GRATIAN AND THE SCHOOL OF LAON

By JOHN WEI

Gratian, the "Father of the Science of Canon Law," had at least a passing familiarity with the scholastic theology of the early twelfth century.[1] His *Concordia discordantium canonum* or *Decretum* displays a knowledge of many doctrines debated and discussed in the schools of northern France and also employs the dialectical method for reconciling contradictory authorities pioneered by the scholastics. How did Gratian become acquainted with these methods, doctrines, and ideas? What written sources, if any, introduced him to early scholastic theology?

Ever since Stephan Kuttner's groundbreaking article on Gratian's theological sources, there has been widespread agreement that the sentence collections attributed to the school of Laon provide no answers to these questions.[2] Instead, scholars have looked to other sources to explain Gratian's knowledge of early scholastic theology, in particular, the writings of Peter Abelard and Hugh of St. Victor.[3] In this article, I would like to reexamine

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[1] Stephan Kuttner, "The Father of the Science of Canon Law," *The Jurist* 1 (1942): 2–19, first coined this phrase.

This article will employ the following abbreviations: *AHDLMA = Archives d'histoire doctrinale et littéraire du moyen âge*; *BMCL = Bulletin of Medieval Canon Law*, n.s.; *RDC = Revue de droit canonique*; *RTAM = Recherches de théologie ancienne et médiévale*; *ZRG KA = Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Kanonistische Abteilung.

[2] Stephan Kuttner, "Zur Frage der theologischen Vorlagen Gratians," *ZRG KA* 23 (1934): 243–68; repr. in Kuttner, *Gratian and the Schools of Law, 1140–1234* (London, 1983). Cf. Franz Placidus Bliemetzrieder, "Gratian und die Schule Anselms von Laon," *Archiv für katholisches Kirchenrecht* 112 (1932): 37–63.

[3] For speculation on Gratian's relationship to Abelard, see Heinrich Denifle, "Die Sentenzen Abaelards und die Bearbeitungen seiner Theologia vor Mitte des 12. Jhs.," *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 1 (1885): 402–624, at 619–20; Friedrich Thaner, *Abälard und das canonische Recht* (Graz, 1900); Joseph de Ghellinck, *Le mouvement théologique du XIIe siècle*, 2nd rev. ed. (Bruxelles, 1948), esp. 207, 494–95; D. E. Luscombe, *The School of Peter Abelard: The Influence of Abelard's Thought in the Early Scholastic Period* (Cambridge, 1969), 214–23; Christoph H. F. Meyer, *Die Distinktionstechnik in der Kanonistik des 12. Jahrhunderts: Ein Beitrag zur Wissenschaftsgeschichte des Hochmittelalters* (Leuven, 2000), 174–77. For speculation on Gratian's relationship to Hugh, see Kuttner, "Zur Frage," esp. 268; Giuseppe Mazzanti, "Graziano e Rolando Bandinelli," in *Studi di storia del diritto*, vol. 2 (Milan, 1999), 79–103; Anders Winroth, "Neither Slave nor Free: Theology and Law in Gratian's Thoughts on the Definition of Marriage and Unfree Persons," in *Medieval Church Law and the Origins of the Western Legal Tradition: A Tribute to Kenneth Pennington*, ed. Wolfgang P. Müller and Mary E. Sommar (Washington, DC, 2006), 97–109, at 103–5.

the relationship between Gratian and the school of Laon. I will focus on the first-recension *Decretum*, since its author — whom I will call Gratian — was probably not the same person as the redactor of the more widely diffused and significantly enlarged version of this work edited by Emil Friedberg[4] and now generally referred to as the second recension.[5] Based on new manuscript research, I will show that Gratian probably knew and used *Deus itaque summe*, a sentence collection associated with the school of Laon.[6] The tracts on charity and penance of this work were major sources for distinctions 2 and 3 of the *De penitentia* (= C.33 q.3 of Gratian's *Decretum*). Not only did Gratian use them as a source for patristic texts, he also incorporated excerpts from these tracts into his *dicta*. Gratian's extensive use of *Deus itaque summe*, I will argue, shows that the school of Laon exercised a significantly greater influence on his intellectual formation than previously suspected, particularly with regards to his dialectical method. Although scholars usually claim that Gratian's knowledge of the scholastic method derives from Abelard's *Sic et non*, I hope to show that there are equally — if not more — cogent reasons for connecting it to *Deus itaque summe* and the school of Laon.[7]

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[4] Emil Friedberg, ed., *Decretum magistri Gratiani*, vol. 1 of *Corpus iuris canonici* (Leipzig, 1879; repr. Union, NJ, 2000).

[5] For the two recensions of the *Decretum* and the existence of two Gratians, see Anders Winroth, *The Making of Gratian's* Decretum (Cambridge, 2000). For arguments that MSS Florence, Biblioteca Nazionale Centrale, Conv. Soppr. A.1.402 (= **Fd**) and St. Gall, Stiftsbibliothek 673 (= **Sg**) preserve additional stages in the redaction of the *Decretum* beyond the two recensions, see Carlos Larrainzar, "El Decreto de Graciano del códice Fd (= Firenze, Biblioteca Nazionale Centrale, Conventi Soppressi A.1.402): In memoriam Rudolf Weigand," *Ius ecclesiae* 10 (1998): 421–89; Larrainzar, "El borrador de la 'Concordia' de Graciano: Sankt Gallen, Stiftsbibliothek MS 673 (=Sg)," *Ius Ecclesiae: Rivista internazionale di diritto canonico* 11 (1999): 593–666; Atria A. Larson, "The Evolution of Gratian's *Tractatus de penitentia*," *BMCL* 26 (2004–5): 59–123. For arguments against Larrainzar's hypotheses, see Anders Winroth, "Le manuscrit florentin du Décret de Gratien: Une critique des travaux de Carlos Larrainzar sur Gratien," *RDC* 51 (2001): 211–31; Winroth, "Recent Work on the Making of Gratian's *Decretum*," *BMCL* 26 (2004–5): 1–27; John Wei, "A Reconsideration of St. Gall, Stiftsbibliothek 673 (Sg) in light of the Sources of Distinctions 5–7 of the *De penitentia*," *BMCL* 27 (2007): 141–80; Jean Werckmeister, "Le manuscrit 673 de Saint-Gall: Un Décret de Gratien primitif?" *RDC*, forthcoming.

[6] For the relationship between *Deus itaque summe* and the school of Laon, as well as a list of manuscripts containing this sentence collection, see below. On the school of Laon in general, see most recently and most comprehensively Cédric Giraud, *Per verba magistri: Anselme de Laon († 1117) et son école* (Turnhout, forthcoming). Cf. Valerie Flint, "The 'School of Laon': A Reconsideration," *RTAM* 43 (1976): 89–110; repr. in Flint, *Ideas in the Medieval West: Texts and Their Contexts* (London, 1988); Marcia L. Colish, "Another Look at the School of Laon," *AHDLMA* 53 (1986): 7–22; repr. in Colish, *Studies in Scholasticism* (Aldershot, 2006); Colish, *Peter Lombard*, 2 vols. (Leiden, 1994), 1:42–47.

[7] Denifle, "Die Sentenzen Abaelards und die Bearbeitungen seiner Theologia," 619–20: "Es entbehrt nicht der Wahrscheinlichkeit, dass Abaelards Methode auch Gratian bei

The following article will consist of two parts. Part 1 will provide an introduction to *Deus itaque summe* and discuss the evidence that it was one of Gratian's formal sources. I use the term "formal source" to designate the immediate collection or work from which Gratian took a text, for instance, the canonical collection of Anselm of Lucca. I use the term "material

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Ausarbeitung seines Decretes beeinflusst hat. Er wollte ein Werk liefern, welches eine Concordia discordantium Canonum sei und die zwischen früheren Canones herrschenden Contrarietates zur Darstellung bringen und auflösen sollte. Dabei wendet er dasselbe Prinzip an, welches vor Gratian Abaelard in seinem Prolog zum Sic et Non aufgestellt hat . . . Dass Gratian mit Abaelards Schriften bekannt sein konnte, liegt nun ausser allem Zweifel, denn wir wissen jetzt, dass dieselben um jene Zeit, in der Gratian das Decret in Bologna ausarbeitete, in Bologna gelesen und benützt wurden"; Thaner, *Abälard und das canonische Recht*, 24: "Aber es sind der Berührungspunkte zwischen dem Prologe zu Sic et Non und dem Decretum Gratiani zu viele, als daß nicht eine unmittelbare Benützung des ersteren anzunehmen wäre"; Gabriel Robert, *Les écoles et l'enseignement de la théologie pendant la première moitié du XIIe siècle* (Paris, 1909), 177–78: "Mais beaucoup plus remarquable est l'influence exercée par la méthode du *Sic et Non* sur le Décret de Gratien. H. Denifle, et, après lui, Kaiser, avaient déjà attiré l'attention sur ce point. Depuis, F. Thaner a démontré, d'une manière plus complète, cette influence . . . Aussi, après toutes ces remarques, appuyées sur des références précises, Thaner conclut-il que les points de contact entre le *Sic et Non* et le *Decretum Gratiani* sont si nombreux, qu'on est obligé de reconnaître dans le Décret, une utilisation immédiate du *Sic et Non*"; Kuttner, "Zur Frage," 268: "Mehr als die Möglichkeit einer solchen Zurückführung auf Abaelard und Hugo läßt sich freilich ohne breiteres Studium der vorgratianischen Theologie positiv nicht behaupten. Und auch wenn Gratian — *was ich für wahrscheinlich halte* — die Werke Abaelards und Hugos ausgeschöpft haben sollte, so sind wir darum noch nicht der Nachforschung nach weiteren Quellen seiner theologischen Ausführungen enthoben" (emphasis mine); de Ghellinck, *Le mouvement théologique*, 494: "Cette influence des idées d'Abélard sur le *Decretum* ou la *Concordia* de Gratien avait déjà été constatée par Denifle; mais ici, comme souvent ailleurs, il a laissé à d'autres le soin de vérifier la justesse de ses intuitions ou d'en tirer parti. C'est le savant canoniste autrichien, Fr. Thaner, qui s'est chargé de montrer dans le détail les points de contact entre la première partie du *Corpus Iuris* et la préface du *Sic et Non*. Non pas, croyons-nous, qu'il ait établi le fait d'un emprunt direct; c'est là une question qu'il serait trop long d'examiner ici. Ce que Thaner a établi sans conteste, et ce qui nous suffit dans l'exposé présent, c'est l'utilisation du procédé nouveau introduit par Abélard"; Meyer, *Die Distinktionstechnik*, 176–77: "Landaus Erkenntnisse über die Rezeption von Material des *Sic et Non*, verbunden mit den zuvor behandelten methodischen Überschneidungen, sprechen für eine Umkehrung der Beweislast zugunsten der Theorie Thaners, die in ihrer Kernaussage entscheidend an Wahrscheinlichkeit gewinnt. — Unter Umständen, das hatte ebenfalls schon Thaner angedeutet, war es nicht allein das *Sic et Non*, das Gratian zu seinen Distinktionen anregte, sondern noch ein anderes oder mehrere Werke Abaelards. Eine Möglichkeit, die angesichts der zahlreichen, unter anderem semantischen Distinktionen in den Werken des heterodoxen Theologen nicht auszuschließen ist. Auch auf stilistisch-formaler Ebene spricht manches dafür, daß Gratian über das *Sic et Non* hinaus noch mit anderen Schriften Abaelards in Kontakt gekommen und von ihnen in seiner Distinktionstechnik beeinflußt worden ist. Vielleicht geht dies alles auf dialektische Einflüße zurück, denen der Theologe Gratian in jüngeren Jahren während eines Frankreichaufenthalts ausgesetzt war."

source" to designate the original source from which a text was excerpted, for instance, Ambrose's *Exameron*. Part 2 will examine Gratian's dialectical method and set out the reasons for linking its origins to *Deus itaque summe* and the school of Laon.

PART 1: THE EARLY SCHOLASTIC SENTENCE COLLECTION
DEUS ITAQUE SUMME

In 1934 Stephan Kuttner drew attention to an Italian manuscript containing a greatly supplemented version of the *Sententie magistri A.*: Florence, Biblioteca Medicea Laurenziana, Plut. V sin 7 (= **F**).[8] Fols. 70r^a–84r^b of this manuscript display remarkable affinities with the tract *De penitentia* of Gratian's *Decretum*. Not only do these folios contain canons not found in any other known florilegium, pre-Gratian canonical collection, or the *Glossa ordinaria* to the Bible (often in the same order and abbreviated in the same fashion), they also contain several *dicta Gratiani* (see Tables 1–4).

TABLE 1

F, fol. 73r^a–b	*De pen.* D.2 (**Fd**, fol. 92r^b)
Augustinus super Genesim ad litteram.	(c.31) Unde Augustinus in Genesi ad litteram.
Quomodo renouati dicimur . . . per peccatum lapsus est primus homo. Et paulo post. Expoliantes ueterem hominem . . . Adam per peccatum. Et post pauca. Stola illa prima . . . lapsus est Adam.	Quomodo renouari dicimur . . . per peccatum lapsus est. Et paulo post. Expoliantes ueterem hominem . . . Adam per peccatum. Et post pauca. Stola illa prima . . . lapsus est Adam.
Idem in homilia XI. Princeps uitiorum omnium . . . suo dominio subiugauit. Et paulo post. Amissa temperantia, intemperans factus est.	(c.32) Idem in omelia undecima. Princeps uitiorum omnium . . . suo dominio eum subiugauit. Et paulo post. Adam amissa temperantia . . . malus inuentus est.
Illud idem ad Iulianum comitem, licet per alia uerba. His auctoritatibus habemus Adam ante peccatum habuisse caritatem et post perdidisse.	*deest*
Ambrosius ad Sabinum. Quando Adam solus . . . eius adherebat deo.	(c.33) Item Ambrosius ad Sabinum. Quando Adam solus . . . eius adherebat deo.
deest	(c.34) Idem ad eundem. Primus homo quia . . . complantatus erat uirtutibus.

Idem < in > Exameron. Illa anima a . . . lapsus est deposuit.	(c.35) Idem in Exameron. Illa anima a . . . lapsus est deposuit.
Idem de fuga seculi. Similem dei esse . . . uirtute esse perfectum.	(c.36) Idem de fuga seculi. Similem esse dei . . . uirtute esse perfectum.
Idem de uita beata. Sapiens numquam inanis . . . nudus inuentus est.	(c.37) Idem de uita beata. Sapiens numquam inanis . . . nudus inuentus est.
Idem in libro de Ysaac et anima. Sed nec Adam . . . quem innocentia uestiebat.	(c.38) Idem in libro de Ysaac et anima. Set nec Adam . . . quem innocentia uestiebat.
Idem in libro de paradiso. Et cognouerunt quia . . . sine tegumento uirtutum.	(c.39) Idem in libro de paradiso. Ut cognouerunt quia . . . sine uirtutum tegumento.
Postremo opponitur illud quod omnis clamat auctoritas. Si sic mansis < s > et, ut erat ante peccatum, esset translatus in gloriam quam habituri sunt sancti. Set nemo adultus sine caritate intrat. . . .	(d.p.c.39) Opponitur etiam illud quod omnis clamet auctoritas. Si sic mansisset, ut erat ante peccatum, es < se > t translatus in gloriam quam habituri sunt sancti. Set nemo adultus sine caritate intrat. . . .

TABLE 2

F, fol. 73v^{a-b}	De pen. D.2 (**Fd**, fol. 92r^{a-b})
	(d.p.c.24) Hec itaque caritas que in Petro ante negationem herba fuit, et in singulis nascitur antequam roboretur, ante sui perfectionem amittitur et
Augustinus de correctione et gratia. Quicumque ab illa . . . reliquerant redeunt etc.	reparatur. Unde Augustinus in libro de correctione et gratia: Quicumque ab illa . . . reliquerant redeunt etc.
In eodem. Firmum fundamentum dei . . . finem perseuerante deputantur.	(c.25) In eodem. Firmum fundamentum dei . . . finem perseuerantia deputantur.
Idem in eodem. Nullus eorum ex . . . finem hanc uitam.	(c.26) In eodem. Nullus eorum ex . . . finit hanc uitam.
In eodem. Talibus deus diligentibus . . . in bonum etc.	(c.27) In eodem. Talibus deus diligentibus . . . in bonum.
Ad Galathas. Circumcisio non est . . . et ex dilectione.	(c.28) Item Apostolus ad Galathas. Circumcisio non est . . . et ex dilectione.
Item ad Hebreos. Non est tam . . . operis uestri etc.	(c.29) Item ad Ebreos. Non est tam . . . operis uestri etc.
Operis quod omnia sua fecerunt communia, et hoc ex dilectione, et hoc ad gloriam dei. Ecce triplex bonum. Quasi diceret: olim multa operati estis pro quibus et si penitetis de malis benefaciet uobis deus.	(d.p.c.29) Operis quod omnia sua fecerunt communia, et hoc ex dilectione, et hoc ad gloriam dei. Ecce triplex bonum. Quasi diceret: olim multa operati estis pro quibus si penitetis de malis benefaciet uobis deus.

TABLE 3

F, fols. 73v^b–74r^a	*De pen*. D.2 (**Fd**, fol. 93v^a)
De reprobis etiam qui caritatem habuisse uidentur, Augustinus de correctione et gratia.	(d.p.c.40) De reprobis etiam uidendum est quare ipsi caritatem habeant, qua amissa postea dampnentur. De his ita scribit Augustinus in libro de correctione et gratia.
Apostolus sciens nonnullos . . . u < ocati > s < unt > s < ancti > etc. In eodem. An adhuc et . . . perseuerantiam non accepi. In eodem de eisdem. In bono illos . . . eo non permanserunt. In eodem. Propter huius utilitatem . . . postea cadere etc.	(c.41) Apostolus sciens nonnullos . . . uocati sunt etc. In eodem. An adhuc et . . . perseuerantiam non accepi. In eodem. In bono illos . . . eo non permanserunt. In eodem. Propter huius utilitatem . . . postea cadere etc.
In eodem. Multa similia de reprobis de euangelio etiam: qui perseuerauerit usque in finem etc. Et iterum: homo iste incepit etc.	(d.p.c.41) Multa similia de reprobis de euangelio etiam: qui perseuerauerit usque in finem. In eodem: etc. Et iterum: homo iste incepit etc.

TABLE 4

F, fol. 75r^b–v^a	*De pen*. D.2 (**Fd**, fol. 92r^a)
Augustinus de gratia et libero a < rbitrio > . Qui uult facere . . . nemo habet etc. Et paulo post. Ipsam caritatem apostolus . . . pro te ponam. Quod autem caritas sit et perfecta et imperfecta, Augustinus super epistolam Iohannis. Si quis tantam . . . et mori lucrum.	(c.16) Hinc etiam Augustinus ait in libro de gratia et libero arbitrio. Qui uult facere . . . nemo habet etc. Et paulo post. Ipsam caritatem apostolus . . . pro te ponam. Idem super epistolam Iohannis. Si quis tantam . . . et mori lucrum.
In eadem. Forte nata est . . . ne forte suffocetur.	(c.18^9) In eadem. Forte nata est . . . ne forte suffocetur.
In eadem. Crescit caritas, minuitur timor et econuerso.	(c.17) In eadem. Sicut seta introducit linum, ita timor caritatem. Crescit caritas, minuitur timor et econuerso.
Idem ad Ieronimum. Karitas in quibusdam . . . haberi non potest.	(c.19) Idem ad Ieronimum. Caritas in quibusdam . . . haberi non potest.
Gregorius. Si sermo meus . . . cupiditatum ligna consumat.	(c.20) Item Gregorius. Si sermo meus . . . cupiditatum ligna consumat.

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[9] In early manuscripts of the *Decretum*, including the first-recension manuscripts **Aa** and **Fd**, c. 18 appears before c.17.

Kuttner believed that these extensive textual parallels were probably due to Gratian's use of a version of the *Sententie magistri A.* akin to **F**. He did not try to prove his hypothesis, however, leaving open the possibility that **F** might contain "a plagiarized, post-Gratian reworking" of the *De penitentia*.[10]

Only many decades later did another scholar revisit this problem. In his 1992 study of Gratian and the *Sententie magistri A.*, Peter Landau argues that the similarities between **F** and the *De penitentia* must be due to Gratian's dependence on a version of the *Sententie magistri A.* akin to **F**, not to **F**'s dependence on the *De penitentia*. Landau points out that, with but one exception, canons in distinctions 2–4 of the *De penitentia* never appear in both **F** and the *Collection in Three Books* (= 3L) (one of Gratian's known formal sources).[11] According to Landau, this non-overlap of canons rules out the possibility that **F** is an abbreviation of the *De penitentia*, since it is unthinkable that, in excerpting from the *De penitentia*, the compiler of **F** could have omitted almost all the canons deriving from the 3L by mere chance. Gratian thus had to have copied texts from **F** or a closely related source.[12]

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[10] Kuttner, "Zur Frage," 251–52: "So kann die Frage auftauchen, ob die weitgehende Verwandtschaft zwischen den besonderen Teilen des Cod. S. Crucis, dessen Schrift auf die Mitte des 12. Jahrhunderts weist, und dem tract. de poen. Gratians nicht umgekehrt erklärt werden muß: daß hier eine plagiatorische, nachgratianische Umarbeitung der Sent. Mag. A. vorliegt, die aus Gratian und aus anderen theologischen Sentenzenwerken schöpft. Zum mindesten lassen alle genannten Auffälligkeiten des Cod. S. Crucis — Verbindungstexte, die sonst nicht überliefert sind und streckenweise mit Gratian übereinstimmen, vier Titel mehr als die anderen Hss., häufige Doppelüberlieferung patristischer Texte in verschiedenen Formem — es als sehr bedenklich erscheinen, die Abschnitte de caritate und de poenitentia als echte Bestandteile der ursprünglichen Sent. Mag. A. anzusehen. Erst eine vergleichende Analyse der übrigen Titel in allen Hss. der Sentenzen wird aber ergeben können, welche Überlieferung die echte sei. Vorher können die Einschübe des Cod. S. Crucis jedenfalls nicht mit Sicherheit als Quelle für den tractatus de poenitentia in Anspruch genommen werden."

[11] Joseph Motta, ed., *Collectio canonum trium librorum*, 2 vols. (Vatican City, 2005–8). On Gratian's main formal sources, see Peter Landau, "Neue Forschungen zu vorgratianischen Kanonessammlungen und den Quellen des gratianischen Dekrets," *Ius Commune* 11 (1984): 1–29; repr. in Landau, *Kanones und Dekretalen: Beiträge zur Geschichte der Quellen des kanonischen Rechts* (Goldbach, 1997), 177*–205*, with retractations at 475*–77*; Landau, "Quellen und Bedeutung des gratianischen Dekrets," *Studia et Documenta Historiae et Iuris* 52 (1986): 218–35; repr. in Landau, *Kanones und Dekretalen*, 207*–24*, with retractations at 477*–79*.

[12] Peter Landau, "Gratian und die Sententiae Magistri A," in *Aus Archiven und Bibliotheken: Festschrift für Raymund Kottje zum 65. Geburtstag*, ed. Hubert Mordek (Frankfurt am Main, 1992), 311–26, at 321–22; repr. in Landau, *Kanones und Dekretalen*, 161*–76*, at 171*–72*: "Dieser Tatbestand erlaubt nun eine Schlußfolgerung zu dem von Kuttner aufgeworfenen Problem, ob die Sentenzen in der Form von MS F Quelle Gratians oder plagiatorische Erweiterung aufgrund von Gratian gewesen sind. Sofern nämlich ein Abschreiber

Landau's argument would be clinching were it not for two methodological flaws. First, he assumes that canons deriving from the 3L belong to the original form of distinctions 2–4 of the *De penitentia*, that they are not later additions. This assumption was perfectly reasonable in 1992. Thanks to Anders Winroth's discovery that the *Decretum* exists in two recensions, however, we now know that it is also incorrect.[13] Canons deriving from the 3L are completely absent from distinctions 2–4 of the first-recension *De penitentia*, not appearing until the second recension. The non-overlap of canons in **F** and the 3L thus need not imply Gratian's dependence on the texts preserved in **F**. It is equally conceivable that the texts preserved in **F** abbreviate the first-recension *De penitentia*.

The second problem with Landau's approach is that he treats **F** as a unitary work rather than as a collection of texts drawn from disparate sources. In the secondary literature, **F** is invariably described as an expanded version (*erweiterte Fassung/Form*) of the *Sententie magistri A*. Although not incorrect, this description is nevertheless misleading, since it conceals the fact that **F** is a composite manuscript containing not just the *Sententie magistri A.*, but also long excerpts from other early scholastic sentence collections, in particular *Deus non habet* and *Deus itaque summe* (see Table 5).

TABLE 5

F	Source
1r^a–9v^a	*Sententie magistri A*. 1–72 (*De trinitate*)
9v^b–11r^a	*Sententie magistri A*. 73–90 (*De angelis*)
11r^a–13v^a	Excerpts from the tract on angels of *Deus non habet*
13v^b–31r^b	The rest of *Deus non habet* in its entirety
31r^b–32v^b	*Quia de peccato* (tract on sin of *Deus itaque summe*)
32v^b–43r^a	*Sententie magistri A*. 387–525 (*De baptismo et manu impositionis*) followed by the beginning of the tract on baptism of *Deus itaque summe*
44r^a–61v^b	Beginning of *Sed prius est videndum* (the tract on marriage of *Deus itaque summe*) followed by *Sententie magistri A*. 165–386 (*De matrimonio*)

der *Sententiae* Magistri A. diese theologischen Traktate durch Exzerpte von Poenitential-texten aus Gratian erweitern wollte, so wäre anzunehmen, daß er aus D. 2 und 3 von *De poenitentia* auch solche Kapitel geholt hätte, die Gratian aus der Drei-Bücher-Sammlung bezogen hatte. Die klare Abgrenzung der Texte aus F und aus den Drei Büchern in D. 2 und 3 bei Gratian kann man nur so erklären, daß der Kompilator dieser Distinktionen die beiden anderen Sammlungen als Textmagazine vor sich hatte, so daß auszuschließen ist, daß eine der Sammlungen ihrerseits auf Gratian beruhte. Es ist offenbar die *erweiterte* Fassung der Sentenzen des Magisters A. gewesen, die der Dekretkomposition in einzelnen Teilen zugrunde gelegen hat, sei es nun F selbst oder eine andere damit eng verwandte Handschrift. Jedenfalls verdient F für die Textkritik des Gratianischen Dekrets besondere Beachtung."

[13] Winroth, *The Making of Gratian's* Decretum.

62r^a–68v^b	*Sententie magistri A.* 526–574 (*De eucharistia*)
69r^a–70r^a	*Sententie magistri A.* 691–699 (*De caritate*)
70r^a–72v^a	Sentences on penance and charity
72v^b–76r^b	*Ut autem hoc evidenter* (tract on charity of *Deus itaque summe*)
76v^a–78r^b	The treatise *Augustinus in libro vite*
78r^b–82r^b	More sentences on penance and charity
82r^b–84r^b	*Baptizato homine* (tract on penance of *Deus itaque summe*)
84r^b–85r^b	*Est autem alius* (tract on almsgiving of *Deus itaque summe*)
85r^b–87v^b	*Sermo de penitentia* (extract from Hugh of St. Victor's *De sacramentis*)
88r^b–92v^b	*Sententie magistri A.* 575–606 (*De excellentia sacrorum ordinum*)
92v^b–113v^a	Miscellaneous texts

Deus non habet and *Deus itaque summe* remain largely unknown, even to specialists in early scholastic theology.[14] No edition or published transcription exists for either work, nor have previous scholars ever studied their closely intertwined manuscript traditions. In the secondary literature, most scholars refer to *Deus non habet* and *Deus itaque summe* collectively as *Deus summe atque ineffabiliter bonus*, after the atypical incipit found in Munich, Bayerische Staatsbibliothek, Clm 22307, fols. 86r–118r (= **N**), the manuscript in which Heinrich Weisweiler first came across *Deus itaque summe*.[15] (Only **N** omits "itaque" in the incipit.) Because both sentence collections preserve largely the same text, Weisweiler regarded manuscripts of *Deus non habet* and *Deus itaque summe* as "Überlieferungen" of the same work, *Deus summe*, and did not bother to differentiate between the two in his studies.[16] Despite this methodological flaw, however, Weisweiler was still able to prove that the basic text of *Deus summe*, i.e., the text common to *Deus non habet* and

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[14] The following manuscripts contain most or all of *Deus non habet*: **A** = Cambrai, Bibliothèque Municipale 339 (321), fols. 1v–25v; **F** = Florence, Biblioteca Medicea Laurenziana, Plut. V sin 7, fols. 11v^a–32v^b; **K** = Munich, Bayerische Staatsbibliothek, Clm 4631, fols. 116v–147v; **T1** = Troyes, Bibliothèque Municipale, lat. 1180, fols. 94v–100r; **W** = Vienna, Nationalbibliothek, Series nova 3602 (*olim* Lambach, Bibliothek des Benediktinerstifts, cod. LXXXVI), fols. 1r^a–19v^b. The following manuscripts contain all or the majority of the basic text of *Deus itaque summe*: **D** = Como, Biblioteca Seminario, Morimondo 15, fols. 41r^b–55v^a; **G** = Florence, Biblioteca Medicea Laurenziana, Acq. e Doni 276, fols. 1r^a–32r^b; **H** = Fulda, Hessische Landesbibliothek, Aa 36 4°, fols. 7r^a–30v^a; **N** = Munich, Bayerische Staatsbibliothek, Clm 22307, fols. 86r–118r; **R** = Prague, Národní knihovna České Republiky, XXIII E 45 (unfoliated). An additional manuscript (**L** = Oxford, Bodleian Library, Lyell 40, fols. 47v–52r) contains only the beginning of *Deus itaque summe*.

[15] Heinrich Weisweiler, "L'école d'Anselme de Laon et de Guillaume de Champeaux: Nouveaux documents," *RTAM* 4 (1932): 237–69, 371–91, at 376–88.

[16] Weisweiler, "Die Arbeitsweise der sogenannten *Sententiae Anselmi*: Ein Beitrag zum Entstehen der systematischen Werke der Theologie," *Scholastik* 34 (1959): 190–232, at 192–93.

Deus itaque summe, predates most if not all the Laon sentence collections and that it was a major source (in some cases *the* major source) for four sentence collections belonging to the school of Laon: *Principium et causa omnium* (the so-called *Sententie Anselmi*), the *Sententie Berolinenses*, *Deus de cuius principio*, and the Klagenfurt Sentences.[17]

My own study of the manuscript traditions of *Deus non habet* and *Deus itaque summe* makes it clear that *Deus non habet* is the earlier sentence collection. *Deus non habet* provides a semi-systematic discussion of questions dealing with angels, the creation of man, the creation of the world, the Fall, the will of God, and original sin. Unlike most other sentence collections attributed to the school of Laon, *Deus non habet* paraphrases patristic texts relatively infrequently. Instead, it usually quotes authorities verbatim and at great length.

Deus itaque summe incorporates most of *Deus non habet* wholesale, rearranging and abbreviating only a few portions. The main difference between *Deus itaque summe* and *Deus non habet* lies not in *Deus itaque summe*'s handling of the material copied from *Deus non habet*, but rather in its incorporation of new material. All complete manuscripts of *Deus itaque summe* include a tract on charity (*Ut autem hoc evidenter . . . predestinatorum dictum est*) identical to the treatise found on fols. 72v^b–76r^b of **F**. Four of the five manuscripts containing the complete basic text of *Deus itaque summe* and one of the two manuscripts containing only the beginning of the basic text append a tract on penance (*Baptizato homine . . . se ignorare dicunt*) identical to the treatise found on fols. 82r^b–84r^b of **F**.[18] Most of these manuscripts also include additional tracts on the Trinity, sin, baptism, almsgiving, eucharist, and marriage, several of which are found on other folios of **F** (see Table 5).

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[17] Weisweiler, "Die Arbeitsweise der sogenannten *Sententiae Anselmi*," 190–232; Weisweiler, "Die frühe Summe *Deus de cujus principio et fine tacetur*, eine neue Quelle der *Sententiae Anselmi*: Das Wachsen der scholastichen Angelologie und Anthropologie aus patristischem Denken," *Scholastik* 35 (1960): 209–43; Weisweiler, "Wie entstanden die frühen *Sententiae Berolinenses* der Schule Anselms von Laon? Eine Untersuchung über die Verbindung von Patristik und Scholastik," *Scholastik* 35 (1960): 321–70; Weisweiler, "Die Klagenfurter Sentenzen *Deus est sine principio*, die erste Vorlesung aus der Schule Anselms von Laon: Zum Werden der frühscholastischen Lehre von Schöpfung und Fall, Erlösung und christlicher Moraltheologie," *Scholastik* 36 (1961): 512–49. For editions of all but the Klagenfurt sentences, see Franz Placidus Bliemetzrieder, ed., *Anselms von Laons systematischen Sentenzen* (Münster, 1919); Friedrich Stegmüller, "Sententiae Berolinenses: Eine neugefundene Sentenzensammlung aus der Schule des Anselm von Laon," *RTAM* 11 (1939): 33–61; Weisweiler, "Le recueil 'Deus de cuius principio et fine tacetur' et son rémaniement," *RTAM* 5 (1933): 245–74.

[18] *Baptizato homine* (the tract on penance) is not found in **N**, but is present in **L**, a manuscript containing only the beginning of the basic text of *Deus itaque summe*.

In what follows, I will show that the striking similarities between **F** and the *De penitentia* are due in large part to Gratian's use of *Deus itaque summe*, particularly its tract on charity, *Ut autem hoc evidenter*.[19] This treatise was the main formal source for distinction 2 of the *De penitentia* and a minor formal source for distinction 3. Although Gratian was also familiar with *Baptizato homine* (the tract on penance of *Deus itaque summe*), his use of it was more subtle. This treatise provided Gratian with the larger structure of distinction 3 of the *De penitentia*, but was not a major source for patristic texts. Since I provide a detailed examination of how Gratian used *Baptizato homine* elsewhere, I will focus in this article solely on *Ut autem hoc evidenter*.[20]

A Note on Methodology

In order to show that Gratian probably knew and used *Ut autem hoc evidenter*, I will adopt a different approach from Landau. Rather than trying to prove that *Ut autem hoc evidenter* cannot be an abbreviation of the *De penitentia*, I will attempt something more modest: to prove that most of the similarities between *Ut autem hoc evidenter* and the *De penitentia* cannot be due to *Ut autem hoc evidenter*'s dependence on the *De penitentia* and that none of the differences between these two works necessitates postulating a common source. Through careful analysis of variant readings, I will show that *Ut autem hoc evidenter* and the *De penitentia* usually abbreviate and paraphrase patristic texts in the same way, but that *Ut autem hoc evidenter* often contains readings closer to the material source and/or other possible formal sources. Although a few instances do exist where the *De penitentia* contains or appears to contain better readings than *Ut autem hoc evidenter*, none of these is unambiguous or beyond the realm of conjectural emendation.

A Note on Manuscripts

Because critical editions do not exist for most of the works studied in this article, comparison of their texts necessarily involves the collation of manuscript variants. For the *De penitentia*, I base my text on the only two first-recension manuscripts (**Aa**, **Fd**) to preserve this portion of the *Decretum*. (The other first-recension manuscripts are fragmentary.) Whenever **Aa** and **Fd** differ, I usually follow **Fd**, since it tends to be more reliable than **Aa**. In

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[19] The other reason for the striking similarities between **F** and the *De penitentia* is that **F** also preserves another one of Gratian's formal sources: a collection of sentences on penance.

[20] For a critical edition of *Baptizato homine* as well as a discussion of Gratian's relationship to this text, see John Wei, "Penitential Theology in Gratian's *Decretum*: Critique and Criticism of the Treatise *Baptizato homine*," *ZRG KA* 95 (2009): 78–100.

each case, however, I note the variants in both manuscripts. To help decide whether a reading in **Aa** should be preferred to the one found in **Fd**, I collate Friedberg's edition and nine second-recension manuscripts dating from the twelfth century.[21] As Winroth has shown, second-recension manuscripts occasionally preserve readings from the first recension.[22] Manuscripts of the second recension therefore can and should be consulted when trying to determine the text of the first recension.

For *Ut autem hoc evidenter*, I collate six of the seven known manuscripts: **D** = Como, Biblioteca Seminario, Morimondo 15, fols. 44r^a–46v^a; **F** = Florence, Biblioteca Medicea Laurenziana, Plut. V sin 7, fols. 72v^b–76r^b; **G** = Florence, Biblioteca Medicea Laurenziana, Acq. e Doni 276, fols. 7v^b–11v^a; **N** = Munich, Bayerische Staatsbibliothek, Clm 22307, fols. 93r–98r; **R** = Prague, Národní knihovna České Republiky, XXIII E 45 (unfoliated); and **S** = Vatican, Vat. lat. 1345, fols. 106r–110v (incorporated into the *Sententie Sidonis*).[23] I do not collate **H** = Fulda, Hessische Landesbibliothek, Aa 36 4°, fols. 21r^b–24v^b because it is probably a direct copy of **R**. **R** and **S** contain demonstrably later versions of *Ut autem hoc evidenter* than **D**, **F**, **G**, and **N**. I nevertheless still collate **R** and **S** because they do not descend from any of the others (**D**, **F**, **G**, **N**) and hence may preserve original readings not found in the other manuscripts. I use **G** as my base manuscript because it provides a fairly reliable text. I note all deviations from **G**, but record variants in the other manuscripts only when they affect the source analysis. **G** and **F** derive from a common archetype, which in turn shares a common archetype with **D**.

For *Deus non habet*, I use **A** = Cambrai, Bibliothèque Municipale 339 (321), fols. 1v–25v as my base text, which I collate against **W** = Vienna, Nationalbibliothek, Series nova 3602 (olim. Lambach, Bibliothek des Benediktinerstifts, cod. LXXXVI), fols. 1r^a–19v^b. **A** is the earliest and by far the most reliable manuscript to preserve *Deus non habet* in its entirety, while **W** contains a fair text of the sentence collection that does not descend from **A**.

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[21] The manuscripts are listed in the Appendix.

[22] Winroth, *The Making of Gratian's* Decretum (n. 5 above), 128–30.

[23] On the *Sententie Sidonis*, see Damien Van den Eynde, "La 'Summa Sententiarum' source des 'Sententiae Sidonis,' Vat. lat. 1345," *RTAM* 27 (1960): 136–41; de Ghellinck, *Le mouvement théologique* (n. 3 above), 124, 463; Artur Michael Landgraf, "Die 'Summa Sententiarum' und die 'Summa' des Cod. Vat. lat. 1345," *RTAM* 11 (1939): 260–69; Paul Fournier and Gabriel Le Bras, *L'histoire des collections canoniques en Occident: Depuis les fausses décrétales jusqu'au Décret de Gratien*, 2 vols. (Paris, 1931–32; repr. Aalen, 1972), 2:344–47; Paul Fournier, "Les collections canoniques attribuées à Yves de Chartres," *Bibliothèque de l'école des Chartes* 58 (1897): 664–72; repr. in Fournier, *Mélanges de droit canonique*, ed. Theo Kölzer (Aalen, 1983), 666–74; Martin Grabmann, *Die Geschichte der scholastischen Methode: Nach den gedruckten und ungedruckten Quellen*, 2 vols. (Freiburg im Breisgau, 1909–11; repr. Graz, 1957), 2:301–9.

Sources of Ut autem hoc evidenter

Most of the texts cited in *Ut autem hoc evidenter* can be explained by the use of just three formal sources: the sentences on charity preserved on fols. 70r^a–72v^a and 78r^b–v^b of **F**, the sentence collection *Deus non habet*, and Augustine's *De correptione et gratia* or a florilegium containing extracts from this work. These three sources contain thirty-nine of the fifty-eight non-biblical texts quoted in *Ut autem hoc evidenter* (not counting repeated citations of the same text), including twenty-two of the twenty-seven non-biblical quotations common to *Ut autem hoc evidenter* and the *De penitentia* (see Table 6).[24] In almost every instance where *Ut autem hoc evidenter* deviates from the probable formal source, the *De penitentia* does as well. The few apparent exceptions, as will be noted below, could be due to a variety of factors and do not provide unambiguous evidence that *Ut autem hoc evidenter* was not the *De penitentia*'s formal source for these texts.

TABLE 6

Formal Sources	Non-Biblical Quotations in *Ut autem hoc evidenter*	Non-Biblical Quotations in the Material Common to *Ut autem hoc evidenter* and the *De penitentia*
Sentences on Charity	26	12
Deus non habet	2	2
De correptione et gratia	12	8
Other	18	5
Total	58	27

The Sentences on Charity

The sentences on charity preserved on fols. 70r^a–72v^a and 78r^b–v^b of **F** were probably the formal source for twenty-six of the fifty-eight non-biblical quotations found in *Ut autem hoc evidenter*. These texts generally appear close together and sometimes in the same order in both the sentences on charity and *Ut autem hoc evidenter*, but often in a longer and more complete form in the sentences on charity. As preserved in **F**, the sentences on charity occasionally contain misreadings and corruptions not found in *Ut autem hoc evidenter* or the *De penitentia*. These variants prove only that *Ut autem hoc evidenter*'s formal source contained better versions of these sentences than **F**.

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[24] I do not include in this count two patristic authorities found in **D**, **G**, **R**, and **S**, but not **F** or **N**. The original manuscript of *Ut autem hoc evidenter* probably contained these authorities as a marginal addition, since they appear in different places in the main text of **D**, **R**, and **S** and in the margin of **G**.

They do not show that the sentences on charity could not have been among *Ut autem hoc evidenter*'s formal sources.

The *De penitentia* contains twelve of the twenty-six texts common to the sentences on charity and *Ut autem hoc evidenter*. Seven of these appear in close proximity and the exact same order in all three works (see Table 7). Because *Ut autem hoc evidenter* and the *De penitentia* both omit **F**90 (fol. 78r^b), **F**92–**F**93 (fol. 78v^a), and **F**97 (fol. 78v^b) from this series, it is clear that these two works do not draw independently on the sentences on charity. Instead, one of these works must depend on the other or both must draw on a common source dependent on the sentences on charity.

TABLE 7

Ut autem hoc evidenter	Sentences on Charity	*De pen.* D.2
D, fol. 44r^b–v^a	**F**88 (fol. 78r^b)	c.33
F, fol. 73r^b	**F**89 (fol. 78r^b)	c.34
G, fol. 8r^b–v^a	**F**91 (fol. 78r^b–v^a)	c.35
H, fol. 21v^b	**F**94 (fol. 78v^a)	c.36
N, fol. 94r	**F**95 (fol. 78v^a)	c.37
R, unfoliated	**F**96 (fol. 78v^b)	c.38
S, fol. 107r	**F**98 (fol. 78v^b)	c.39

TABLE 8

Ambrose, *Epistulae* 33.2[25]	**F**88 (fol. 78r^b)	*Ut autem hoc evidenter*	*De pen.* D.2 c.33
Solus erat Adam at non est preuaricatus, quia mens eius adherebat deo. Postquam uero ei mulier adiuncta est, non potuit inherere mandatis celestibus.	Ambrosius ad Sabinum. Quando Adam solus erat, non est preuaricatus, quia mens eius adherebat deo. Postquam uero ei mulier adiuncta est, non potuit inherere mandatis celestibus.	Ambrosius ad Sabinum. Quando Adam solus erat, non est preuaricatus, quia mens eius adherebat deo.	Item Ambrosius ad Sabinum. Quando Adam solus erat, non est preuaricatus, quia mens eius adherebat deo^a. ^{a} *add. sup. lin.* **Aa**

Variants in these seven texts confirm this view. *Ut autem hoc evidenter* and *De pen.* D.2 c.33, for instance, both abbreviate **F**88 in the same way (see Table 8). The one difference between their texts is the addition of "Item" in the *De penitentia*'s inscription. Since both *Ut autem hoc evidenter* and the *De penitentia* contain the same modified incipit ("Quando Adam

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[25] Ambrose, *Epistulae* 33.2, ed. Otto Faller, CSEL 82.1 (Vienna, 1968), 230, lines 17–18.

solus erat") as **F**88, it is clear that they do not draw directly on the material source, but rather depend on **F**88. Although it is conceivable that *Ut autem hoc evidenter* and the *De penitentia* draw independently on **F**88, this is unlikely, since both works stop early at the same place ("adherebat deo").

TABLE 9

Ambrose, *Commentarius in Cantica canticorum* 4.39[26]	**F**89 (fol. 78r[b])	*Ut autem hoc evidenter*	*De pen.* D.2 c.34
quanto magis ille primus homo, totius mundi erat incola, et ut Graece dicitur, cosmopolites, dei recens confabulator, assiduus ciuis sanctorum, complantatus uirtutibus, prepositus omnibus terrenis animantibus, marinis, uolatilibus, totum mundum suam possessionem putabat, quem dominus tuebatur ut opus suum	Idem ad eundem. Primus homo *recens dei opus,* confabulator, assiduus ciuis sanctorum, complantatus uirtutibus, prepositus *cunctis* animantibus.	Idem ad eundem. Primus homo *recens dei opus,* confabulator, assiduus ciuis[a] sanctorum, conplantatus uirtutibus *etc.* [a] cuius **DN**	Idem ad eundem. Primus homo *recens*[a] *dei opus,* confabulator assiduus, *qui* sanctorum complantatus *erat* uirtutibus. [a] quia *praem.* **Fd**

Variants in the second text provide further evidence that *Ut autem hoc evidenter* and the *De penitentia* do not draw independently on the sentences on charity. **F**89, *Ut autem hoc evidenter*, and the *De penitentia* abbreviate Ambrose's *Commentarius in Cantica canticorum* 4.39 in the same way (see Table 9). All three begin with "Primus homo," omit "totius mundi erat . . . cosmopolites," transpose "dei recens" to "recens dei," and insert the word "opus." All three also contain the same inscription ("Idem ad eundem"). One variant makes it clear that **F**89 does not depend on *Ut autem hoc evidenter* or the *De penitentia*, but was rather their source. **F**89 contains a longer version of the material source than these latter two works, ending at "prepositus cunctis animantibus" rather than at "uirtutibus." *Ut autem hoc evidenter* notes the omission of these words with "etc." The *De penitentia*, on the other hand, inserts the verb "erat" before "uirtutibus."

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[26] Ambrose, *Commentarius in Cantica canticorum* 4.39, PL 15:1912D.

These last two variants suggest that *De pen.* D.2 c.34 depends on *Ut autem hoc evidenter*. It is easy to see how Gratian could have misread "etc." as "erat" and then transposed it with "uirtutibus." The reverse process, in contrast, is hard to imagine and anyways impossible in light of the final variant to be discussed for this text: the *De penitentia*'s alteration of "ciuis" to "qui." Since "qui" makes perfectly good sense in this context, the author of *Ut autem hoc evidenter* could not have corrected this passage by conjectural emendation. The presence of the correct reading in *Ut autem hoc evidenter* thus indicates that the correct reading was also in its formal source, which thus could not have been the *De penitentia*.

T ABLE 10

Ambrose, *Exameron* 6.7.42[27]	**F**91 (fol. 78r^b–v^a)	*Ut autem hoc evidenter*	*De pen.* D.2 c.35
	(*Inscriptio deest*)	Idem in Exameron.	Idem in Exameron.
Illa anima a deo pingitur que habet in se uirtutum gratiam renitentem splendoremque pietatis. Illa anima bene picta est, in qua elucet diuine operationis effigies. Illa anima bene picta est, in qua est splendor glorie et paterne imago substantie. Secundum hanc imaginem que refulget, pictura pretiosa est. Secundum hanc imaginem *Adam* ante peccatum,	Illa anima a deo pingitur que habet in se uirtutum gratiam renitentem splendoremque pietatis. Illa anima bene picta est, in qua elucet diuine operationis effigies. Illa anima bene picta est, in qua est splendor glorie et paterne imago substantie. Secundum hanc imaginem que refulget, pictura pretiosa est. Secundum hanc imaginem ante peccatum *fuit,*	Illa anima a deo pingitur que habet in se uirtutum gratiam renitentem splendoremque pietatis. Illa anima bene picta est, in qua elucet diuine operationis effigies. Illa anima bene picta est, in qua est splendor glorie et paterne imago substantie. Secundum hanc imaginem que refulget, pictura pretiosa est. Secundum hanc imaginem^a ante peccatum *fuit,*	Illa anima a deo pingitur que habet in se uirtutum gratiam renitentem splendoremque pietatis. Illa anima bene picta est, in qua elucet diuine operationis effigies. Illa anima bene picta est, in qua est^a splendor glorie et paterne imago substantie. Secundum hanc imaginem que refulget, pictura pretiosa est. Secundum hanc imaginem ante peccatum *depictus fuit Adam,*
sed ubi lapsus est, deposuit imaginem celestis, sumpsit terrestris effigiem.	set ubi lapsus est deposuit.	sed ubi lapsus est deposuit.	sed ubi lapsus est deposuit.
		^a Adam *add.* **RS**	^a *om.* **Aa**

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[27] Ambrose, *Exameron* 6.7.42, ed. Karl Schenkl, CSEL 32.1 (Vienna, 1896), 233, line 26–234, line 6.

Variants in the third text are more ambiguous. Ambrose's *Exameron* 6.7.42, **F**91, *Ut autem hoc evidenter*, and *De pen.* D.2 c.35 are almost completely identical (see Table 10). The only variants occur at the end of the passage. The presence of the interpolation "fuit" in both *Ut autem hoc evidenter* and the *De penitentia* suggests that their texts derive from **F**91 rather than from the material source, while the presence of the interpolation "depictus" in the *De penitentia* but not *Ut autem hoc evidenter* suggests that the *De penitentia* was not *Ut autem hoc evidenter*'s source for this text. Both **F**91 and manuscripts containing earlier versions of *Ut autem hoc evidenter* (**D**, **F**, **G**, **N**) omit "Adam" towards the end of the passage. This word appears, however, in the *De penitentia*, although slightly transposed from its original location. The transposition of "Adam" in the *De penitentia* may indicate that its presence is due to conjectural emendation: Gratian may have added the word himself in order to clarify the sense of the passage. Alternatively, the word could have been present in Gratian's copy of *Ut autem hoc evidenter*. Although **D**, **F**, **G**, and **N** omit "Adam," the word is present in **R** and **S**. Even though these manuscripts contain later versions of *Ut autem hoc evidenter*, they are not related to any of the other known manuscripts of *Ut autem hoc evidenter* (**D**, **F**, **G**, **N**). For this reason, they sometimes preserve original readings not found in those manuscripts.

TABLE 11

Ambrose, *De fuga saeculi* 4.17[28]	**F**94 (fol. 78v[a])	*Ut autem hoc evidenter*	*De pen.* D.2 c.36
hoc est igitur similem esse dei, habere iustitiam, habere sapientiam et uirtute esse perfectum.	Idem in libro de fuga seculi. Similem *dei esse est* habere iustitiam, sapientiam, et uirtute esse perfectum.	Idem de fuga seculi. Similem *dei esse est* habere iustitiam, sapientiam, et *in* uirtute esse perfectum.	Idem de fuga seculi. Similem esse dei[a] *est* habere iustitiam, sapientiam, et *in* uirtute esse perfectum. [a] dei esse **Aa**

Variants in the fourth text provide further evidence that the author of *Ut autem hoc evidenter* and Gratian did not draw independently on the sentences on charity. **F**94 abbreviates Ambrose's *De fuga saeculi* 4.17 by omitting "hoc est igitur," transposing "esse dei" to "dei esse," inserting "est" after "dei esse," and omitting the second occurrence of "habere" (see Table 11). Since

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[28] Ambrose, *De fuga saeculi* 4.17, ed. Karl Schenkl, CSEL 32.2 (Vienna, 1897), 178, lines 11–12.

all but one of these alterations appear in *Ut autem hoc evidenter* and the *De penitentia*, it seems likely that these two works depend at least mediately on **F**94. (**Fd** and most manuscripts of the second recension follow the material source in reading "esse dei" rather than "dei esse.") Two variants show that **F**94 could not have been the formal source for both *Ut autem hoc evidenter* and the *De penitentia*. First, both *Ut autem hoc evidenter* and the *De penitentia* omit "in libro" in the inscription. Second, both insert "in" before "uirtute."

TABLE 12

Ambrose, *De Iacob et vita beata* 2.5.22[29]	**F**95 (fol. 78v[a])	*Ut autem hoc evidenter*	*De pen*. D.2 c.37
	Idem in libro de uita beata.	Idem de uita beata.	Idem de uita beata[a].
Sapiens enim numquam inanis est, semper in se habens amictum prudentie, qui potest dicere: 'Iustitiam induebam et uestiebar iudicium,' sicut dixit Iob. Namque hec mentis sunt interna uelamina, que nemo alius possit auferre, nisi cum aliquem sua culpa dispoliat. Denique dispoliatus Adam nudus inuentus est.	Sapiens numquam inanis est, *set* semper in se habens amictum prudentie, qui potest dicere: 'Iustitiam induebam, *uestiebam* iudicium,' sicut *dicit Iacob*. Namque hec mentis sunt interna uelamina, que nemo alius possit auferre, nisi cum *aliquis* sua culpa *dispoliatur*. Denique *sic spoliatus* Adam nudus inuentus est.	Sapiens numquam inanis est, *sed* semper in se habens amictum prudentie, qui potest dicere: 'Iustitiam induebam, *uestiebam* iudicium.' Namque hec[a] mentis sunt interna uelamina, que nemo alius possit auferre, nisi cum aliquem sua culpa dispoliat. Denique *sic spoliatus* Adam nudus inuentus est.	Sapiens numquam inanis est, *set* semper in se habens amictum prudentie, qui potest dicere: 'Iustitiam induebam, *uestiebam* iudicium.' *Mentis namque hec* sunt interna uelamina, que nemo alius[b] *potest* auferre, nisi cum aliquem sua culpa dispoliat. Denique *sic spoliatus* Adam nudus inuentus est.
		[a] Nam qui huius **R**	[a] beata uita **Aa** [b] *add. sup. lin.* **Fd**[2]

Variants in the fifth text likewise suggest that the author of *Ut autem hoc evidenter* and Gratian did not draw independently on the sentences on charity, while also providing evidence that *Ut autem hoc evidenter* was Gratian's formal source. Like **F**95, *Ut autem hoc evidenter* and *De pen*. D.2 c.37 omit "enim," insert "sed," replace "et uestiebar" with "uestiebam," and change "dispoliatus" to "sic spoliatus" (see Table 12). Unlike **F**95, however, both

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[29] Ambrose, *De Iacob et vita beata* 2.5.22, ed. Karl Schenkl, CSEL 32.2, 44, lines 11–15.

Ut autem hoc evidenter and the *De penitentia* agree with the material source in reading "cum aliquem sua culpa dispoliat" rather than "cum aliquis sua culpa dispoliatur." The presence of this erroneous reading in **F**95 does not rule out the possibility that the sentences on charity was *Ut autem hoc evidenter*'s source for this authority, since the author of *Ut autem hoc evidenter* could have had access to a better version of **F**95 than the one preserved in **F**. Both *Ut autem hoc evidenter* and the *De penitentia* also omit "sicut dixit Iob" (corrupted to "sicut dicit Iacob" in **F**95). Two variants rule out the possibility that *De pen.* D.2 c.37 could have been *Ut autem hoc evidenter*'s formal source. First, the *De penitentia* transposes "Namque hec mentis" to "Mentis namque hec." Second, the *De penitentia* replaces the verb "possit" with "potest."

TABLE 13

Ambrose, *De Isaac et anima* 5.43[30]	**F**96 (fol. 78v^b)	*Ut autem hoc evidenter*	*De pen.* D.2 c.38
Sed nec Adam primo nudus erat, quando eum innocentia uestiebat.	Idem in libro de Ysaac et *Iacob.* Set nec Adam primo nudus erat, *quem* innocentia uestiebat.	Idem in libro de Ysaac et anima. Set nec Adam primo nudus erat, *quem* innocentia uestiebat.	Idem in libro de Ysaac et anima. Set nec Adam *primus* nudus erat, *quem* innocentia uestiebat.

The variants in the sixth text are more minor. **F**96 differs from the material source in only one respect: the alteration of "quando eum" to "quem" (see Table 13). Since this variant appears in both *Ut autem hoc evidenter* and the *De penitentia*, it seems likely that these two works depend at least mediately on **F**96. The error in **F**96's inscription ("Iacob" instead of "anima") does not argue against this possibility, since this error need not have been present in manuscripts containing earlier versions of the sentences on charity. The erroneous reading "primus" in the *De penitentia* rather than the correct "primo" suggests that the *De penitentia* was not *Ut autem hoc evidenter*'s formal source for this text.

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[30] Ambrose, *De Isaac vel anima* 5.43, ed. Karl Schenkl, CSEL 32.1, 668, lines 12–13.

TABLE 14

Ambrose, *De paradiso* 13.63[31]	**F**98 (fol. 78v[b])	*Ut autem hoc evidenter*	*De pen*. D.2 c.39
	Idem in libro de paradiso.	Idem in libro de paradiso.	Idem in libro de paradiso.
'et cognouerunt quod nudi essent.' Et ante quidem nudi erant, sed non sine uirtutum integumentis. Nudi erant propter morum simplicitatem, et quod amictum fraudis natura nesciret; nunc autem multis simulationum inuolucris mens humana uelatur. Ergo posteaquam spoliatos se illa sinceritate et simplicitate uiderunt integre incorrupteque nature, querere mundana et manufacta ceperunt, quibus nuda sue mentis operirent.	'Et cognouerunt *quia* nudi essent.' Et ante quidem nudi erant, sed non sine *uirtutis integumento*. Nudi erant propter morum simplicitatem, et quod amictum fraudis nesciret natura. Ergo postquam spoliatos se illa sinceritate et simplicitate uiderunt integre incorrupteque nature, querere mundana et manufacta ceperunt, quibus nuda sue mentis operirent.	'Et cognouerunt *quia* nudi essent.' Et ante quidem nudi erant, sed non sine uirtutum integumento[a]. [a] tegumento **DFN**	'Ut cognouerunt *quia* nudi erant[a], set non sine uirtutum *tegumento*. [a] corpore *add.* **Aa**

The variants in the seventh text suggest that **F**98 was *Ut autem hoc evidenter*'s formal source and that *Ut autem hoc evidenter* in turn was the formal source for *De pen. D.2 c.39*. **F**98 contains a considerably longer excerpt from the material source than *Ut autem hoc evidenter* and the *De penitentia* (see Table 14). It differs from the material source in replacing "quod" with "quia," "uirtutum" with "uirtutis," and "integumentis" with "integumento," as well as through the omission of "nunc autem multis . . . uelatur." Although the variant "uirtutis" is found in neither *Ut autem hoc evidenter* nor the *De penitentia*, it still seems likely that some form of **F**98 was *Ut autem hoc evidenter*'s formal source, since both *Ut autem hoc evidenter* and the *De penitentia* follow **F**98 in replacing "quod" with "quia" and altering "integumentis." The *De penitentia* could not have been *Ut autem hoc evidenter*'s formal source because it provides the reading "Ut" instead of "Et" and "tegumento" rather than "integumento."

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[31] Ambrose, *De paradiso* 13.63, ed. Karl Schenkl, CSEL 32.1, 322, line 20–323, line 3.

In addition to the series of seven texts excerpted from **F**88 to **F**98, there are five other texts common to the sentences on charity, *Ut autem hoc evidenter*, and the *De penitentia*.

TABLE 15

Augustine, *De gratia et libero arbitrio* 17.33[32]	**F**31 (fol. 71v[a–b])	*Ut autem hoc evidenter*	*De pen.* D.2 c.16
	Augustinus de gratia et libero arbitrio.	Augustinus de gratia et libero arbitrio.	Hinc etiam Augustinus ait in libro de gratia et[a] libero arbitrio.
Qui ergo uult facere dei mandatum et non potest, iamquidem habet uoluntatem bonam, sed adhuc paruam et inualidam. Poterit autem cum magnam habuerit et robustam. Quando enim martyres magna illa mandata fecerunt, magna utique uoluntate,	Qui uult facere dei mandatum et non potest, iamquidem habet uoluntatem bonam, set adhuc paruam et inualidam. Poterit autem cum magnam habuerit et robustam. Quando enim martires magna illa mandata fecerunt, magna utique uoluntate *fecerunt,*	Qui uult facere dei *mandata* et non potest, iamquidem habet *bonam uoluntatem*, sed adhuc paruam et inualidam. Poterit autem cum magnam habuerit et robustam. Quando enim martires *illa* magna mandata fecerunt, magna utique uoluntate,	Qui uult facere dei *mandata* et non potest, iamquidem habet *bonam uoluntatem*, set adhuc paruam et inualidam. Poterit autem cum magnam habuerit et robustam. Quando enim martires *illa mandata magna*[b] fecerunt, magna utique uoluntate,
hoc est magna caritate fecerunt, de qua caritate ipse dominus ait: 'Maiorem hac caritatem nemo habet quam ut animam suam ponat pro amicis suis.'	hoc est magna caritate, de qua ipse dominus ait: 'Maiorem hac caritate<m> nemo habet q<uam> ut a<nimam> s<uam> p<onat> q<uis> p<ro> a<micis> s<uis>.	*id* est magna caritate fecerunt, de qua ipse dominus ait: 'Maiorem caritatem nemo habet etc.'	*id* est magna[c] caritate fecerunt, de qua ipse dominus ait: 'Maiorem caritatem nemo habet etc.[d]'
Unde et Apostolus dicit: 'Qui enim diligit proximum, legem impleuit. Nam non adulterabis, non homicidium facies, non furaberis, non concupisces, et si	Unde et *Paulus*: 'Qui enim diligit proximum, legem impleuit. Nam non adulterabis, non h<occides>, f<uraberis>, etcetera.'		

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[32] Augustine, *De gratia et libero arbitrio* 17.33, PL 44:901.

quod est aliud mandatum, in hoc sermone recapitulatur, 'Diliges proximum tuum tanquam teipsum.' Dilectio proximi malum non operatur: plenitudo ergo legis, dilectio.	Hoc sermone recapitulantur, 'Diliges proximum tuum tamquam teipsum.'		
Ipsam caritatem apostolus Petrus nondum habuit, quando timore dominum ter negauit. 'Timor,' enim, 'non est in caritate,' sicut ait Ioannes euangelista in epistola sua, 'sed perfecta caritas foras mittit timorem.' Et tamen quamuis parua et imperfecta, non deerat, quando dicebat domino: 'animam meam pro te ponam.' Putabat enim se posse quod se uelle sentiebat.	Ipsam caritatem apostolus Petrus nondum habuit, quando timore dominum ter negauit. 'Timor,' enim, 'non est in caritate,' sicut ait Iohannis in epistola sua, 'set perfecta caritas foras mittit timorem.' Et tamen quamuis parua et inperfecta, non deerat, quando dicebat [a] domino: 'animam meam pro te ponam.' Putabat enim se posse quod se uelle sentiebat.	Et paulo post. Ipsam caritatem apostolus Petrus nondum habuit[a], quando timore[b] dominum ter[c] negauit, et tamen quamuis parua et inperfecta, non deerat ei caritas, quando dicebat domino[d]: 'animam meam pro te ponam.' [a] habuerat **F** [b] timore *tr. post* negauit **G** [c] *om.* **F** [d] Domine **FS**	Et paulo post. Ipsam caritatem apostolus Petrus nondum *habebat*, quando timore *ter deum* negauit, et tamen quamuis parua et imperfecta, non deerat *ei caritas*, quando dicebat: '*Domine*[e] animam meam pro te ponam[f].' [a] gratia et] gratia in **Fd** *om.* **Aa** [b] magna mandata **Aa** [c] *add. sup. lin.* **Aa** [d] *om.* **Aa** [e] quando *expun. post* Domine **Fd** [f] pono **Aa**

For the first of these texts, an analysis of the variants shows that **F**31 was probably *Ut autem hoc evidenter*'s formal source and *Ut autem hoc evidenter* Gratian's formal source. It seems likely that *Ut autem hoc evidenter* and the *De penitentia* do not draw directly on the material source because both follow **F**31 in omitting "ergo" and "caritate." Both works also abbreviate **F**31 similarly. Both replace "mandatum" with "mandata," transpose "uoluntatem bonam" to "bonam uoluntatem," transpose "illa" to after "martires," alter "hoc est" to "id est," abbreviate John 15:13 ("Maiorem hac car-

itatem . . . ") in the same way, omit the citations of Rom. 13:8–10 ("Qui enim diligit . . . ") and 1 John 4:18 ("Timor enim non . . . "), insert "Et paulo post" and "ei caritas" in the same places, and omit "Putabat enim se posse, quod se uelle sentiebat" at the end of the passage. Three variants unique to *De pen*. D.2 c.16 rule out the possibility that the *De penitentia* could have been *Ut autem hoc evidenter*'s formal source: "habebat" rather than "habuit," "ter deum" instead of "dominum ter" (but changed to "ter dominum" in the second recension),[33] and "Domine" rather than "domino."

TABLE 16

Augustine, *In epistolam Iohannis ad Parthos* 5.4[34]	**F**53 (fol. 72v[a])	*Ut autem hoc evidenter*	*De pen*. D.2 c.16 §1
	In eadem.	Aug. super[a] epistolam Iohannis.	Idem super epistolam Iohannis.
Si quis tantam habuerit caritatem ut paratus sit pro fratribus etiam mori, perfecta est in illo caritas. Sed numquid mox ut nascitur, iam prorsus perfecta est? ut perficiatur, nascitur; cum fuerit nata, nutritur; cum fuerit nutrita, roboratur; cum fuerit roborata, perficitur; cum ad perfectionem uenerit, quid dicit? mihi uiuere Christus est et mori lucrum.	Si quis tantam habuerit caritatem ut paratus sit pro fratribus etiam mori, perfecta est in illo caritas. Set numquid mox ut nascitur, iam prorsus perfecta est? ut perficiatur, nascitur; cum fuerit nata, nutritur; cum fuerit nutrita, roboratur; cum fuerit roborata, perficitur; cum ad *perfectum* uenerit, quid dicit? Michi uiuere Christus est et mori lucrum.	Si quis tantam habuerit[b] caritatem ut paratus sit pro fratribus etiam mori, perfecta est in illo caritas. Set numquid mox ut nascitur, iam prorsus perfecta est? ut perficiatur, nascitur; cum fuerit nata, nutritur; cum fuerit nutrita[c], roboratur[d]; cum fuerit roborata, perficitur; cum ad *perfectum* uenerit, quid dicit? mihi uiuere Christus est[e] et mori lucrum.	Si quis tantam habuerit caritatem ut paratus sit *etiam* pro fratribus mori, perfecta est in illo caritas. Set numquid mox ut nascitur, iam prorsus perfecta est? ut perficiatur, nascitur; cum fuerit nata, nutritur; cum fuerit nutrita, roboratur; cum fuerit roborata, perficitur; cum ad *perfectum* uenerit, quid *dicis*[a]? mihi uiuere Christus[b] est et mori lucrum.
		[a] supra **G** [b] abuerit **G** [c] nata **G**[a.c.] [d] et *add*. **G** [e] *om*. **G**	[a] dices **Aa** [b] *add. sup. lin.* **Fd**

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[33] ter deum] **AaFd** ter dominum **CgMeMkPkSaTxTy** dominum ter **FrKa** dominum **Tz**.

[34] Augustine, *In epistolam Iohannis ad Parthos* 5.4, ed. Paul Agaësse, Sources Chrétiennes 75 (Paris, 1961).

Variants in the second text likewise point to Gratian's use of *Ut autem hoc evidenter*. **F**53 appears among a whole series of excerpts from Augustine's *Tractatus in epistolam Iohannis ad Parthos* (**F**43–57 [fol. 72r^a–v^a]). It differs from the material source in only one reading: "perfectum" instead of "perfectionem." Since this variant appears in both *Ut autem hoc evidenter* and the *De penitentia*, it seems likely that these two works depend at least mediately upon **F**53. Two variants rule out the possibility that the *De penitentia* was *Ut autem hoc evidenter*'s formal source: the transposition of "etiam" to before "pro fratribus" and the replacement of "dicit" with "dicis/dices."[35]

T<small>ABLE</small> 17

Augustine, *In epistolam Iohannis ad Parthos* 5.12[36]	**F**56 (fol. 72v^a)	*Ut autem hoc evidenter*	*De pen.* D.2 c.18

Noli cito de te desperare:
forte nata est,
        sed nondum perfecta est;
        nutri eam,
ne effocetur.
	Forte nata est,
	        set nondum perfecta est. *Noli desperare*; nutri eam,
	ne forte *suffocetur*.
		In eadem.
		
		Forte nata est^a,
		        set nondum perfecta. *Noli desperare*; nutri eam,
		ne forte *suffocetur*.
		
		^{a} in te caritas *add*. **DS**
			In eadem.
			
			Forte nata est *in te caritas*, set nondum perfecta. *Noli desperare*; nutri eam,
			ne forte *suffocetur*.

Variants in the third text also support the view that Gratian used *Ut autem hoc evidenter*. Like **F**53, **F**56 appears among the series of excerpts from Augustine's *Tractatus in epistolam Iohannis ad Parthos* (**F**43–57 [fol. 72r^a–v^a]). Unlike **F**53, however, **F**56 paraphrases the material source significantly, most notably by abbreviating and transposing "noli cito de te desperare" and by replacing "effocetur" with "suffocetur" (see Table 17). Since both of these changes appear in *Ut autem hoc evidenter* and the *De penitentia*, it is clear that these two works do not draw directly on the material source. Instead, **F**56 was probably *Ut autem hoc evidenter*'s formal source and *Ut autem hoc evidenter* Gratian's formal source. The *De penitentia* inserts the phrase "in te caritas" after "Forte nata est." Because this interpolation does not seem to have been present in the earliest form of *Ut autem hoc evidenter*, the *De penitentia* was probably not *Ut autem hoc evidenter*'s formal source. It is possible, however, that some branch of the manuscript tradition was Gratian's source, since two manuscripts of *Ut autem hoc evidenter* (**D** and **S**) contain this interpolation.

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[35] dicis] **FdFrMkTxTy** dices **AaCgKaMe** disces **Tz** dicitur **PkSa**.

[36] Augustine, *In epistolam Iohannis ad Parthos* 5.12, 268.

TABLE 18

Augustine, *Sermones de scripturis* 178[37]	**F**26 (fol. 71r^b–v^a)	*Ut autem hoc evidenter*	*De pen.* D.2 c.20
	Idem (Gregorius) in homilia xviii.	Gregorius.	Item Gregorius.
Si ergo sermo meus inuenit in cordibus uestris aliquam scintillam gratuiti amoris dei, ipsam nutrite. Ad hanc augendam uos aduocate prece, humilitate, dolore penitentie, dilectione iustitie, operibus bonis, gemitibus sinceris, conuersatione laudabili, amicitia fideli. Hanc scintillam boni amoris	Si ergo *meus sermo* inuenit in cordibus uestris aliquam scintillam gratuiti amoris, ipsam nutrite. Ad hanc augendam uos aduocate, prece *humilitatis*, dolore penitentie, *delectatione* iustitie, operibus bonis, gemitibus sinceris, conuersatione laudabili, amicitia fideli. Hanc scintillam boni amoris *de qua dominus dixit:* 'ignem ueni mittere in terram, et quid uolo nisi ut ardeat,'	Si sermo meus inuenit in cordibus uestris aliquam scintillam gratuiti amoris dei, ipsam nutrite. Ad hanc augendam uos *aduocare^a studete.*	Si sermo meus *inuenerit^a* in cordibus uestris aliquam scintillam^b gratuiti amoris dei, ipsam nutrite. Ad hanc augendam uos *aduocare studete.*
flate in uobis, nutrite in uobis. Ipsa cum creuerit, et flammam dignissimam et amplissimam fecerit, omnium cupiditatum carnalium fena consumit.	flate in uobis, nutrite in uobis. *Ipsam* cum creuerit et flammam dignissimam fecerit, omnium cupiditatum carnalium *ligna* consumet.	Et paulo post. Flate, nutrite in uobis ut cum creuerit, et flammam dignissimam fecerit, omnium cupiditatum *ligna consumat.*	Et paulo post. Flate, nutrite in uobis ut cum creuerit, et flammam dignissimam fecerit, omnium cupiditatum *ligna consumat.*
			^a inuenit **Aa** ^b scintillulam **Aa**
		^a auocare **G**	

The variants in the fourth text are all relatively minor. Since *Ut autem hoc evidenter* and the *De penitentia* both follow **F**26 in misattributing the material source to Gregory the Great and replacing "fena" with "ligna," it is clear that they do not draw directly on the material source. Instead, **F**26

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[37] Augustine, *Sermones de scripturis* 178, PL 38:966.

was probably *Ut autem hoc evidenter*'s formal source and *Ut autem hoc evidenter* Gratian's source. Both *Ut autem hoc evidenter* and the *De penitentia* abbreviate **F**26 in the same way. Both omit "ergo," abbreviate "aduocate prece . . . fideli" to "aduocare studete," omit "Hanc scintillam boni amoris," insert "Et paulo post" at the same place, and replace "consumit/consumet" with "consumat." One variant suggests that the *De penitentia* was not *Ut autem hoc evidenter*'s formal source: the reading "inuenerit" rather than the correct "inuenit" in most manuscripts of the *Decretum*.[38]

TABLE 19

Ambrose, *De Isaac vel anima* 3.6[39]	**F**97 (fol. 78vᵇ)	*Ut autem hoc evidenter*	*De pen*. D.2 d.p.c.39 §3
	Idem (Ambrosius) in eodem.	Item de Dauid Ambrosius de Ysaac et anima:	De quo etiam sanctus Ambrosius in libro de anima et Ysaac scribit dicens:
Fugiebat Dauid sanctus a facie Saul, non utique ut terras relinqueret, sed ut inmitis et inobseruantis et perfidi declinaret contagium. Fugiebat autem adherens deo.	Fugiebat Dauid sanctus a facie Saul, non utique ut terras relinqueret, sed ut inmitis et inobseruantis et perfidi declinaret contagium. Fugiebat autem adherens deo.	Fugiebat <u>sanctus Dauid</u> a facie Saul, non utique ut terras relinqueret, sed ut inmitis et inobseruantis et perfidi declinaret <u>contagia</u>. Fugiebat autem adherens deo	*Fugerat* <u>sanctus Dauid</u> *odia Saulis regis*, non *relinquens* terras, sed *declinans* <u>contagia</u> *regis*ᵃ *immitis* et *superbi, quia mens eius adherebat* deo. ᵃ non . . . regis *suppl. in marg*. **Aa**

Variants in the final text also support the view that the *De penitentia* depends on *Ut autem hoc evidenter*. Both the *De penitentia* and *Ut autem hoc evidenter* cite this text in the course of commenting on the seven excerpts from **F**88 to **F**98. *Ut autem hoc evidenter* contains almost the exact same text as **F**97 and the material source. The sole variants are the transposition of "Dauid sanctus" to "sanctus Dauid" and the change of the singular "contagium" to the plural "contagia." Since both of these variants appear in the highly paraphrased form of the text found in *De pen*. D.2 d.p.c.39 §3, it is clear that **F**97 could not have been the *De penitentia*'s formal source, but that Gratian must have taken the text either from *Ut autem hoc evidenter* or from a common source dependent on **F**97.

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[38] inuenerit] **CgFdFrKaMeMkSaTxTyTz** interuenerit **Pk** inuenit **Aa**.

[39] Ambrose, *De Isaac vel anima* 3.6, ed. Karl Schenkl, CSEL 32.1, 646, lines 4–7.

Deus non habet

Two of the fifty-eight non-biblical texts found in *Ut autem hoc evidenter* derive from the sentence collection *Deus non habet*. As mentioned above, the sentence collection *Deus itaque summe* incorporates most of *Deus non habet* unchanged. Two exceptions are provided by the texts "Quomodo renouari dicimur . . . unde lapsus est" and "Princeps uitiorum omnium . . . suo dominio subiugauit." In *Deus itaque summe*, these excerpts are missing from the basic text, but appear in an abbreviated form in its tract on charity, *Ut autem hoc evidenter*.

TABLE 20

Augustine, *De Genesi ad litteram*[40]	*Deus non habet* (**A**, fol. 7r–v)	*Ut autem hoc evidenter*	*De pen.* D.2 c.31
	Augustinus in libro vi. super G. ad litteram.	Augustinus super[a] Gen. ad litteram.	Unde Augustinus in Genesi ad litteram.
(§6.24) Quomodo ergo, inquiunt, renouari dicimur, si non hoc recipimus, quod perdidit primus homo, *in quo omnes moriuntur*? Hoc plane recipimus secundum quendam modum et non hoc recipimus secundum quendam modum. Non itaque inmortalitatem spiritalis corporis recipimus, quam nondum habuit homo, sed recipimus iustitiam, ex qua per peccatum lapsus est *homo* . . .	Quomodo renouari dicimur, si non hoc recipimus, quod perdidit primus homo, *in quo omnes moriuntur*? Hoc plane recipimus *quia* iustitiam ex qua per peccatum lapsus est *homo*.	Quomodo renouari dicimur, si non recipimus, quod perdidit primus homo, *in quo omnes moriuntur*? Hoc plane recipimus, *quia* iustitiam ex qua per peccatum lapsus est *primus homo*[b].	Quomodo renouari dicimur, si non recipimus, quod perdidit primus homo? Hoc plane recipimus *quia* iustitiam ex qua per peccatum lapsus est.
(§6.26) Dicit item apostolus: Expoliantes uos	Et paulo post. Apostolus inquit: Expoliantes uos	Et paulo post. Expoliantes	Et paulo post. Expoliantes[a]

[40] Augustine, *De Genesi ad litteram* 6.24 and 6.27, ed. Joseph Zycha, CSEL 28.1 (Vienna, 1894), 196, lines 13–19 and 198, line 25–199, line 11.

ueterem hominem cum actibus eius induite nouum, qui renouatur in agnitionem dei secundum imaginem eius, qui creauit eum.	ueterem hominem cum actibus eius induite n<ouum>, qui r<enouatur> in a<gnitionem> dei s<ecundum> i<maginem> eius, qui c<reauit> e<um>.	ueterem hominem induite nouum, qui renouatur in agnitionem dei secundum imaginem eius, qui creauit eum.	ueterem hominem induite nouum, qui renouatur[b] in agnitionem fidei[c] secundum imaginem eius, qui creauit eum.
Hanc imaginem in spiritu mentis inpressam perdidit Adam per peccatum, quam recipimus per gratiam iustitie, non spiritale atque inmortale corpus, in quo ille nondum fuit, et in quo erant omnes sancti resurgentes a mortuis; hoc enim premium est illius meriti, quod amisit. Proinde illa stola prima aut ipsa iustitia est, unde lapsus est, aut, si indumentum corporalis inmortalitatis significat, etiam hanc ille sic amisit, cum propter peccatum ad eam peruenire non potuit. Dicitur enim et amisisse uxorem et amisisse honorem qui speratum non acceperit illo, a quo sperabat, offenso.	Hanc imaginem in spiritu mentis impressam perdidit Adam per peccatum, quam recepimus per gratiam iustitie.	Hanc imaginem in spiritu mentis impressam perdidit Adam per peccatum.	Hanc imaginem in spiritu mentis impressam perdidit Adam per peccatum.
	Et post pauca. *Stola illa* prima aut ipsa iustitia est, unde lapsus est, aut, si indumentum corporalis inmortalitatis significat, etiam hanc ille sic amisit, cum propter peccatum ad eam peruenire non potuit. Dicitur enim et amisisse *honorem* et amisisse *uxorem* qui speratum non accepit illo, a quo sperabat, offenso.	Et post pauca. *Stola illa* prima ipsa iustitia est, unde lapsus est Adam.	Et post pauca. *Stola illa* prima ipsa[d] iustitia est, unde lapsus est Adam.
		[a] supra **G** [b] *om.* **S**	[a] uos *add.* **Aa** [b] de die *expun. post.* renouatur **Aa** [c] dei **Aa**[a.c.] [d] *om.* **Aa**

As can be seen from Table 20, *Deus non habet* substantially abbreviates *De Genesi ad litteram* 6.24–27. It omits "ergo, inquiunt," replaces "secundum quendam . . . recipimus" with "quia," skips over *De Genesi ad litteram* 6.25 and signals this omission with the words "Et paulo post," replaces "Dicit item apostolus" with "Apostolus ait," replaces "non spiritale . . . Proinde" with "Et post pauca," and transposes "illa stola" to "Stola illa." With the

exception of the phrase "Apostolus ait," which *Ut autem hoc evidenter* and the *De penitentia* omit entirely, all of these changes appear in *Ut autem hoc evidenter* and the *De penitentia*. In addition, both *Ut autem hoc evidenter* and the *De penitentia* also omit "in libro vi.," "hoc," "cum actibus eius," and "aut, si indumentum . . . quo sperabat, offenso."

These shared omissions and modifications rule out the possibility that *Ut autem hoc evidenter* and the *De penitentia* draw independently upon *Deus non habet*. Instead, one work must depend on the other or both must draw on a common source dependent on *Deus non habet*. Three variants argue against the possibility that *Ut autem hoc evidenter* depends on the *De penitentia*. First, the *De penitentia* omits the phrase "in quo omnes moriuntur," present in *Ut autem hoc evidenter*, *Deus non habet*, and *De Genesi ad litteram* 6.24. Second, the *De penitentia* omits the word "homo" after "lapsus est." This word is present in all the manuscripts of *Ut autem hoc evidenter* except **S** and is also found in *Deus non habet* and *De Genesi ad litteram* 6.24. Third, many manuscripts of the *De penitentia*, including **Fd**, provide the misreading "fidei" rather than "dei." The correct reading "dei" found in **Aa** *ante correctionem* and some second-recension manuscripts appears to be a later conjectural emendation.[41]

In only one instance does the *De penitentia* possibly agree with *Deus non habet* and *De Genesi ad litteram* against *Ut autem hoc evidenter*. In citing Col. 3:9–10 ("Expoliantes uos ueterem hominem . . . qui creauit eum"), all the manuscripts of *Ut autem hoc evidenter* omit "uos." The word is present, however, in some manuscripts of the *Decretum*, including one manuscript of the first recension (**Aa**). Since "uos" is absent from the more trustworthy manuscript of the first recension (**Fd**) and is also omitted in most of the second-recension manuscripts which I have collated, it seems probable that its inclusion in some manuscripts of the *Decretum* is a later conjectural emendation.[42]

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[41] fidei] **Aa**^{*p.c.*}**FdFrMeMkPkSaTxTyTz** dei **Aa**^{*a.c.*}**CgKa**.
[42] uos] **AaFrKa** *add. in marg.* **Tx**^{*p.c.*} *om.* **CgFdMeMkPkSaTyTz**.

TABLE 21

Paulinus of Aquileia, *De salutaribus documentis* 60[43]	*Deus non habet* (**A**, fol. 9v)	*Sic et non* 138.77–78[44]
	Augustinus in omelia xi.	Idem in homilia xi.
Princeps omnium uitiorum, persuasor etiam turpium uoluptatum. Hic ergo, cum illum primum hominem a deo factum, Adam scilicet, patrem omnium nostrum intueretur, sicut superius crebro intelligere potes,	Princeps omnium uiciorum,	Princeps omnium uiciorum,
uideretque eum ex limo terre ad imaginem dei factum,	*dum uidit Adam* ex^a limo terre ad imaginem dei factum,	*dum uidit Adam* ex limo terre ad imaginem dei *formatum,*
pudicitia ornatum,	pudicitia *armatum,*	pudicitia *armatum,*
temperantia compositum,	temperantia compositum,	temperantia compositum,
caritate circumdatum, immortalitate uestitum,	caritate *splendidum,*	caritate *splendidum,*
emulus atque inuidus tantam beatitudinem	inuidus *hoc*	inuidus *hoc*
hominem terrenum accepisse quam ipse dum esset angelus per superbiam cognoscitur amisisse, inuidit statim insatiabilis homicida primum parenti nostro, nos nostrosque	hominem terrenum accepisse *quod* ipse dum esset angelus per superbiam *perdidisset,*	hominem terrenum accepisse *quod* ipse dum esset angelus per superbiam *perdidisset,*
parentes tantis ac talibus bonis exspoliauit, insuper et peremit.	*primos* parentes *illis donis ac tantis* bonis *expoliauit, pariter ac* peremit.	*primos* parentes *illis donis ac tantis* bonis exspoliauit *pariter ac* peremit.
Nam et multis bonis in prima fronte diabolus nos exspoliauit, id est pudicitia, continentia, patientia, mansuetudine, caritate, immortalitate. Sic nos nudos ac miserabiles reddidit, suisque pannis derisit esse inuolutos, et suo	*Namque cum homini abstulisset fidem,* pudiciciam, continentiam,	Nam *cum homini abstulisset fidem,* pudicitiam, continentiam,
dominio esse astrictos, atque ex ipso uinculo omnem prolem nostram sibimet obligauit.	suo dominio *subiugauit.*	suo dominio *subiugauit.*

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[43] Paulinus of Aquileia, *De salutaribus documentis* 60, PL 99:268BC; Pseudo-Augustine, *De salutaribus documentis* 60, PL 40:1072.

[44] Peter Abelard, *Sic et non* 138.77–78, ed. Blanche Boyer and Richard McKeon (Chicago, 1976), 483, lines 369–78.

Exspoliauit nos pudicitia, et accinxit impudicitia; exspoliauit nos temperantia, et effecit intemperatos; exspoliauit nos caritate, et impleuit malitia; exspoliauit nos immortalitate, et propinauit mortem.	*Et paulo post.* *Amissa* temperantia, *intemperans effectus est*; *perdita* caritate *malus inuentus est.* [a] de **A**	*Item.* *Amissa* temperantia *intemperans effectus est*; *perdita* caritate *malus inuentus est.*

As can be seen from Table 21, *Deus non habet* and the *Sic et non* abbreviate *De salutaribus documentis* 60 in the same way. Both replace "persuasor etiam turpium . . . uideretque eum" with "dum uidit Adam," "ornatum" with "armatum," "circumdatum immortalitate uestitum, emulus atque" with "splendidum," "tantam beatitudinem" with "hoc," "quam" with "quod," "cognoscitur amisisse . . . nos nostrosque" with "perdidisset, primos," "tantis ac talibus" with "illis donis ac tantis," "insuper et" with "pariter ac," and "et multis bonis . . . et propinauit mortem" with "cum homini abstulisset . . . malus inuentus est." Both also attribute this excerpt to Augustine's *Homily* 11. The readings in *Deus non habet* and the *Sic et non* differ in only three instances. On the first occasion, *Deus non habet* agrees with the material source ("factum") against the *Sic et non* ("formatum"). On the second and third occasions, the *Sic et non* agrees with the material source ("exspoliauit" and "Nam") against *Deus non habet* ("expoliauit" and "Namque"). Since both *Deus non habet* and the *Sic et non* contain readings from the material source not found in the other work, it seems likely that these works neither draw independently upon the material source nor depend upon each other. Instead, *Deus non habet* and the *Sic et non* probably took their texts of "Princeps omnium uitiorum . . . " from a common source.

TABLE 22

Deus non habet (**A**, fol. 9v); *Sic et non* 138.77	*Ut autem hoc evidenter*	*De pen.* D.2 c.32

Augustinus in omelia xi. Princeps omnium uiciorum, dum uidit Adam ex[a] limo terre ad imaginem dei factum, pudicitia armatum, temperantia compositum, caritate splendidum, inuidus hoc hominem terrenum accepisse quod ipse dum esset angelus per superbiam perdidisset, primos parentes illis donis ac tantis bonis expoliauit[b], pariter ac	Idem in omelia undecima. Princeps <u>uitiorum omnium</u>[a] dum uidit Adam ex limo terre ad imaginem dei factum, pudicitia armatum, temperantia compositum, caritate splendidum,
	
	   primos parentes illis donis ac tantis bonis expoliauit, pariter ac
		Idem in omelia undecima. Princeps <u>uitiorum omnium</u>[a] dum uidit Adam ex limo terre ad imaginem dei factum, pudicitia *ornatum*, temperantia compositum, caritate splendidum,
		
		   primos parentes *a* tantis bonis expoliauit, pariter ac[b]

peremit. Namque[c] cum homini abstulisset fidem, pudiciciam, continentiam, suo dominio subiugauit.	peremit. Namque cum homini abstulisset pudicitiam, continentiam, suo dominio subiugauit.	peremit. Namque[c] cum homini abstulisset pudicitiam, continentiam, suo dominio *eum*[d] subiugauit.

Et paulo post.
            Amissa
temperantia, intemperans effectus est; perdita caritate malus inuentus est.
	Et paulo post.
	            Amissa
	temperantia, intemperans <u>factus</u> est; perdita caritate malus inuentus est.
		Et paulo post.
		            Adam amissa
		temperantia intemperans <u>factus</u> est; perdita caritate malus inuentus est.

[a] de **A** [b] exspoliauit *Sic et non* [c] Nam *Sic et non*	[a] omnium uitiorum **NS**	[a] omnium uitiorum **Aa** [b] hos **Aa** [c] Nam **Aa** [d] eum dominio **Aa**

Ut autem hoc evidenter and the *De penitentia* contain all the same omissions and changes common to *Deus non habet* and the *Sic et non*. They also contain the variants "expoliauit" and "Namque" found in *Deus non habet* but not the *Sic et non*, which suggests that *Deus non habet* rather than the *Sic et non* was the formal source from which *Ut autem hoc evidenter/De penitentia* drew this text. Three variants common to both *Ut autem hoc evidenter* and the *De penitentia* rule out the possibility that these two works draw independently on *Deus non habet*: the transposition of "omnium uitiorum" to "uitiorum omnium," the omission of "inuidus hoc hominem . . . per superbiam perdidisset," and the replacement of "effectus" with "factus."[45] Two variants show that the *De penitentia* could not have been *Ut autem hoc evidenter*'s source. First, the first-recension *De penitentia* (but not the second-recension *De penitentia*) provides the reading "a tantis bonis" rather than "illis donis ac tantis bonis."[46] Second, the *De penitentia* inserts the word "eum" after "dominio," a variant unattested in any other source. Only in one other instance does *De pen.* D.2 c.32 differ from *Ut autem hoc evidenter*. Instead of "armatum" — the reading found in *Ut autem hoc evidenter*, *Deus non habet*, and the *Sic et non* — the *De penitentia* agrees with the material source in reading "ornatum." Since Gratian most definitely did not make direct use of the material source, this variant must be due to scribal error or conjectural emendation. It does not rule out the possibility that, for this text, *Ut autem hoc evidenter* was Gratian's source.

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[45] **R** and **S** actually include "inuidus hoc hominem . . . per superbiam perdidisset." This, however, is just one of the many interpolations found in both manuscripts.

[46] a tantis bonis] **AaFd** illis donis ac (et **Pk**) tantis bonis **CgFrKaMeMkPkSaTx-TyTz**.

De correptione et gratia

Twelve of the fifty-eight non-biblical quotations in *Ut autem hoc evidenter* appear to have been taken directly from Augustine's *De correptione et gratia* or from a florilegium containing extracts from this work. Eight of these appear in the same form in the *De penitentia* (*De pen*. D.2 d.p.c.24, cc.25–27, and 41). Since the *De penitentia* not only quotes these texts in the same order (*De correptione et gratia* 7.13, 7.16, 9.21, 9.24 and 9.23, 6.10, 9.20, 13.40), but also includes identical commentary, it is clear that these similarities cannot be due to independent uses of the material source or to independent uses of an uncommented florilegium. Instead, one work must depend upon the other or both must make use of a shared theological treatise.

TABLE 23

Augustine, *De correptione et gratia* 7.13[47]	*Ut autem hoc evidenter*	*De pen*. D.2 d.p.c. 24 §1
	Augustinus de corr. et gratia.	Unde Augustinus in libro de correctione et gratia:
Quicumque ergo ab illa originali damnatione ista diuine gratie largitate discreti sunt, non est dubium quod et procuratur eis <u>audiendum</u> euangelium, et cum audiunt, credunt, et in fide que per dilectionem operatur, usque in finem perseuerant; et si quando exorbitant, correpti emendantur, et quidam eorum etsi ab hominibus non corripiantur, in uiam quam reliquerant redeunt.	Quicumque ab illa originali dampnatione ista diuine gratie largitate discreti sunt, non est dubium *quin procuretur* eis <u>audiendum</u> euangelium, et cum audiunt, credunt et in fide[a] que per dilectionem operatur, usque in finem perseuerant; et si quando *exorbitent*, correpti emendantur, et quidam eorum etsi ab hominibus[b] non corripiantur, in uiam quam reliquerant[c] redeunt etc.	Quicumque ab illa originali dampnatione ista diuine gratie largitate discreti sunt, non est dubium *quin procuretur* eis euangelium, et cum audiunt, credunt, et in fide que per dilectionem operatur, usque in finem perseuerant; et si quando *exorbitent*, correcti emendantur, et quidam eorum etsi ab hominibus[a] non corripiantur, in uiam quam reliquerant redeunt etc.
	[a] fidem **FG** [b] omnibus **DGS** [c] relinquerant **DG**	[a] omnibus **Aa**

One variant for *De correptione et gratia* 7.13 makes it clear that the *De penitentia* could not have been *Ut autem hoc evidenter*'s formal source. Both *Ut autem hoc evidenter* and the *De penitentia* abbreviate Augustine's text in the same way (see Table 23). Both omit "ergo," replace "quod et procuratur" with "quin procuretur," give "exorbitent" rather than "exorbitant," and append "etc." to the end of the excerpt. Yet whereas the word "audiendum"

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[47] Augustine, *De correptione et gratia* 7.13, ed. Georges Folliet, CSEL 92 (Vienna, 2000), 233, lines 1–7.

is omitted in the *De penitentia*, it is present in *Ut autem hoc evidenter*. Since this word is not necessary to complete the sense of the passage, Gratian may have deleted the word himself. Alternatively, its absence may be due to scribal error. It is highly unlikely that the author of *Ut autem hoc evidenter* could have inserted "audiendum" on his own initiative. Rather, the word must have been present in his formal source, which therefore could not have been the *De penitentia*.

TABLE 24

Augustine, *De correptione et gratia* 7.16[48]	*Ut autem hoc evidenter*	*De pen.* D.2 c.25
'Firmum autem fundamentum dei stat, habens signaculum hoc. Sciuit dominus qui sunt eius.' Horum fides, que per dilectionem operatur, profecto aut omnino non deficit, aut si qui sunt quorum deficit, reparatur antequam uita ista finiatur, et deleta que intercurrerat iniquitate, usque in finem perseuerantia deputatur.	In eodem. 'Firmum fundamentum dei stat habens signaculum hoc. Sciuit[a] dominus qui sunt eius.' Horum fides, que per dilectionem operatur, profecto aut omnino non deficit, aut si qui sunt, quorum deficit, *reparantur* antequam uita ista finiatur, et deleta que intercurrerat iniquitate, usque in finem *perseuerantie*[b] *deputantur*. [a] Nouit **DS** [b] perseuerante **F**	In eodem. 'Firmum fundamentum dei stat, habens signaculum hoc. *Scit* dominus qui sunt eius.' Horum fides, que per dilectionem operatur, profecto aut omnino non deficit, aut si qui sunt, quorum deficit, *reparantur* antequam uita[a] *finiatur ista*[b], et deleta *iniquitate* que intercurrerat[c], usque in finem perseuerantia *deputantur*. [a] uia **Fd**[1] [b] ista finiatur **Aa** [c] intercucurrerat **Fd**

The variants for *De correptione et gratia* 7.16 are more ambiguous because both *Ut autem hoc evidenter* and the *De penitentia* appear to contain corruptions not present in the other work (see Table 24). The presence of "Scit" rather than "Sciuit" and the transposition of "iniquitate" to right before "que intercurrerat" suggest that the *De penitentia* was not *Ut autem hoc evidenter*'s formal source, although it is not inconceivable that the absence of these errors in *Ut autem hoc evidenter* is the result of conjectural emendation. More problematic is the agreement of the first-recension manuscripts of the *Decretum* (**Aa** and **Fd**) with the material source against *Ut autem hoc evidenter* and most manuscripts of the second recension in reading "perseuerantia" rather than "perseuerantie."[49] The presence of the correct "perseuerantia" in manuscripts of the first recension appears to argue against the

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[48] Ibid. 7.16, 236, lines 3–8.
[49] perseuerantia] **AaFdFrMk** perseuerantie **CgKaMePkSaTxTyTz**.

possibility that *Ut autem hoc evidenter* was Gratian's formal source. Since "usque in finem perseuerantie deputantur" ("until they are allotted to the end of perseverance" or "until perseverances are alloted to the end" depending on whether one takes "perseuerantie" to be nominative plural or genitive singular) does not make much sense and is clearly corrupt, however, it is possible that "perseuerantie" was present in Gratian's formal source but that Gratian corrected the word to "perseuerantia" on his own.

TABLE 25

Augustine, *De correptione et gratia* 9.21[50]	*Ut autem hoc evidenter*	*De pen*. D.2 c.26
Ac per hoc nullus eorum ex bono in malum mutatus finit hanc uitam.	Idem in eodem. Nullus eorum ex bono in malum *commutatus* finit hanc uitam.	In eodem. Nullus eorum ex bono in malum *commutatus* finit hanc uitam.

For *De correptione et gratia* 9.21, *Ut autem hoc evidenter* and the *De penitentia* provide almost identical texts. Both omit "Ac per hoc" and alter "mutatus" to "commutatus." The only difference between the two texts is the presence of "Idem" in the inscription in *Ut autem hoc evidenter*.

TABLE 26

Augustine, *De correptione et gratia* 9.24[51]	*Ut autem hoc evidenter*	*De pen*. D.2 c.27
Talibus deus diligentibus eum omnia cooperatur in bonum, usque adeo prorsus omnia, ut etiam si qui eorum deuiant et exorbitant, etiam hoc ipsum eis faciat proficere in bonum, quia humiliores redeunt atque doctiores.	In eodem. Talibus deus diligentibus eum omnia *cooperantur* in bonum, usque adeo prorsus omnia, ut etiam si qui eorum deuiant et exorbitant, etiam hoc ipsum faciat eis proficere in bonum etc.	In eodem. Talibus deus[a] diligentibus eum omnia cooperatur[b] in bonum, usque adeo prorsus omnia, ut etiam si qui eorum deuiant et exorbitant, etiam hoc ipsum faciat eis proficere in bonum. [a] *om.* **Aa** [b] cooperantur **Aa**

For *De correptione et gratia* 9.24, *Ut autem hoc evidenter* appears to contain a corruption not found in the *De penitentia*. Whereas **Fd** and some manuscripts of the second recension agree with the material source in reading "cooperatur," *Ut autem hoc evidenter* provides the variant "cooperantur." Since "cooperantur" is also found in **Aa** and many manuscripts of the sec-

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[50] Augustine, *De correptione et gratia* 9.21, ed. Georges Folliet, CSEL 92, 243, lines 10–11.
[51] *Ibid.* 9.24, lines 1–5.

ond recension, however, it is possible that this rather than "cooperatur" was the original reading in the *De penitentia*.[52]

The only other difference between *Ut autem hoc evidenter* and the *De penitentia* is the absence of "etc." in the *De penitentia*. Although minor, this variant suggests that the *De penitentia* was not *Ut autem hoc evidenter*'s formal source.

TABLE 27

Augustine, *De correptione et gratia* 9.23, 6.10, 9.20, 13.40[53]	*Ut autem hoc evidenter*	*De pen.* D.2 d.p.c.40–c.41
	De reprobis etiam qui caritatem habuisse uidentur,	De reprobis[a] etiam uidendum est an[b] ipsi caritatem habeant, qua amissa postea dampnentur.
Propter hoc apostolus cum dixisset: 'Scimus quoniam diligentibus deum omnia cooperatur in bonum,' sciens nonnullos diligere deum et in eo bono usque in finem non permanere, mox addidit: 'his qui secundum propositum uocati sunt.'	Augustinus de correctione et gratia. . Apostolus sciens nonnullos diligere deum et in eo *modo* usque in finem non *perseuerare*, mox addidit: 'his qui secundum propositum uocati sunt sancti etc.'	De his ita scribit Augustinus in libro de correctione et gratia. Apostolus sciens nonnullos diligere deum et in eo *modo* usque in finem non *perseuerare*, mox addidit: 'his qui secundum propositum uocati sunt sancti[c] etc.' [a] re- *add. sup. lin.* **Fd** [b] quare **Fd** [c] *om.* **Fd**
An adhuc et iste nolens corripi, potest dicere: 'Quid ego feci, qui non accepi?' quem constat accepisse, et sua culpa quod acceperat amisisse? Possum, inquit, possum omnino quando me arguis, quod ex bona uita in malam mea uoluntate relapsus sim, dicere adhuc: 'Quid ego feci, qui non accepi?' Accepi enim fidem, que per dilectionem operatur, sed in illa usque in finem perseuerantiam non accepi.	In eodem. An adhuc et iste nolens corripi, *poterit* dicere: 'Quid ego feci qui[a] non accepi?' quem constat accepisse, et sua culpa quod acceperat amisisse? Possum, inquid, possum omnino quando me arguis *dicere* quod ex bona uita in malam mea uoluntate relapsus *sum*: 'adhuc quid ego feci, qui non accepi?' Accepi enim fidem que per dilectionem operatur, sed in illa usque in finem perseuerantiam non accepi.	In eodem. An adhuc et iste nolens corripi, *poterit* dicere: 'Quid ego feci *quod* non accepi?' quem[a] constat accepisse, et sua culpa quod acceperat ammisisse? Possum, inquit, possum omnino quando me arguis *dicere* quod ex bona[b] uita in malam mea uoluntate[c] relapsus *sum*: 'adhuc quid[d] ego[e] feci, *quod* non accepi?' Accepi[f] enim fidem que per dilectionem operatur, set in illa usque in finem perseuerantiam non accepi.

[52] cooperatur] **FdFrKaMe**[p.c.]**SaTxTz** cooperantur **AaCgMe**[a.c.]**MkPkTy**.

[53] Augustine, *De correptione et gratia* 9.23, 245, lines 1–4; 6.10, 227–28, lines 1–7; 9.20, 242, lines 30–31; 13.40, 268–69, lines 13–18.

	^{a} *ex* quod *corr. (ut uidetur)* **FG** quod **DS**	^{a} quam **Fd**^{1} ^{b} *ex mala corr.* **Aa** ^{c} *suppl. in marg.* **Aa** ^{d} quid adhuc **Fd**^{1} ^{e} *suppl. in marg.* **Fd**^{2} ^{f} *suppl. sup. lin.* **Fd**^{2}
In bono illos uolebat proculdubio permanere. Erant itaque in bono, sed quia in eo non permanserunt	In eodem de eisdem. In bono illos uolebat proculdubio *manere*. Erant *utique* in bono, sed in eo non permanserunt.	In eodem. In bono illos uolebat proculdubio *manere*. Erant *utique* in bono, set in eo non permanserunt.

. . .
propter huius ergo
utilitatem secreti credendum
est quosdam de filiis
perditionis, non accepto
dono perseuerandi usque in
finem, in fide que per
dilectionem operatur
incipere uiuere et aliquamdiu
fideliter ac iuste
uiuere, et postea cadere,
neque de hac uita priusquam
hoc eis
contingat auferri.
	In eodem.
	Propter huius
	utilitatem secreti credendum
	est quosdam de filiis
	perditionis, non accepto
	dono perseuerandi usque in
	finem, in *fidem* que per
	dilectionem operatur
	incipere uiuere
	
	        et postea cadere
	etc.
		In eodem.
		Propter huius
		utilitatem secreti credendum
		est quosdam de filiis
		perditionis, non accepto
		dono perseuerandi usque in
		finem, in *fidem* que per
		dilectionem operatur
		incipere uiuere
		
		        et postea cadere
		etc.

Only minor variants exist for the remaining excerpts from the *De correptione et gratia* (9.23, 6.10, 9.20, and 13.40). For *De correptione et gratia* 9.20 and 13.40, *Ut autem hoc evidenter* and the *De penitentia* present exactly the same text. For *De correptione et gratia* 9.23 and 6.10, *Ut autem hoc evidenter* possibly contains one deviation from the material source not found in the *De penitentia*. In citing Rom. 8:28 ("his qui secundum propositum uocati sunt sancti"), *Ut autem hoc evidenter*, one first-recension manuscript (**Aa**), and most second-recension manuscripts follow the Vulgate in inserting "sancti" at the end. The more reliable first-recension manuscript of the *Decretum* (**Fd**), however, and at least one early second-recension manuscript agree with the material source in omitting "sancti."[54] For *De correptione et gratia* 6.10, there exists one variant. Instead of "qui non accepi," the *De penitentia* reads "quod non accepi."

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[54] sunt sancti] **AaCgFrKaPkSaTxTyTz** sunt **FdMk** *om.* **Me**.

Conclusion to Part 1

For twenty-two of the twenty-seven non-biblical quotations common to *Ut autem hoc evidenter* and the *De penitentia*, significant variants rule out the possibility that the *De penitentia* was *Ut autem hoc evidenter*'s formal source. In order to explain why so many texts appear in nearly identical versions in both works and often in the same order, one must instead posit the dependence of the *De penitentia* on *Ut autem hoc evidenter* or the dependence of both works on a common source. Although the foregoing analysis reveals a few instances in which the *De penitentia* appears to contain correct readings not found in *Ut autem hoc evidenter*, none of these is unambiguous and necessitates postulating a common source. For this reason, it seems more likely that the similarities between the *De penitentia* and *Ut autem hoc evidenter* are due not to the existence of a common source, but rather to Gratian's direct use of *Ut autem hoc evidenter*.

Part 2: Gratian's Dialectical Method

The prologue to Peter Abelard's *Sic et non* occupies an important place in the history of scholasticism.[55] Earlier theorists who sought to bring harmony out of dissonance, such as Ivo of Chartres in his *Prologus* and Alger of Liège in his *De misericordia et iustitia*, focused on legal texts.[56] They tried to reconcile contradictory canons primarily by distinguishing between general precepts and special privileges or dispensations. Abelard's great contribution in this area was to formulate a new concordance rule rooted in dialectic and applicable to any kind of authority, regardless of subject matter.[57] According to Abelard, apparent contradictions often stem from the ambiguities of

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[55] Peter Abelard, prologue to the *Sic et non*, 89–104. On the interpretation of Abelard's prologue, see Antonio Crocco, "Le cinque regole ermeneutiche del *Sic et non*," *Rivista critica di storia della filosofia* 24 (1979): 452–58; Jean Jolivet, "Le traitement des autorités contraires selon le *Sic et non* d'Abélard," in *Aspects de la pensée médiévale: Abélard; Doctrines du langage* (Paris, 1987), 79–92; Cornelia Rizek-Pfister, "Die hermeneutischen Prinzipien in Abaelards *Sic et non*," *Freiburger Zeitschrift für Philosophie und Theologie* 47 (2000): 484–501.

[56] Ivo of Chartres, *Le prologue*, Latin text, introduction, French translation, and notes by Jean Werckmeister (Paris, 1997); Bruce Brasington, *Ways of Mercy: The Prologue of Ivo of Chartres: Edition and Analysis* (Berlin, 2004); Robert Kretschmar, *Alger von Lüttichs Traktat "De misericordia et iustitia": Ein kanonistischer Konkordanzversuch aus der Zeit des Investiturstreits; Untersuchungen und Edition* (Sigmaringen, 1985).

[57] De Ghellinck, *Le mouvement théologique* (n. 3 above), 65: "La mémorable préface de ce recueil [Abelard's *Sic et non*], qui explique l'oeuvre qu'elle introduit dans un sens fort éloigné du scepticisme rationaliste, comme on l'a cru trop longtemps, ajoute aux procédés antérieurs une règle nouvelle qui fera époque: l'emploi de la dialectique, qui s'applique à trouver les significations différentes dont un même mot est susceptible chez divers auteurs. Gratien tranche sur ses prédécesseurs en droit canon par une large utilisation de ce nouveau moyen de solution érigé en principe par l'oeuvre abélardienne."

language: the same word can have diverse meanings.[58] In order to resolve apparent contradictions, the theologian must learn to recognize and distinguish between the many different significations which words can possess.

Because Abelard in the *Sic et non* is the first theorist to discuss this harmonization technique and because Gratian frequently employs it in his *Decretum*, a number of scholars have considered it likely that Gratian's knowledge of the scholastic method derives from his familiarity with the prologue to the *Sic et non*.[59] There are two problems, however, with this line of reasoning. First, aside from methodological parallels, there is no evidence that Gratian knew the *Sic et non*. The redactor of the second-recension *Decretum* may have been familiar with the prologue to the *Sic et non*, since he probably drew upon the *Sic et non* or at least a florilegium dependent on the *Sic et non* in compiling distinction 2 of the *De consecratione*.[60] Gratian, the author of the first recension, on the other hand, did not make direct use of Abelard's collection. In the first recension, only the four patristic texts cited in C.15 q.1 d.a.c.1 can possibly derive from the *Sic et non*. Numerous variants, however, argue against this possibility. As Tatsushi Genka's detailed analysis of these texts shows, Gratian includes words and phrases found in the material source (Augustine's *Retractationes*) but missing from all known manuscripts of the *Sic et non*. Genka himself suggests that these variants may stem from Gratian's own editorial activity. According to Genka, Gratian could have excerpted the authorities in C.15 q.1 d.a.c.1 from the *Sic et non* and then modified them against a copy of Augustine's *Retractationes*.[61] Given Gratian's general fidelity to his formal sources, however, such extensive editorial changes seem highly doubtful.

The second problem with supposing that Gratian was familiar with the *Sic et non* is that Abelard was simply the first person to discuss the impor-

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[58] Abelard, prologue to the *Sic et non*, 89, lines 11–14: "Ad quam nos maxime peruenire impedit inusitatus locutionis modus ac plerumque earundem uocum significatio diuersa, cum modo in hac modo in illa significatione uox eadem sit posita. Quippe quemadmodum in sensu suo ita et in uerbis suis unusquisque abundat."

[59] See n. 7 above.

[60] See Landau, Appendix 2 to "Gratian und die Sententiae Magistri A," 326; John Wei, Appendix to "The *Collectio sancte Genoveve* and Peter Abaelard's *Sic et non*," *ZRG KA* 94 (2008): 21–37, at 35–37.

[61] Tatsushi Genka, "Zur textlichen Grundlage der Imputationslehre Gratians," *BMCL* 25 (2002–3): 40–81, at 73: "Aus diesem Befund ergibt sich, dass das Florilegium, das zwischen Augustin und Gratian liegt, mit SN [i.e. Abelard's *Sic et non*] identisch oder auf jeden Fall mit SN eng verwandt ist. Es gibt aber immer noch drei Möglichkeiten. A. Die Benutzung von SN, womöglich in einer unbekannten Fassung, B. Das Vorhandensein einer gemeinsamen Quelle, C. Die Benutzung eines von SN abhängigen Florilegiums. Da die Grenzen zwischen A und C so fließend ist, lassen die Möglichkeiten sich auf A reduzieren, und wenn Abelard die *fontes materiales* selbst benutzt hätte, dann könnte man vielleicht auf SN schließen. Jedoch muß ich die Frage offen lassen."

tance of distinguishing between multiple significations of the same word in a hermeneutical treatise; he was not the first person to use this concordance technique. Works predating or contemporaneous with the *Sic et non* also emphasize that the same word can have diverse significations and mean different things in different contexts. Two such works — *Deus non habet* and *Deus itaque summe* — deserve especial attention because they show how Gratian could have learned the scholastic method for reconciling contradictory authorities independently of the *Sic et non*.

The early scholastic sentence collection *Deus non habet* was the main source for many of the sentence collections attributed to the school of Laon. Both it and the *Sic et non* appear to be roughly contemporaneous, since both make use of a common source and neither shows the influence of the other work. Although there is no evidence that the author of *Deus non habet* was familiar with the prologue to the *Sic et non*, *Deus non habet* nevertheless betrays a great sensitivity to language and strong dialectical leanings. In particular, it emphasizes that many apparent paradoxes and problems derive from an incorrect understanding of language, and it often resolves contradictions by distinguishing between various senses of the same word. *Deus non habet*, for instance, distinguishes five ways in which man can be said to be the image of God: "Quinque igitur modis homo dicitur imago dei" **A**, fol. 6r). It provides multiple definitions of the will of God: "Et priusquam huius oppositionis solutionem ponamus, predicendum est quibus modis uoluntas dei accipiatur" (**A**, fol. 16r). It notes that the word "sin" is ambiguous: "Notandum est inter actionem (intractionem **A**) homicidii aut cuiuslibet alterius delicti et reatum illius esse differentiam. Actio enim ilico transit, reatus uero ex ea contractus permanet donec delatur per gratiam Christi. Utrumque tamen uocatur peccatum" (**A**, fol. 24v). And it investigates the different ways in which the phrases "God can make something" and "Original sin is remitted in baptism" should be understood: "Est autem attendendum quomodo hec uerba sint intelligenda: 'Deus potest aliquid facere'" (**A**, fol. 20r) and "Est autem inspiciendum quid sit dicere 'originale peccatum dimittitur in baptismo.' At primum uidendum est quid uocetur 'originale peccatum'" (**A**, fol. 24r).

Deus non habet consists largely of matching sets of questions introduced with "Queritur" and responses introduced with "Solutio." Because it is organized around questions rather than paradoxes or contradictions, *Deus non habet* tends to quote only those authorities which support the views that it favors and to omit contradictory authorities. Like Gratian, *Deus non habet* uses authorities to clarify and bolster its own positions. Unlike Gratian, however, the quoting and reconciliation of contradictory authorities (as opposed to the refutation of objections and contradictory opinions) occurs but rarely in the text.

The tracts on charity (*Ut autem hoc evidenter*) and penance (*Baptizato homine*) of *Deus itaque summe*, however, are different. Like *Deus non habet*, these treatises emphasize that many apparent paradoxes and problems derive from an incorrect understanding of language. Unlike *Deus non habet*, however, *Ut autem hoc evidenter* and *Baptizato homine* often employ a true sic *et non* method. Eschewing the question-response format of *Deus non habet*, both treatises instead proceed dialectically, by analyzing conflicting proof texts. Rather than citing just authorities which support their views, they juxtapose long lists of authorities for and against each thesis, which they then reconcile and harmonize, just as one finds in the *Decretum*. *Ut autem hoc evidenter*, for instance, announces its intention to examine conflicting proof texts from the very start: "Uarias igitur diuersorum op<p>iniones in medium proferamus, ut cui potissimum ueritas accesserit, si possumus, uideamus" (**G**, fol. 7v^b). It cites numerous authorities for and against several theses, in particular, the views that charity can never be lost, that those who possess charity cannot commit mortal sins, and that those without charity cannot perform good works.[62] Although *Ut autem hoc evidenter* uses a wide variety of techniques to reconcile conflicting authorities, it resolves the largest number of contradictions by distinguishing between various senses of the same word, most notably with regards to "caritas/dilectio." Authorities which assert that charity can never be lost or that those possessing charity cannot commit mortal sins it interprets as referring to perfect charity. Authorities which assert the contrary it interprets as referring to imperfect forms of charity.[63]

Baptizato homine likewise does not shrink from citing contradictory authorities or drawing attention to apparent contradictions between authoritative texts. It cites authorities for and against two theses: that penance cannot be repeated and that sins, once forgiven, return after one commits another mortal sin.[64] It devotes extensive attention to interpreting individual authorities and frequently raises objections using various forms of "opponitur." On several occasions, it attempts to resolve contradictions

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[62] "Dicunt quidam quod quilibet post discretionem habet, quod uel odium uel caritatem habet, et postquam caritatem habuerit, non peccat criminaliter" (**G**, fol. 7v^b); "Item ad confirmationem illius partis quod (qui **G**) absque caritate nullum bonum fit" (**G**, fol. 8r^a); "Nunc op<p>onamus illis partibus quibus simul [quibus] asseritur quod <h>abita caritate nemo uel peccat uel deserit" (**G**, fol. 8r^a); "Prius autem opponamus illi parti quod aliquis habens caritatem peccat" (**G**, fol. 9v^a); "Nunc op<p>onamus illis parti in qua dicitur quod caritas non perditur" (**G**, fol. 10v^b); "Deinceps op<p>onatur illi parti quod sine caritate multa bona fiunt" (**G**, fol. 11r^a).

[63] "Soluitur etiam sic: Ex indefinita nichil concluditur, uel dicatur de perfecta dilectione" (**G**, fol. 9v^b); "Iterum. Timor in caritate non est. Solutio: Perfecta" (**G**, fol. 10r^a); "Quod autem caritas sit et perfecta et inperfecta . . . " (**G**, fol. 10v^a); "de caritate predestinatorum dictum est" (**G**, fol. 11v^a).

through linguistic considerations.[65] At other times, it uses hypothetical scenarios to argue against the viability of a particular interpretation.[66] And in one instance, it explains away a contrary proof text by distinguishing between solemn and non-solemn forms of penance.[67]

These examples should suffice to show that *Deus itaque summe* would have provided Gratian with not only patristic texts and *dicta*, but also models for how to apply the scholastic method. In studying this sentence collection, Gratian would not only have learned about the content of contemporary scholastic theology, he would have also acquired greater familiarity with its method. Although it is possible that the prologue to the *Sic et non* likewise played a role in Gratian's intellectual formation and introduction to the scholastic method, there is no need to assume that he knew or read it. To explain Gratian's knowledge of the scholastic method, it is not necessary to posit Gratian's dependence on Abelard, whether direct or indirect.

CONCLUSION

Gratian must have learned the scholastic method for reconciling contradictory authorities from a contemporary theologian or contemporary theological work. In trying to determine who or what Gratian's sources might have been, it only makes sense to begin with Gratian's known theological sources. In compiling the first-recension *Decretum*, Gratian drew extensively on *Deus itaque summe*, a sentence collection related to the school of Laon. In particular, *Ut autem hoc evidenter*, the tract on charity of this sentence collection, was a major source for distinction 2 of the *De penitentia*. *Ut autem hoc evidenter* makes extensive use of the scholastic method for reconciling contradictory authorities, providing many examples of how to apply the scholastic method to problematic propositions and proof texts. It thus seems

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[64] *Baptizato homine* §10, ed. Wei (n. 20 above), 92, lines 58–62: "Sed cum illa predicta communiter dicantur de penitentia, hec deinceps est attendenda diuersitas. Dicunt quidam quod, postquam aliquis semel penituerit, numquam amplius in crimen recidet, et si reciderit, non ualuit penitentia, immo non fuit penitentia. Et hoc diuersis auctoritatibus confirmant"; *Baptizato homine* §17, 93, line 84: "Est iterum in hac sententia quod dimissa redeunt"; *Baptizato homine* §41, 99, lines 245–47: "Sunt autem alii qui concedunt similiter quod post peractam penitentiam aliquis peccat, sed si peccat, id quod dimissum erat per penitentiam statim redit."

[65] For instance, *Baptizato homine* §18, 93, lines 88–90: "Primum opponitur illi parti: 'Penitentiam agere est etc.' 'Agere' et 'committere' uel sunt presentis temporis, uel sunt futuri, uel unum presentis et alterum futuri."

[66] For instance, *Baptizato homine* §28, 96, lines 155–59: "Ponamus autem quod aliquis modo satisfecit de adulterio et post uiginti annos commissurus est homicidium. Possibile esset eum mori ante uiginti annos. Hoc eueniente, quod ipse moreretur, quid inde contingeret? Saluaretur an damnaretur?"

[67] *Baptizato homine* §36, 98, lines 212–13: "Solutio: de solemni penitentia, que non iteratur, dictum est."

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quite possible that *Deus itaque summe*/*Ut autem hoc evidenter* or its author was one of the sources for Gratian's knowledge of the scholastic method.

Gratian's indebtedness to *Deus itaque summe* links him to the school of Laon, although not necessarily to Anselm of Laon. Valerie Flint has criticized the concept of the "school of Laon" for its alleged conflation of two distinct historical phenomena: the cathedral school *at* Laon, led by Master Anselm and his brother Ralph, and the anonymous works attributed to the school *of* Laon, which, Flint claims, are unrelated to the cathedral school and its pupils.[68] More recent research by Cédric Giraud into the *sententie* attributed to Anselm and the sentence collections attributed to his school suggests that Flint's views are too extreme.[69] The sentence collections generally designated by the term "school of Laon" are closely related in content and form. From the manuscripts, it appears that many of them were composed in northern France. Many of these collections draw heavily upon the *sententie* attributed to Anselm, but only rarely or not at all upon the writings of Abelard and Hugh of St. Victor. Medieval scribes associated at least one of these collections — *Principium et causa omnium* (the so-called *Sententie Anselmi*) — explicitly with Laon, attributing it variously to Anselm, his brother Ralph, or a Master Uutolf (perhaps Lotolf of Novarra). Even though the exact relationship between the compilers of these sentence collections and Anselm remains unknown, it is clear that many of them were compiled in a theological milieu greatly indebted to Anselm's teachings and/or in geographical proximity to Laon.

Deus itaque summe is related literarily to the other sentence collections attributed to the school of Laon, but does not contain a large amount of overlap with Anselm of Laon's preserved *sententie*. Gratian's use of *Deus itaque summe* thus does not prove that he was Anselm's pupil or that he held Anselm in particularly high regard. Given the close links between many of these sentence collections and Anselm's teachings, however, Gratian's use of *Deus itaque summe* does raise the possibility that he learned theology in an environment influenced by Anselm. At the very least, it suggests that the theology of the *Decretum* needs to be understood against the background of writings associated with the school of Laon (i.e., works related literarily to *Deus non habet* and *Principium et causa omnium*, many of which draw heavily upon Anselm's teachings). Further studies of Gratian and the early scholastics would thus do well to focus on writings belonging to the school of Laon, particularly unedited works which circulated in Italy. The results are sure to prove enlightening.

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[68] Flint, "The 'School of Laon': A Reconsideration" (n. 6 above).

[69] Giraud, *Per verba magistri* (n. 6 above).

APPENDIX

MANUSCRIPTS AND EDITIONS OF THE *DECRETUM GRATIANI*:[70]

Siglum	Manuscript
Aa	Admont, Stiftsbibliothek 23 and 43
Cg	Cambridge, Gonville and Caius College 6
Fd	Florence, Biblioteca Nazionale Centrale, Conv. Soppr. A.1.402
Fr	Friedberg's edition
Ka	Cologne, Dombibliothek 127 (Friedberg's **A**)
Me	Munich, Bayerische Staatsbibliothek, Clm 13004
Mk	Munich, Bayerische Staatsbibliothek, Clm 28161
Pk	Paris, Bibliothèque Nationale de France, lat. 3884
Sa	Salzburg, Stiftsbibliothek St. Peter, a.xii.9
Tx	Trier, Stadtbibliothek 907
Ty	Troyes, Bibliothèque Municipale, lat. 60
Tz	Troyes, Bibliothèque Municipale, lat. 103

MANUSCRIPTS CONTAINING *UT AUTEM HOC EVIDENTER* (THE TRACT ON CHARITY OF *DEUS ITAQUE SUMME*):

Siglum	Manuscript
D	Como, Biblioteca Seminario, Morimondo 15, fols. 44r^a–46v^a
F	Florence, Biblioteca Medicea Laurenziana, Plut. V sin 7, fols. 72v^b–76r^b
G	Florence, Biblioteca Medicea Laurenziana, Acq. e Doni 276, fols. 7v^b–11v^a
H	Fulda, Hessische Landesbibliothek, Aa 36 4°, fols. 21r^b–24v^b
N	Munich, Bayerische Staatsbibliothek, Clm 22307, fols. 93r–98r
R	Prague, Národní knihovna České Republiky, XXIII E 45, unfoliated
S	Vatican, Biblioteca Apostolica Vaticana, Vat. lat. 1345, fols. 106r–110v

MANUSCRIPTS CONTAINING *DEUS NON HABET*:

Siglum	Manuscript
A	Cambrai, Bibliothèque Municipale 339 (321)
W	Vienna, Nationalbibliothek, Series nova 3602 (olim. Lambach, Bibliothek des Benediktinerstifts, cod. LXXXVI)

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[70] I employ the sigla used by Rudolf Weigand, *Die Glossen zum Dekret Gratians: Studien zu den frühen Glossen und Glossenkompositionen*, 2 vols., Studia Gratiana 25–26 (Rome, 1991).