigma (Σ) group manuscripts, it is likely that the entire group ultimately descends from a mixed-recension manuscript. As with other mixed-recension manuscripts, Sigma (Σ)-group manuscripts were often corrected against other manuscripts and gradually accumulated expansions in later copies⁹⁹. In his edition, Emil Friedberg utilized Sigma (Σ) group manuscripts Md (8/8), Wo (8/8), and Bh (not yet searched)¹⁰⁰.

A second revision of the *Decretum*, known as the Rambaud-Weigand French group, appears to have been undertaken in France around 1180¹⁰¹. So far, five manuscripts have been assigned to the group, which is characterized by numerous additions of Roman law, patristic texts, and theological *sententiae*. I have examined all five manuscripts: Bl (5/8); Na (5/8); Po (8/8); Ro (6/8); Sl (6/8). Like the Sigma (Σ) group, the frequent absence of second-recension expansions in the Rambaud-Weigand French group suggests that it ultimately descends from a mixed-recension manuscript.

Sometime before 1190, but potentially much earlier, a third revision of the *Decretum* known as the Pi (Π) group may have been undertaken in Bologna¹⁰². Unlike the other two revisions, the Pi (Π) group has not yet been established as a true recension. So far, it is defined only by the presence of all *paleae* mentioned by Huguccio in his *summa*¹⁰³.

98) For the complete list, see WEI, Later Development (as n. 95) p. 156–57.

99) In her working edition of D.16, Regula Gujer noticed that the Sigma (Σ) group shares some affinity with two earlier manuscripts, Bi (4/8) and Sb (2/8). Further research is necessary to determine if the affinity Gujer detected is limited to Bi and Sb or is common to other mixed-recension manuscripts. I suspect that what Gujer has detected are simply examples of first-recension preservations; GUJER, Concordia (as n. 8) p. 357–69.

100) WEI, Later Development (as n. 95) p. 153; FRIEDBERG, Decretum (as n. 3) p. xcvi–xcix.

101) On the Rambaud-Weigand French group, see WEI, Later Development (as n. 95) p. 153, 157; Rudolf WEIGAND, Zusätzliche Paleae in fünf Dekrethandschriften, in: ZRG Kan. 78 (1992) p. 65–120; Jacqueline RAMBAUD-BUHOT, Manuscrits canoniques du fonds de Jumièges: Décret de Gratien, in: Jumièges: Congrès scientifique du XIIIe centenaire 2, Rouen, 10–12 juin 1954, ed. Georges LANFRY (1955) p. 669–79.

102) WEI, Later Development (as n. 95) p. 154, 158.

103) The specific *paleae* are listed in Rudolf WEIGAND, Paleae und andere Zusätze in Dekrethandschriften mit dem Glossenapparat ‘Ordinaturus Magister’, in: Archiv für katholisches Kirchenrecht 159 (1990) p. 448–63; Franz GILLMAN, Paucapalea und Paleae bei Huguccio, in: Archiv für katholisches Kirchenrecht 88 (1908) p. 466–79 (reprint in: Gesammelte Schriften zur klassischen Kanonistik von Franz

I have examined all eight manuscripts which have been associated with the Pi (II) group: Er (8/8); Gc (7/8); Gn (7/7); Ks (7/7); Le (8/8); Ma (8/8); Mx (8/8); and Vr (8/8). Further collations are needed to confirm that the Pi (II) group actually contains characteristic readings and that each of the aforementioned manuscripts actually belongs to the group. If the Pi (II) group does prove to be a true recension, the frequent presence of all eight expansions leaves open the exciting possibility that it could descend from a true manuscript of the second recension.

It makes sense that the redactor(s) of the Pi (II) group would have had access to accurate copies of the second recension in Bologna. As Gero Dolezalek has shown, Bolognese scholars and scribes placed great importance on the personal manuscripts owned and glossed by professors of canon and Roman law¹⁰⁴. Known as *Libri magistrorum*, these manuscripts were thought to preserve an authoritative version of the text and were often used to correct other manuscripts. The redactor(s) of the Pi (II) group – probably professors – may have been able to consult the personal copy of an early professor such as Paucapalea who studied directly under Gratian. They may even have had access to the original copy of the second recension itself. Regardless of how exactly the Pi (II) group came into being, its appearance in Bologna by 1190 (at the latest) helped to stabilize the text of the *Decretum*. In the next few decades, Bologna came to dominate the study of canon law relative to other centers of learning and older methods of copying were gradually supplanted by the more efficient *pecia* system¹⁰⁵. As a result, a standardized Bolognese vulgate text emerged during the thirteenth century which contained all the *paleae* of the Pi (II) group. The Bolognese vulgate text would continue to be used throughout the Late Middle Ages and would serve as the basis of most early printed editions including the Roman edition of 1582. It remains to be determined to what degree mixed-recension manuscripts continued to be copied in the Late Middle Ages.

Gillmann 1: *Schriften zum Dekret Gratians und zu den Dekretisten*, ed. Rudolf WEIGAND [Forschungen zur Kirchenrechtswissenschaft 5.1, 1988]).

104) Gero DOLEZALEK, *Libri magistrorum and the Transmission of Glosses in Legal Textbooks (12th and 13th Century)*, in: *Juristische Buchproduktion im Mittelalter*, ed. Vincenzo COLLI (Studien zur Europäischen Rechtsgeschichte 155, 2002) p. 315–50.

105) On the *pecia* system, see Giovanna MURANO, *Opere diffuse per exemplar e pecia (Textes et Études du Moyen Âge 29, 2005)*. On copying in Bologna, see Giovanna MURANO, *Copisti a Bologna (1265–1270) (Textes et Études du Moyen Âge 37, 2006)*.

Reflections on the Two Recensions

The findings of this article emphasize the need for new editions of the *Decretum*. As we have seen, the Roman edition (1582) attempts to present the Bolognese vulgate text of the thirteenth century while Emil Friedberg's edition (1879) relies upon mixed-recension and Sigma (Σ) group manuscripts. Neither edition accurately reflects the first recension, the second recension, or any text that was ever taught by Gratian or the early Bolognese masters. Hopefully this article will facilitate the task of editing the first and second recensions. For an edition of the first recension, mixed-recension manuscripts – with their many first-recension preservations – can be used to resolve discrepancies and faulty readings in Aa, Bc, Fd, and P¹⁰⁶. For an edition of the second recension, mixed-recension manuscripts can also be used for those canons and *dicta* which were introduced in the second recension. For those first-recension texts which were modified by the redactor(s) of the second recension, however, it will remain difficult to isolate true second-recension readings from the many diverse readings which scribes came up with as they sought to reconcile the conflicting versions they encountered in supplemented first-recension manuscripts.

For an edition of the second recension, it would be helpful to identify one or more manuscripts which descend entirely from the second recension and are not contaminated by first-recension preservations. A good place to start looking is among those early manuscripts which contain all eight expansions listed above. Such manuscripts should be tested for many other minor second-recension modifications, including cases where first-recension texts were deleted in the second recension¹⁰⁷. The presence of early glosses would also indicate an early text¹⁰⁸. This scenario assumes, however, that the redactor(s) of the second recension produced a single, finished „fair copy“ which con-

106) Winroth has adopted this approach in his edition of the first recension and is currently utilizing Bi (4/8), Bm (5/8), Gt (0/8), Py (1/8), and Mv (2/8); Anders WINROTH, *Critical Notes on the Text of Gratian's Decretum 1*, <https://sites.google.com/a/yale.edu/decretumgratiani/critical-notes-1>. See also Winroth's forthcoming essay in the *Proceedings of the Fifteenth International Congress of Medieval Canon Law, Paris 2016*.

107) The redactor(s) of the second recension deleted first-recension canons which duplicate texts found elsewhere in the *Decretum*; Rudolf WEIGAND, *Versuch einer neuen, differenzierten Liste der Paleae und Dubletten im Dekret Gratians*, in: *BMCL* 23 (1999) p. 114–35.

108) On glosses in the earliest *Decretum* manuscripts, see most recently Philipp

tained all of the second-recension modifications in their proper places. It is possible that only a few direct copies of this manuscript were ever made, and that no uncontaminated descendant survives today. It is also possible that the redactor(s) of the second recension never actually produced a fair copy at all. Creating the second recension likely involved correcting a manuscript of the first recension and adding new texts in the margins, in an appendix, or on added folios. This hypothetical working copy would have superficially resembled Aa, Bc, Fd, and Vx, and all copies of it would have been susceptible to the same errors found in mixed-recension manuscripts. In this case, a true manuscript of the second recension will likely not be found.

Paul Krüger wrestled with this same dilemma as he edited the *Code* in the 1860s and 1870s. Nearly all the manuscripts he had seen contained errors characteristic of reintegrated *Epitome aucta*. The existence of the Verona palimpsest and several other fragments, however, left open the possibility that a direct descendant of an ancient and complete *Code* manuscript might survive. With limited access to manuscripts, Krüger was unfortunately unable to adequately test this possibility¹⁰⁹. To provide his edition with a coherent rationale, he chose to dismiss it altogether. By adopting the position that all later manuscripts descend from the Bolognese vulgate, Krüger made it so that he could do no better in his edition than to include the oldest known manuscripts of the reintegrated *Code* alongside the *Epitome aucta*. But even as Krüger dismissed the possibility that any complete manuscript preserved uncontaminated transmission from the ancient *Code*, he noted that certain manuscripts such as Montpellier, Bibliothèque Universitaire de Médecine, H 82 appear to be largely free of errors¹¹⁰. Since Krüger, scholars have drawn attention to other manuscripts which seem to present the *Code* with high accuracy. Carmen Tort-Martorell has identified Bamberg, Staatsbibliothek, Msc. jur. 20, Berlin, Staatsbibliothek Preussischer Kulturbesitz, lat. fol. 272, and Berlin, Staatsbibliothek Preussischer Kulturbesitz, lat. fol. 275 as good examples¹¹¹. More recently, Charles Radding and Antonio Ciaralli have

LENZ, Die Glossierung und die Glossen in den frühesten Handschriften des *Decretum Gratiani*, in: BMCL 35 (2018) p. 41–184.

109) RADDING / CIARALLI, Corpus (as n. 11) p. 135–36.

110) KRÜGER, Codex (as n. 11) p. xviii.

111) TORT-MARTORELL, Tradición textual (as n. 51) p. 18.

reaffirmed the remarkable consistency of Montpellier H 82 and even suggested that it could be a direct descendent of the ancient *Code*¹¹².

Regarding the *Decretum*, I remain optimistic that true manuscripts of the second recension can and will be found. Scholars so far have focused their attention almost entirely on mixed-recension manuscripts. The guiding assumption, quite understandably, has been that manuscripts with readings closer to Gratian's formal sources and contents less than the second recension must necessarily hold precedence over fuller manuscripts whose readings differ from Gratian's formal sources. This study has suggested that precisely the opposite is true. The peculiarities of mixed-recension manuscripts – first-recension preservations and second-recension omissions – make them appear older than the second recension when in reality they must descend, in part, from completed manuscripts of the second recension. With scholarly attention redirected towards more complete manuscripts which closely approximate the second recension, it may be possible to isolate one or more examples which contain no errors on the seams between the two recensions. If a pure manuscript of the second recension can be found, it will greatly simplify the process of editing the second recension. If one cannot be found, it will be impossible to improve upon Krüger's approach to the *Code*. With any luck, it will soon be possible to clear up much of the remaining uncertainty regarding the early transmission of Gratian's *Decretum*.

APPENDIX List of Sigla

Aa	Admont, Stiftsbibliothek, 23 and 43.
Ab	Admont, Stiftsbibliothek, 35.
Ad	Admont, Stiftsbibliothek, 48.
Am	Amiens, Bibliothèque municipale, 354.
An	Antwerpen, Museum Plantin-Moretus, M 13.
Ao	Arras, Bibliothèque municipale, 27 (32).

112) „Of all the early manuscripts of the *Code* we examined, Montpellier H 82 is the one that seems to have been collated most closely with an ancient manuscript, if it was not indeed copied from one“; RADDING / CIARALLI, *Corpus* (as n. 11) p. 164.

- Ap Arras, Bibliothèque municipale, 809 (472).
 Aq Arras, Bibliothèque municipale, 7 (16).
 Ar Arras, Bibliothèque municipale, 592 (500).
 As Arras, Bibliothèque municipale, 599 (507).
 Au Autun, Bibliothèque municipale, S 100 (80a).
 Ba Bamberg, Staatsbibliothek, Can. 13.
 Bb Bamberg, Staatsbibliothek, Can. 14.
 Bc Barcelona, Arxiu de la Corona d'Aragó, Ripoll 78.
 Bd Bamberg, Staatsbibliothek, Can. 15.
 Be Beaune, Bibliothèque municipale, 5.
 Bh Berlin, Staatsbibliothek Preussischer Kulturbesitz, lat. fol. 1.
 Bi Biberach an der Riss, Spitalarchiv, B 3515.
 Bk Bernkastel-Kues, St. Nikolaus-Hospital, 223.
 Bl Baltimore, Walters Art Gallery, W.777.
 Bm Brindisi, Biblioteca Annibale de Leo, A.1.
 Bn Bernkastel-Kues, St. Nikolaus-Hospital, 224.
 Bp Berlin, Staatsbibliothek Preussischer Kulturbesitz, Phill. 1742.
 Br Bremen, Universitätsbibliothek, a 142.
 Bs Boulogne-sur-Mer, Bibliothèque municipale, 118.
 Bt Bratislava, Státny slovenský ústredný archív, 14 (Jur. 46).
 Bu Burgo de Osma, Biblioteca del Cabildo de la Catedral, 4.
 Ca Cambridge, Sidney Sussex College, 101.
 Cb Cambrai, Bibliothèque municipale, 646.
 Cc Cambridge, Corpus Christi College, 10.
 Cd Cambridge, Mass., Harvard Law School Library, 64.
 Cf Cambridge, Fitzwilliam Museum, McClean 135.
 Cg Cambridge, Gonville and Caius College, 6/6.
 Ch Chambéry, Bibliothèque de la ville, 13.
 Ci Friuli (Cividale del), Museo Archeologico-Biblioteca Capitolare, V.
 Ck Cambrai, Bibliothèque municipale, 967.
 Cm Cambridge, Gonville and Caius College, 283/676.

Cp	Cambridge, Pembroke College, 162.
Cu	Cambridge, University Library, Add. 3447.
Cv	Charleville-Mézières, Bibliothèque municipale, 150.
Da	Darmstadt, Universitäts- und Landesbibliothek, 907.
Db	Durham, Cathedral Library, C.I.7.
Dc	Durham, Cathedral Library, C.II.1.
Dh	Durham, Cathedral Library, C.IV.1.
Di	Douai, Bibliothèque municipale, 590.
Do	Douai, Bibliothèque municipale, 586.
Dp	Douai, Bibliothèque municipale, 591.
Du	Durham, Cathedral Library, C.III.1.
Er	Erlangen(-Nürnberg), Universitätsbibliothek, 342.
Es	Einsiedeln, Stiftsbibliothek, 193 (66).
Fa	Firenze, Biblioteca Nazionale Centrale, Conv. soppr. A II 376.
Fb	Firenze, Biblioteca Nazionale Centrale, Conv. soppr. A II 403.
Fc	Firenze, Biblioteca Marucelliana, A 298.
Fd	Firenze, Biblioteca Nazionale Centrale, Conv. soppr. A I.402.
Fe	Firenze, Biblioteca Medicea Laurenziana, Edili 96.
Fg	Firenze, Biblioteca Medicea Laurenziana, Acquisti e doni 93.
Fi	Firenze, Biblioteca Medicea Laurenziana, Plut. IV, sin. 1.
Fs	Firenze, Biblioteca Medicea Laurenziana, Plut. I, sin. 1.
Ga	Graz, Universitätsbibliothek, 52.
Gb	Graz, Universitätsbibliothek, 69.
Gc	Graz, Universitätsbibliothek, 80.
Gd	Gdańsk, Biblioteka Polskiej Akademii Nauk, Mar. F. 77.
Ge	Grenoble, Bibliothèque municipale, 62 (482).
Gf	Grenoble, Bibliothèque municipale, 11 (474).
Gg	Grenoble, Bibliothèque municipale, 34 (475).
Gn	Gniezno, Biblioteka Katedralna, 28.
Gr	Graz, Universitätsbibliothek, 71.

- Gt Gent, Bibliotheek der Rijksuniversiteit, 55.
- Gw Göttweig, Stiftsbibliothek, 181 (88)
- He Hereford, Cathedral library, P.VII.3.
- Hk Heiligenkreuz, Stiftsbibliothek, 44.
- Hl Heiligenkreuz, Stiftsbibliothek, 43.
- In Innsbruck, Universitäts- und Landesbibliothek Tirol, 90.
- Iv Ivrea, Archivio capitolare, C (72).
- Je Jena, Universitäts- und Landesbibliothek Thüringen, El. fol. 56.
- Ka Köln, Erzbischöfliche Diözesan- und Dombibliothek, 127.
- Kb Köln, Erzbischöfliche Diözesan- und Dombibliothek, 128.
- Kc Köln, Erzbischöfliche Diözesan- und Dombibliothek, 129.
- Kq Kraków, Biblioteka Jagiellońska, 356.
- Kr Kraków, Biblioteka Jagiellońska, 357.
- Ks Kremsmünster, Stiftsbibliothek, CC 364.
- La London, British Library, Arundel 490.
- Lb London, British Library, Add. 24658.
- Lc Lucca, Biblioteca Arcivescovile, 20.
- Ld Leipzig, Universitätsbibliothek, Haenel 17.
- Le Leipzig, Universitätsbibliothek, Haenel 18.
- Lf Lilienfeld, Stiftsbibliothek, 223.
- Lg St. Petersburg, Publichnaja Biblioteka, Lat. F.v.II.23.
- Lh London, British Library, Harley 3256.
- Li Lilienfeld, Stiftsbibliothek, 222.
- Ll London, Lambeth Palace, 449.
- Ln Laon, Bibliothèque municipale, 476.
- Lo London, British Library, Stowe 378.
- Lp Malibu, California, J. Paul Getty Collection, Ms. Ludwig, XIV 2.
- Lr London, British Library, Royal 11 B II.
- Lu Luxembourg, Bibliothèque Nationale, I 139.
- Ma Madrid, Biblioteca Nacional, 251.
- Mb Marburg, Universitätsbibliothek, 33 (C. 1).

- Mc München, Bayerische Staatsbibliothek, Clm 4505.
 Md München, Bayerische Staatsbibliothek, Clm 10244.
 Me München, Bayerische Staatsbibliothek, Clm 13004.
 Mf München, Bayerische Staatsbibliothek, Clm 14024.
 Mg München, Bayerische Staatsbibliothek, Clm 18096.
 Mh München, Bayerische Staatsbibliothek, Clm 23551.
 Mi München, Bayerische Staatsbibliothek, Clm 27337.
 Mk München, Bayerische Staatsbibliothek, Clm 28161.
 Ml München, Bayerische Staatsbibliothek, Clm 28174.
 Mm München, Bayerische Staatsbibliothek, Clm 17161.
 Mn München, Bayerische Staatsbibliothek, Clm 28175.
 Mo Madrid, Biblioteca de la Fund. Lazaro Galdiano, Ms 440.
 Mp Madrid, Biblioteca de la Facultad de Ciencias Políticas y Económicas, Vol. 1137.
 Mq Madrid, Biblioteca Nacional, 87 (C. 1).
 Mr Madrid, Biblioteca Nacional, 12790.
 Ms Milano, Archivio capitolare di S. Ambrogio, M. 54.
 Mt Montecassino, Biblioteca dell'Abbazia, 66.
 Mv Montecassino, Biblioteca dell'Abbazia, 64.
 Mw München, Bayerische Staatsbibliothek, Clm 22272, fol. 117r–122r.
 Mx Melk, Stiftsbibliothek, 259.
 My Melk, Stiftsbibliothek, 261.
 Mz Mainz, Stadtbibliothek, II 204.
 Na Napoli, Biblioteca Nazionale, XII a 5.
 Nb Napoli, Biblioteca Nazionale, XII a 9.
 Nc Nürnberg, Stadtbibliothek, Cent. II 41.
 Ny New York, Pierpont Morgan Library, M. 446.
 Od Oxford, Bodleian Library, Douce 218.
 Oe Oxford, Bodleian Library, Lyell 41.
 Ol Olomouc, Statní Okresní Archiv, Zemský Archiv v Opavě, C. O. 266.
 Ot Oxford, Trinity College, 70.

- Ox Oxford, New College, 210.
- P Paris, Bibliothèque nationale de France, nouv. acq. lat. 1761
- Pa Paris, Bibliothèque nationale de France, lat. 3888.
- Pb Paris, Bibliothèque nationale de France, lat. 3903.
- Pc Paris, Bibliothèque nationale de France, lat. 3905 B.
- Pd Paris, Bibliothèque nationale de France, lat. 14317.
- Pe Paris, Bibliothèque nationale de France, lat. 14605.
- Pf Paris, Bibliothèque nationale de France, lat. 3884 I and II.
- Pfr Paris, Bibliothèque nationale de France, lat. 3884 I, fol. 1.
- Pg Paris, Bibliothèque nationale de France, lat. 3885.
- Ph Paris, Bibliothèque nationale de France, lat. 3886 A.
- Pi Paris, Bibliothèque nationale de France, lat. 3887.
- Pk Paris, Bibliothèque nationale de France, lat. 3890.
- Pl Paris, Bibliothèque nationale de France, lat. 11712.
- Pm Paris, Bibliothèque Mazarine, 1287.
- Pn Paris, Bibliothèque nationale de France, lat. 14316.
- Po Pommersfelden, Gräfllich Schönbornsche Bibliothek, 142 (2744).
- Pp Paris, Bibliothèque de Sainte-Geneviève, 168.
- Pq Paris, Bibliothèque de l'Arsenal, 677.
- Pr Praha, Archiv Pražského Hradu, I 19.
- Ps Paris, Bibliothèque de Sainte-Geneviève, 342.
- Pt Paris, Bibliothèque de Sainte-Geneviève, 341.
- Pu Pommersfelden, Gräfllich Schönbornsche Bibliothek, 327 (2927).
- Pv Praha, Národní Muzeum, XVII A 1212.
- Pw Praha, Universitní Knihovna, XXIII B 4.
- Px Paris, Bibliothèque nationale de France, lat. 15393.
- Py Paris, Bibliothèque nationale de France, lat. 3895.
- Pz Perugia, Archivio di San Pietro, C.M.4.
- Qb Paris, Bibliothèque nationale de France, lat. 3904.
- Qc Paris, Bibliothèque nationale de France, lat. 3907.
- Qd Paris, Bibliothèque nationale de France, nouv. acq. lat. 1576.

Ra	Roma, Biblioteca Angelica, 1270.
Re	Reims, Bibliothèque municipale, 676.
Ro	Rouen, Bibliothèque municipale, 707 (E 21).
Sa	Salzburg, Stiftsbibliothek St. Peter, a.XII.9.
Sb	Salzburg, Stiftsbibliothek St. Peter, a. XI. 9.
Sf	Sankt Florian, Stiftsbibliothek, III.5.
Sg	Sankt Gallen, Stiftsbibliothek, 673.
Si	Siena, Biblioteca comunale degli Intronati, G.V.23.
Sl	Sankt Paul im Lavanttal, Stiftsbibliothek, 25/1 (XXV.2.6).
Sm	Saint-Mihiel, Bibliothèque municipale, 5.
So	Saint-Omer, Bibliothèque municipale, 191.
Sp	Saint-Omer, Bibliothèque municipale, 192.
Sq	Saint-Omer, Bibliothèque municipale, 453.
Sr	Saint-Omer, Bibliothèque municipale, 454.
St	Saint-Omer, Bibliothèque municipale, 476.
To	Toledo, Biblioteca de la Catedral, 4.5.
Tp	Trier, Bibliothek des Bischöflichen Priesterseminars, 91.
Tr	Trier, Stadtbibliothek (Weberbach), 906.
Ts	Trier, Bibliothek des Bischöflichen Priesterseminars, 8.
Tt	Tortosa, Biblioteca de la Catedral 240.
Tu	Tours, Bibliothèque municipale, 559.
Tv	Tours, Bibliothèque municipale, 557.
Tx	Trier, Stadtbibliothek (Weberbach), 907.
Ty	Troyes, Médiathèque du Grand Troyes, 60.
Tz	Troyes, Médiathèque du Grand Troyes, 103.
Va	Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 2494.
Vb	Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 2495.
Vc	Vatican City, Biblioteca Apostolica Vaticana, Chigi E VII 206.
Vd	Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 3529.
Ve	Verona, Biblioteca capitolare CLXXXIV (164).
Vf	Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 1367.

- Vg Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 2707.
 Vh Vatican City, Biblioteca Apostolica Vaticana, Reg. lat. 977
 Vi Vicenza, Biblioteca Civica Bertoliana, 1.
 Vl Vercelli, Biblioteca dell'Archivio Capitolare, XXV (118).
 Vn Vendôme, Bibliothèque municipale, 88.
 Vo Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 621.
 Vp Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 622.
 Vq Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 625.
 Vr Vatican City, Biblioteca Apostolica Vaticana, Ross. 595.
 Vs Vatican City, Biblioteca Apostolica Vaticana, Archivio S. Pietro, A. 27.
 Vt Vatican City, Biblioteca Apostolica Vaticana, Pal. lat. 624.
 Vv Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 1369.
 Vx Vatican City, Biblioteca Apostolica Vaticana, Ott. lat. 3062
 Vz Venezia, Biblioteca Marciana, lat. IV 117 (2435).
 Wa Washington, D.C., Catholic University of America Library, 186.
 Wi Wien, Österreichische Nationalbibliothek, 2102.
 Wn Wien, Österreichische Nationalbibliothek, 2070.
 Wo Wolfenbüttel, Herzog August Bibliothek, Helmst. 33.
 Ws Washington, D.C., Library of Congress, 98 (D. 401; G. 71).
 Zw Zwettl, Stiftsbibliothek, 31.

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- A Gniezno, Biblioteca Katedralna, 27.
 B Liège, Bibliothèque de l'Université, 127 E.
 C Lincoln, Cathedral Library, 137.
 D Urgell (La Seu d'), Biblioteca Capitular, 2009.
 E Firenze, Biblioteca Medicea Laurenziana, Gaddi 2.
 F Firenze, Biblioteca Nazionale Centrale, Magliabecch. XXXI 22.
 G Wolfenbüttel, Herzog August Bibliothek, Helmst. 23

Summaria

Vorgestellt werden hier rund 200 frühe Handschriften von Gratians *Decretum* mit dem Ziel, dessen Überlieferung im 12. Jahrhundert näher zu untersuchen. Einigkeit besteht heute darüber, dass es eine kurze erste Fassung gab, die um 1140 vollendet war. Unklarheit herrscht jedoch, wie genau sich daraus die Vulgatafassung entwickelte, welche an den Universitäten des Mittelalters verwendet wurde. Der vorliegende Beitrag zeigt auf, wie nach der ersten Fassung die große Mehrzahl der Texte in einem einheitlichen Schritt um 1150 zu einer zweiten Fassung ausgebaut wurde. Doch muss man die meisten erhaltenen Handschriften dieser zweiten Rezension als Mischfassungen ansprechen. Sie beruhen auf Handschriften der ersten Rezension, denen man Zusätze aus der zweiten Rezension beifügte; wenn solche Mischfassungen später kopiert wurden, flossen solche Zusätze in die zweite Rezension mit ein. Der Vorgang des Abschreibens war kompliziert, und das führte dazu, dass Mischfassungen oft Fehler enthalten an den Übergängen zwischen der Erst- und der Zweitfassung des *Decretum*. Ähnliche Probleme und Fehler weisen viele Handschriften von Justinians *Codex* aus dem 12. Jahrhundert auf. Näher vorgestellt wird zudem Vatikan, BAV, Ott. lat. 3062 (Vx), eine Handschrift des 12. Jahrhunderts mit einem Anhang von Zusätzen aus der Zweitfassung des *Decretum*, der bisher nicht bekannt war.

This article surveys approximately two hundred early manuscripts of Gratian's *Decretum* in order to establish the contours of its transmission during the twelfth century. Although it is now accepted that a shorter „first recension“ was completed by 1140, much remains unclear about how the first recension developed into the longer vulgate version which became widely known at the medieval universities. This article supports the position that the vast majority of post-first-recension texts were added in a single effort of revision which produced a „second recension“ by 1150. It also argues, however, that most surviving manuscripts which appear to contain the second recension actually contain „mixed recensions“. Mixed-recension manuscripts came into being when first-recension manuscripts were supplemented with second-recension additions and later recopied so as to approximate the second recension. Because this copying process was difficult, mixed-recension manuscripts contain many errors on the seams between the first and second recensions. This article makes frequent reference to

contemporary manuscripts of Justinian's *Code*, which exhibit errors similar to those found in mixed-recension manuscripts. It also introduces Vatican City, BAV, Ott. lat. 3062 (Vx), a twelfth-century manuscript which contains an appendix of second-recension additions that has gone undetected until now.