

Project: Editions of the first and second recensions of Gratian's Decretum

Time frame: October 2012-December 2014 (Professor Winroth is envisioning that his work will extend well beyond the 27 months of support requested here, so the budgeting is for this initial period only.)

Lead Investigator: Anders Winroth, Professor of History

Summary: Professor Winroth is producing major editions (each with commentary, *apparatus criticus*, and translation) of massive medieval canon law texts. Digital tools will expedite his ability to annotate and edit on-screen multiple images of the critical manuscripts, and to share these digital images and annotations with other scholars and students internationally.

Gratian's *Decretum* is a text of central importance not just for medieval society but for western legal history from the twelfth century to the twenty-first. It was unique in being solidly based in theological thinking as well as in the legal tradition, at the same time as Gratian was an early proponent of the then new form of organization and argument known as scholasticism. A valid law book in the Catholic Church until 1917, the *Decretum* was hugely influential on both secular and ecclesiastical legislation. Its influence is still felt in many legal fields. In the law of marriage, for example, Gratian's work represented a synthesis and development of earlier law which still forms the background for modern law in all western countries, in Gratian's insistence that the bride also agrees to the union as well as in other aspects.

Despite its importance both for medieval history and for legal history to this day, Gratian's *Decretum* is very difficult to approach. The text has not been edited since 1879, when Emil Friedberg published the now commonly used edition, which labors from many short-comings. In particular, Friedberg's text takes no account of the early version of the *Decretum* ("the first recension") discovered only in the 1990s. This early text presents Gratian's thoughts more clearly and more exactly, and it is thus essential for understanding his contribution to the legal history of Europe. At present, however, this text is only accessible through laborious study of twelfth-century manuscripts.

The task to produce a new edition has been hampered by the fact that the work is preserved in more than 600 medieval manuscripts, spread out in libraries all over Europe. The necessary work of careful comparison among manuscripts is made very difficult by this great dispersion, but digital high-resolution photos will greatly facilitate the task.

Goals: Professor Winroth's project to produce a new edition, including for the first time a complete translation into English, is based on utilizing digital photos of 15 manuscripts with 8828 pages. The project will proceed in two steps, first editing the first recension, which is reasonably manageable in a small number of manuscripts, and has already begun with two manuscripts. That text will then serve as the foundation for an edition of the second recension on the basis of eleven selected manuscripts. The project presupposes access to these manuscripts in

high-resolution digital photos, making the immediate comparison among them viable in a way that has never been possible before.

The comprehensive editing methodology is as follows:

The first step in the project is to edit the first recension. That edition will be based, in the first place, on a complete collation of the first-recension manuscripts. The edition will give full account of all non-trivial variants in these manuscripts. Each of the manuscripts suffers from deficiencies; they may be incomplete because of the loss of pages (Barcelona, Florence, Paris), they are sloppily copied (Florence), they are interpolated with readings from the second recension (Admont, St. Gall), and they have been abbreviated by a redactor (St. Gall). For that reason, while editing the first recension, it will be essential to perform many spot checks in early second-recension manuscripts, which often preserve first-recension readings (see Winroth, *The Making of Gratian's Decretum*, 128-130). There will be many problematic places in the edition where, in addition to all the first-recension witnesses, Professor Winroth will also cite the reading of selected second-recension manuscripts. No scholar has ever systematically investigated the question of first-recension survivals in second-recension manuscripts, so Professor Winroth expects to extend his examination to a further dozen manuscripts at a later time.

The work on the edition consists of several separable components, all of which are, however, essential for the completion of the project. For each of the 1,860 chapters in the first recension, the text and its sources need to be identified. The legal text and its original author (church council, pope, church father, or secular legislation; the “material source” in the Aristotelian terminology of the field) should be identified, as well as the most up-to-date edition of the source. This entails starting with the results of centuries of research, checking those results against modern editions, and – as necessary – conducting searches in modern databases. This is very advanced work that requires a well trained graduate student who reads at least Latin, French, and German. Gratian’s immediate sources (“formal sources”), the book he used to find the texts that had been written centuries before his time, also requires examination, for Gratian very seldom took his texts directly from the material sources. Any oddities in Gratian’s text may be explained through oddities in his immediate source. The work here is differently organized from the work on the material sources, in that the main source will be a database covering the contents of more than a hundred early medieval legal collections, in addition to some ten editions, transcriptions, or images of medieval manuscripts containing relevant texts.

For all of this editorial work, a digital tool is required that would make it possible to call up multiple images, to mark up the digital images, to identify texts, to highlight special difficulties such as textual variant readings, and to identify paleographical and codicological anomalies. This tool would be readily accessed through the Internet, making collaboration with canon law experts around the world possible.

This project has already begun and would be folded into the Phase II agenda as soon as the digital images are received from repositories and the tools are installed.

To produce a camera-ready edition with several apparatus, the project will draw advantage of the flexible possibilities of Classical Text Editor (<http://www.oeaw.ac.at/kvk/cte/>).

Deliverables: In addition to presenting a paper on the digital aspects of his project in May 2014 at the International Congress on Medieval Studies at Western Michigan University in Kalamazoo, Professor Winroth will present a paper at the quadrennial International Congress of Medieval Canon Law in Paris in 2016. He anticipates that he will complete approximately one-third of the editorial and source (both material and formal) work on the first recension of the *Decretum* by the conclusion of the grant period.

The multi-up viewer will be thoroughly tested and additional use cases will be contributed to its further development.

Preliminary list of manuscripts

First recension

Admont, Stiftsbibliothek 23 (Aa; 592 pp.)

Admont, Stiftsbibliothek 43 (Aa; 684 pp.)

Barcelona, Arxiu de la Corona d' Aragó, Ripoll 78 (Bc; 360 pp.)

Florence, Biblioteca Nazionale Centrale, Conv. Soppr. A.1.402 (Fd; 362 pp.)

Munich, Bayerische Staatsbibliothek, clm 22272, fos. 117r-122r (Mw; fragment of abbreviation)

Paris, Bibliothèque Nationale lat. 3884, fo. 1 (Pfr; fragment)

Paris, Bibliothèque Nationale n.a.l. 1761 (P; 316 pp.)

Second recension

Biberach, Spitalarchiv B 3515 (Bi; 706 pp.)

Bremen, Staats- und Universitätsbibliothek a. 142 (Br; 466 pp.)

Cambridge, Mass., Harvard Law School Library Ms. 64 (Cd; 404 pp.)

Cambridge, U.K., Gonville and Caius College 6 (Cg; 530 pp.)

Mainz, Stadtbibliothek II 204 (Mz; 564 pp.)

Montecassino, Biblioteca abbatale II 64 (Mv; 536 pp.)

Munich, Bayerische Staatsbibliothek clm 4505 (Mc; 626 pp.)

Munich, Bayerische Staatsbibliothek clm 28161 (Mk; 644 pp.)

Paris, Bibliothèque Nationale lat. 3884 (Pf; 474 + 344 pp., bound in 2 volumes)

Paris, Bibliothèque Nationale lat. 3890 (Pk ; 744 pp.)

Salzburg, Stiftsbibliothek St. Peter a XI.9 (Sb; 634 pp.)

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