

Frans van de Paverd

Quotiescumque

Greek Origin of a Latin Confessor's Guide

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PUNCTUATION MARKS AND SELECTED ABBREVIATIONS

(...) = added for clarity's sake.

<...> = to be added.

{...} = to be omitted

ad = addit or addunt

BAC	Biblioteca de Autores Cristianos
Blaise (1954)	A. Blaise (1954), <i>Dictionnaire latin-français des auteurs chrétiens</i> , Turnhout
Blaise (1998)	A. Blaise (1998), <i>Lexicon latinitatis medii aevi</i> , repr. in CCCM of <i>Dictionnaire latin-français des auteurs du moyen âge</i> , Turnhout 1975
BOD	<i>Bodleianus Auct. E. 5. 13</i>
BSGRT	Bibliotheca scriptorum Graecorum et Romanorum Teubneriana
CCSL	Corpus Christianorum, Series Latina, Turnhout
CCCM	Corpus Christianorum Continuatio Medievals, Turnhout
CFHB	Corpus Fontium Historiae Byzantinae, Dumbarton Oaks
CIC	<i>Codex Iuris Canonici</i>
<i>clm</i>	<i>Codices latini Monacenses</i>
ConstAp	<i>Constitutiones Apostolorum</i>
CPG	M. Geerard (1983 - 1998), <i>Clavis Patrum Graecorum</i> , 5 vols + Supplement, Turnhout. J. Noret (2003), Editio secunda, anastatica, addendis locupletata of vol. III, Turnhout
CPL	E. Dekkers, with the cooperation of AE. Gaar (1995), <i>Clavis Patrum Latinorum, a Tertulliano ad Bedam</i> , CCSL, Steenbrugge
CSCO	Corpus Scriptorum Christianorum Orientalium, Rome <i>et alibi</i>
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum, Vienna
DID	<i>Didascalia Patrum</i> , see Van de Pavverd (2006)
EWNT	H. Balz - G. Schneider (eds) (1980 - 1983), <i>Exegetisches Wörterbuch zum Neuen Testament</i> , 3 vols, Publishing house Kohlhammer, 2 nd ed., 1992
GCS	Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte, Berlin
GEL	H. G. Liddel, R. Scott, H. Jones (1978), <i>A Greek-English Lexicon</i> , Oxford
HBS	Henry Bradshaw Society For Editing Rare Liturgical Books
HE	<i>Historia ecclesiastica</i>
KAN	<i>The Kanonarion by John Monk and Deacon</i> , see Van de Pavverd, F. (2006)
LitWo	L. Brinkhoff <i>et alii</i> (1958 - 1968. 1970), <i>Liturgisch Woordenboek</i> , 2 vols + Supplement, Roermond
LMA	<i>Lexikon des Mittelalters</i> , München <i>et alibi</i> , 1980 ff.
LThK	<i>Lexikon für Theologie und Kirche</i> , 3 rd ed., 1993 - 2001
MGH	Monumenta Germaniae historica inde ab a. ca. 500 usque ad a. 1500
MLW	<i>Mittelateinisches Wörterbuch bis zum ausgehenden 13. Jahrhundert</i> , Berlin 1967 ff.

NPNF	Nicene and Post-Nicene Fathers
OCA	Orientalia Christiana Analecta, Roma
OCP	<i>Orientalia Christiana Periodica</i> , Roma
ODB	A. P. Kazhdan <i>et alii</i> (eds) (1991), <i>The Oxford Dictionary of Byzantium</i> , 3 vols, New-York - Oxford
ODCC	F. L. Cross (ed.) (2005), <i>The Oxford Dictionary of the Christian Church</i>
om.	omittit or omittunt
P.	<i>Paenitentiale</i>
PG	Migne, Patrologia Graeca
PGL	G. W. H. Lampe (1969), <i>A Patristic Greek Lexicon</i> , Oxford
PL	Migne, Patrologia Latina
PontPoit	A. Martini (ed.) (1979), <i>Il cosiddetto Pontificale di Poitiers. Paris, Bibliothèque de l'Arsenal, cod. 227</i> , Roma
PRG	<i>Pontificale Romano-Germanicum</i>
Q	<i>Quotiescumque</i>
SC	Sources chrétiennes
StT	Studi e Testi, Città del Vaticano
TEE	<i>Trēskeutikē kai ēthikē enkyklopaideia</i> , Athens 1962 – 1968
WAS	H. Wasserschleben (1851), <i>Die Bussordnungen der abendländischen Kirche</i> , Halle , repr. Graz 1958

PREFACE

The guidebook for confessors that is called after its first name ‘*Quotiescumque*’ was a widespread text in the Middle Ages. One part of it, a priest’s preparatory prayer for hearing one or more confessions, even still appears in a Ritual published at Würzburg in 1836. The present study shows that this confessor’s guide is the Latin translation of a Greek model, with the exception of two interpolations by a Latin author. This thesis is based on the fact that there is also a Greek text of the priest’s prayer and *Quotiescumque* includes a rule on fasting that can only have been written by a Greek author.

Quotiescumque is especially found in penitential books. To initiate myself in this genre of Latin medieval works, I read Vogel (1978) and its ‘mise à jour’ by Frantzen (1985). These works served as a kind of ‘Clavis librorum paenitentialium’. Two more recent works improved my grasp of the Latin penitentials: Körntgen (1993) and Meens.

Among other ways in which it was transmitted, *Quotiescumque* or sections of it also appear in descriptions of confession rites and I had also to familiarize myself with these rites. Jungmann is still an indispensable tool for the study of the Latin orders of confession. However, the dissertation Gaastra (2007) was of equal importance to me. It shows the relevance of the distinction between Italian and non-Italian orders of confession. It also makes the reader aware of the fact that, although they belong to the same family and are comparable with each other, the Latin orders of confession are the products of individual authors, not of simple copyists. There are many manuscripts containing penitentials that are unpublished. Gaastra discovered several of them in various Italian libraries. Certain of these penitentials include orders of confession embodying sections of *Quotiescumque*. Gaastra sent me copies of his transcriptions of these orders. He was also always prepared to answer questions when I needed some clarification. For this I am very grateful to him.

I also want to thank the staff of the University Library of Utrecht, through whom books not only of its own collection were available to me but also those of other libraries in and outside the Netherlands. I am likewise indebted to the bookshop and publishing house Erven J. Bijleveld at Utrecht, which spared no pains to provide me with books published outside the Netherlands, which were often hard to obtain.

1. INTRODUCTION

1.A. Scope of my book

The purpose of my study is, first, to prove that the confessor's guide *Quotiescumque* is the Latin translation of a Greek text. *Quotiescumque* is called after its first word 'Quotiescumque (christianis qui ad paenitentiam accedunt ieiunia damus)'. The other aims of my book are: to present the texts of the various sections of *Quotiescumque*, to explain these texts by analyzing them and by adducing other texts that shed light upon those of the confessor's guide and, finally, to show the influence of the writing over an area including France, Germany and Italy, and over a period of about 10 centuries.

1.B. Genesis of my book

In his study on the Byzantine rites of the sacraments, Placido de Meester approvingly cites Alexander Dmitrievskij's statement that in its development the order of the sacrament of penance shows considerably more transformations than the order of any other sacrament¹. De Meester speaks about 'the sacrament of penance'. Before explaining the relevance of his words for my writing a book on *Quotiescumque*, I must make clear why I use the expression 'sacrament of penance' as little as possible.

1.B.1. Orders of confession

In the West, it was only from the 12th century onwards that it was generally accepted that there are only seven sacraments and that penance was one of them. In the Byzantine Churches, it was not until after the 14th century that this view prevailed². When you use the expression 'sacrament of penance' in a study whose greatest part is about works written before the 12th century, you suggest that confession to a minister of the Church was considered to be a sacrament in the current meaning of the word already before the 12th century. Therefore I generally avoid the use of this expression. The titles of the Byzantine descriptions of rites of confession generally include the word 'confessant'. In the West, the most common title is 'Ordo ad dandam penitentiam'³. The Greek words for *ordo* are ἀκολουθία, from the verb ἀκολουθῆω (= 'follow', 'be guided by') and τάξις. I use the phrase 'order of confession' or variants of it. Like several modern authors, I also simply speak of *ordo* when the context shows that an order of confession is meant.

1.B.2. The impulse to study *Quotiescumque*

De Meester's above cited words prove that scholars in the field of Byzantine liturgy are familiar with a great variety of Byzantine forms of confession. After my book *The Kanonarion by John, Monk and Deacon and Didascalía Patrum* had been printed (Rome 2006), I wanted to examine whether it is possible to make order out of the chaos of the Greek rites of

¹ De Meester 133. The author refers to Dmitrievskij (1884) 322 - 323.

² See ODCC, s. vv. 'Sacrament' and 'Seven Sacraments'. For the East see also ODB, s.v. 'Sacraments'. For the non-Byzantine Churches see Asfalg/P. Krüger (1975) s. v. 'Sakramente'

³ For the Byzantine forms of confession see Arranz (1992 - 1993).

confession. To this end, on large sheets of paper I drew columns, one for each specimen of the various Greek forms of confession, in order to compare them. Speaking of the evolution in the Byzantine Church of the order of *the* sacrament of penance, De Meester suggests that all Byzantine akolouthies of confession go back to a common prototype. However, trying to compare them, it became clear to me that the common structure of a group of *ordines* is so different from that of another group that they are incomparable. It became obvious that there are two families of Byzantine orders of confession and that each family has its own, independent ancestor. Some akolouthies proved themselves to follow the scheme of the order of confession of DID, other forms are related to the *taxis* that is given by the *MS Bodleianus, Auct. E. 5. 13*, ff. 108v - 230r, while a third group turned out to be of a mixed nature.⁴

1.B.3. The Greek MS Bodleianus Auct. E. 5. 13 (= BOD)

The MS *Bodleianus Auct. E. 5. 13* (= BOD) is an euchologion of the monastery of the Holy Saviour at Messina. A. Jacob wrote a study on this MS. His article is partly an edition and partly a detailed description of the contents of the codex. The MS includes two forms of confession. The first one belongs to the part of the MS that, according to Jacob, was written before 1150. The author even gives a more precise date. He believes that the euchologion was the first prayer book of the monastery, ‘en quelque sort l’euchologe de fondation’, and that it was copied in that monastery very shortly after its building had been completed in June 1132.⁵ The title of the first *ordo* is: Τάξις γινομένη ὅτε πρὸς τὸν λιμένα τῆς μετανοίας προσφεύγει ὁ ἐξαγορευόμενος (‘Order that is performed when a confessant seeks refuge in the haven of the rite of penance’).⁶ We may take it that the first *ordo* originated in a Byzantine region of Italy and I call it ‘the Italo-Byzantine rite (of confession) of BOD’. The second *ordo* belongs to a younger part of the MS and can roughly be assigned to the end of the 16th century⁷. This *ordo* is a copy of the confession rite of DID, which is an adaptation of the rite of the *Kanonarion* by John Monk and Deacon.⁸ Therefore we can call the confession forms that follow the rite of DID ‘the Eastern-Byzantine rites of confession’ and the orders that are comparable with the Italo-Byzantine confession rite of BOD, ‘the Italo-Byzantine rites of confession’.

The Italo-Byzantine rite of BOD includes a prayer that quotes the words of Mt 18: 13 ‘(Lord, God almighty) be merciful to me a sinner’. Therefore I termed this prayer ‘Prayer Lk 18: 13’. A few lines of this prayer are found in the Italo-Byzantine confession akolouthy of the Athonite MS *Kostamonitou 60* (16th cent.)⁹. At the same time that I was studying the

⁴ For the confession rite of DID see Van de Paverd (2006) 233 - 239. The best way of establishing the scheme of a Greek confession form and of seeing whether it is related to other confession rites is to disregard the prayers of forgiveness.

⁵ Jacob 288.

⁶ Jacob 324 (§ 15).

⁷ Jacob 291. For the first *ordo* see Jacob 324 - 328, for the second one, Jacob 354 - 355.

⁸ See for the first affirmation Van de Paverd (2006) 202 - 203, for the second one, o. c. 199 - 200. In his review of Van de Paverd (2006), on the basis of my date of the oldest part of the *Kanonarion*, that by John Monk and Deacon, B. Petrà believes that this part could have been written by John IV the Faster, patriarch of Constantinople from 582 - 595, to whom the *Kanonarion* is attributed in several MSS. See Petrà 514. If Petrà is right, the Eastern origin of the confession rite of DID is obvious.

⁹ Dmitrievskij (1901) 849²²⁻²⁵; Arranz (1992 - 1993) 455 (K 7: 1).

Greek forms of confession, the question intrigued me whether there is a relationship between the Greek and Latin orders of confession, and I began to examine the *ordines* published by H. J. Schmitz in his two volumes on the penitential practices of the Latin Church.

1.B.4. Penitentials

The title of Schmitz's second volume is, *Die Bussbücher und das kanonische Bussverfahren*. The word 'Bussbuch' is the translation of the medieval Latin term 'paenitentiale' or 'poenitentiale'¹⁰, which refers to a book that tells confessors which penances they should impose for which sins, in other words, to a kind of penal code. Modern authors also call their Greek counterparts 'penitentials'. Heinrich Felix Schmid wrote an article entitled, 'Pénitentiels byzantins et occidentaux', in which he examines the mutual influence of the Byzantine and Western works of the mentioned genre. Schmid's article is quoted by E. Herman in his study '*Il più antico penitentiale greco*'¹¹. The *Oxford Dictionary of Byzantium* includes the entry 'penitential'. Modern authors often use the capital P to indicate a Latin penitential and I adopt this custom.

1.B.5. Latin text of Prayer Lk 18: 13

Reading Schmitz's work, I already met in his first volume with a confessor's preparatory prayer of which the first words quote the phrase of Lk 18: 13, '(Domine, deus omnipotens) propitius esto mihi peccatori'. The prayer is part of the set of instructions for confessors *Quotiescumque*. In his first volume, Schmitz gives this confessor's guide as part of his edition of the last book of the compilation of canonical material in six books by Halitgar of Cambrai († 830/831). Schmitz calls Halitgar's sixth book *Poenitentiale Romanum*, all other authors speak of *P. pseudo-Romanum*.¹²

When I saw the words of Lk 18: 13 '(Lord, God allmighty) be merciful to me a sinner', I remembered that I had called a prayer of the Italo-Byzantine rite of BOD 'Prayer Lk 18: 13', and had a hunch that the Latin prayer might be the same as the Greek one. A comparison of the two prayers revealed that they are a Greek and a Latin version of the identical prayer. As soon as I had established this fact, I decided to disrupt my study of the Greek forms of confession and to focus my attention on the confessor's guide *Quotiescumque*, of which saying Prayer Lk 18: 13 is one of the prescriptions.

The existence of a Greek and a Latin text of Prayer Lk 18: 13 raises the question of its original language. I was superficially familiar with *Quotiescumque*. In fact, in my book on the *Kanonarion* by John Monk and Deacon and *Didascalia Patrum*, I refer to a rule on fasting of *Quotiescumque*.¹³

¹⁰ See Blaise (1954) s. v.

¹¹ Schmid's article was unaccessible to me; see Herman (1953) 120, note 1.

¹² For this penitential in Schmitz's first volume see Schmitz (1883) 471 - 489; for the priest's preparatory prayer see o. c. 472.

¹³ Van de Pavard (2006) 193 - 194.

1.B.6. A penitent should disrupt his fast on the Saturday and Lord's Day

In *Quotiescumque* it is taken for granted that a confessor imposes fasting as penance. Therefore it is not surprising that the writing includes rules on fasting. One of these rules is that a penitent who fasts for a whole week for his sins, on the Saturday and Lord's Day should eat and drink whatever is set before him. I happened to see this rule when arrangements had already been made for the publication of my book on the *Kanonarion* by *John Monk and Deacon* and *Didascalia Patrum*. I spontaneously assumed that the rule was written by a Greek author, but had no time to verify this assumption. I took it that *Quotiescumque* was written towards the end of the eighth century and that by this time the Saturday was a fast day in the whole of the West. For the first assumption I refer to Vogel (1969) 45, and for the second assumption I cite Dietz (1968). The question whether Latin Christians fasted on the Saturday is important for solving the problem of the original language of Prayer Lk 18: 13. If it can be demonstrated that a Latin theologian cannot have ordered a penitent on the Saturday to eat and drink whatever is set before him, the question whether a Greek or Latin theologian wrote Prayer Lk 18: 13 is a considerable step closer to its solution, although we cannot regard it as completely settled.¹⁴ For my study on *Quotiescumque*, I had the leisure to conduct my own research to find out whether a Latin author could have commanded a penitent to disrupt his fast on the Saturday. Therefore in this study the mere assumption that this was not the case and a simple reference to an article of a dictionary to justify this assumption would be inexcusable. That being so, I read Dietz's article again, this time more carefully, and likewise studied the works he cites in his bibliography.

1.B.7. The Saturday fast

Careful reading of Dietz's article made me aware that it does not warrant my assumption that in the eighth century the Saturday was a fast day for all Latin Christians. My research taught me that in Rome the Saturday was a collective fast day. Liturgists call the collective observance of a fast on the common Saturdays 'the Saturday fast'. My investigation also made clear to me that, although in Rome the Saturday fast was being observed, there is much evidence for the fact that this was not the case outside Rome.

1.B.8. Reason for section 3 - 4 of my book

I not only became aware that the observance of the Saturday fast was confined to Rome and, maybe, to a few other Latin Churches, but also discovered that there does not exist any work that addresses the question whether the non-observance of the Saturday fast implies that fasting on a Saturday for a special reason also did not take place or could not take place. The command of *Quotiescumque* that on the Saturday and Lord's Day a penitent should eat and drink whatever is set before him puts the Saturday on a par with the Lord's Day to such a

¹⁴ The analysis of *Quotiescumque* shows that Prayer Lk 18: 13 is an interpolation. Therefore it could be hypothesized that a Latin author composed Prayer Lk 18: 13, a Greek author found it and, having translated it, introduced it into the Greek text of *Quotiescumque*. I reject this a priori improbable hypothesis in my comment on section 5 of my division of the text of *Quotiescumque*.

degree that it is always forbidden to fast on the Sabbath. The solution of the problem whether in the West the Saturday was a potential fast day is crucial for answering the question whether the rule on fasting of *Quotiescumque* can have been written by a Latin theologian. Since I did not find a work that pays attention to the question whether in the West the Saturday could be a fast day even in those Churches that did not observe the Saturday fast, I had to investigate the matter myself. This caused the writing of section 3 - 4 of my book.

1.C. Introduction to *Quotiescumque*

Despite the fact that *Quotiescumque* is mentioned in almost every book on the penitential practices of the Western Church, a special entry on this writing is missing from the dictionaries in which a student might expect to find it, and from the indices of liturgical manuals. Therefore it is fitting to present the confessor's guide to the reader in this general introduction. This is the more appropriate because *Quotiescumque*, the subject proper of this book, is not discussed in detail until section 5 of my book. The author of an article of a dictionary generally summarizes the results of other studies and in the bibliography refers the reader to these works so that a student can deeper explore the subject concerned. Summarizing my own findings, I refer the reader to section 5 - 8 of my book for the evidence of what I affirm below in the section on the contents of *Quotiescumque*. However, before detailing these contents, I would like here to propose two theories, one regarding the origin of *Quotiescumque* and another one concerning the question why the Greek text of the writing did not survive.

1.C.I. Origin of *Quotiescumque*

Quotiescumque is a set of instructions for confessors, which was written in Italy between 730 and 800. We may wonder why it was only at this moment that such a confessor's guide appeared. I suggest this explanation. In the first five centuries it was generally the bishop who heard confessions.¹⁵ At a certain moment of this period it was also to monks that even secular Christians began to confess.¹⁶ John Monk and Deacon wrote his *Kanonarion* between 546 – 630. In this work he reports which penances he imposed for which (sexual) sins wanting his example to be followed by other confessors. He heaps criticism on contemporaneous confessors, whom he accuses of ignorance, arrogance, mercilessness, inexperience and rusticity and cruelty and selfishness. It is scarcely thinkable that John levelled this criticism against bishops. Therefore he must have written his book for his peers. This suggests that in the sixth century people especially, if not exclusively, confessed to monks. J. Morin published a sermon whose title is: 'Logos by John the Monk, patriarch of Constantinople, the Faster, addressed to him who is about to confess to his spiritual father'¹⁷. The sermon begins with a strongly simplified version of the history of salvation. The author states: 'Jesus Christ ... gave him (man) a law, set over him guardian angels and sent forth prophets, apostles, (and) priests, teachers for spiritual teachings, but he again (sent forth) monks <in order that> (he) urges (us)

¹⁵ For an exception at Constantinople before 391 see Meßner 104.

¹⁶ See Hörmann 26 – 36.

¹⁷ Morin 91B – 92E, reproduced in PG 88, 1920A – 1921C³.

to confess to them, so that our envious enemy ... does not entangle us ... in his traps and snares, but <in order that> (Christ) directs us into the haven of salvation.’ This text shows that at the time that the *logos* was written monks were the ordinary ministers of confession. Unfortunately, it is hard to establish the date of origin of the sermon. I believe that its author’s notions of sin (all sins deprive us of the baptismal grace) and confession (which is necessary for salvation) are inspired by those of Simeon the New Theologian (949 -1022).¹⁸ If it is accepted that the author certainly wrote his sermon after John Monk and Deacon had written his *Kanonarion*, the *logos* shows that at a certain moment following the year 630, people exclusively confessed to monks. John Monk and Deacon testifies to the fact that in the sixth century penitents certainly especially confessed to monks; the *logos* shows that at a certain moment after the year 630 they certainly only confessed to monks. Therefore we may state that the practice of confessing to monks was not confined to the time of John Monk and Deacon, but continued and - unless this was already the case in John’s time – even became the only custom. According to Holl there cannot be any doubt ‘dass vom Ende des Bilderstreits’ (842) ‘bis zur Mitte des 13. Jahrhunderts das Mönchtum sich ausschließlich im Besitz der Binde- und Lösegewalt befand’¹⁹. I believe that the practice that unordained monks heard confessions ended in the 11th century. According to its summary, in ch. 14 of his *Taktikon* (unpublished), among other matters, Nikon of the Black Mountain († 1000 – 1110) explains, ὅτι εἰς τοὺς ἱερουργοῦντες ἱερεῖς χρῆν γίνεσθαι τὰς ἐξαγορεύσεις (‘that it is necessary that confessions are made to the priests who are in office’).²⁰

Scholars are agreed that in the West it was only the most serious sins that were usually confessed in the first five centuries.²¹ The penance imposed for these crimes was public. A sinner who had once confessed and had received a penance did not confess a second time because penance could only be undergone once in a lifetime.²² In the sixth century, it became normal that not only sinners who had committed serious crimes confessed, but also faithful who were guilty of less serious offences. The latter could also repeatedly confess and their penance was secret. Expressing a generally accepted view, Meßner states that this system of penitential practice originated in Ireland in the sixth century and that under the influence of Celtic or Anglo-Saxon monks it spread across the Continent by about the same time.²³ It seems that this view needs some revision. Sarah Hamilton writes: ‘recent work has demonstrated that secret penance was not a specifically insular invention but rather that late sixth-century Frankish aristocrats supported the Irish missionary Columbanus precisely because the practice of secret penance had already evolved independently on the continent during the sixth century’.²⁴ For us it is important that the sixth-century Latin, monastic

¹⁸ For Simon’s notions of sin and confession see Holl 53 – 54.

¹⁹ Holl 325.

²⁰ Beneshevitz 8⁹⁻¹⁰.

²¹ For the East see F.van de Paverd (1986) 285 - 294.

²² See ODCC, s. v. ‘Penance’. There is not any evidence that this rule was also followed in the East.

²³ Meßner 166 f. See also ODCC, s.v. ‘Penance’.

²⁴ Hamilton 4. In the East, two of the four stages of the order of penitents were secret, the ἀζωόσεις and σύστασις. Especially women who confessed adultery were only assigned to these stages, so that they did not run the risk of being killed. See Basil of Caesarea, *Ep. Canonica I* (*Ep.* 199) canon 34 and Van de Paverd (1972) 20.

practice must have implied that it was not only bishops who acted as confessors but presbyters as well.

As long as it was only bishops who heard confessions, there must have been little need for instructions explaining to them how they should do this. From bishops it could be expected that they knew how to receive a penitent. Therefore it is not surprising that there is not any evidence that in the first five centuries bishops followed a prescribed ritual for hearing confessions. It is possible that some bishop said an improvised prayer, but this is a matter of speculation. However, when in the East monks and in the West presbyters began to hear confessions, it is natural that it was considered as opportune that instructions were put together telling confessors how to receive a penitent. This explains, I believe, the origin of guides for confessors in the Eastern and Western parts of the Byzantine Empire. In the East, the *Kanonarion* by John Monk and Deacon is the first writing that includes such a guide, in the West it is *Quotiescumque*. The confessor's guide of the *Kanonarion* was not written by John himself, but by an interpolator, whom I call the Confessor in my book on the *Kanonarion* and *Didascalía Patrum*. The Confessor inserted his order of confession into John's text between 730 and 800.²⁵ Considering the fact that the change of the ministers of penance already took place in the sixth century, it might seem strange that general and liturgical instructions for confessors do not emerge until the eighth century. However, first, it is quite possible that such guidelines were already written before the eighth century, but that they did not survive (see also below). Second, it might indeed have taken some time before the moment was ripe that a theologian took the initiative to write a guide for confessors.

Quotiescumque presupposes that penitents declare their sins to bishops and presbyters. It includes the statement that 'no priest ('nullus sacerdotum') or a bishop ('vel pontifex') can treat the wounds of sinners (except by intense solicitude and prayers with tears)'.²⁶ It demands that 'episcopi sive presbyteri' should humble themselves exercising their pastoral care. *Quotiescumque* was written by a Greek author. Nevertheless he takes it for granted that penitents disclose their sins to priests, not to monks. This is one of the two pieces of evidence that he was an Italo-Byzantine author. Therefore it is a Greek theologian who also wrote the first confessor's guide for the West, although he originally did so for confessors of the Italo-Byzantine Church.

1.C.2. Non-survival of Greek and preservation of Latin text of Quotiescumque

Why did the Greek text of *Quotiescumque* not survive? I suggest this answer. The set of instructions of *Quotiescumque* can scarcely have covered more than one leaf of paper. Perhaps it was copied by confessors for personal use but, apparently, it did not occur to any Italo-Greek copyist to reproduce it within the framework of a larger work so that its preservation could easier be ensured. A better lot fell to the Latin translation of the confessor's guide.

²⁵ See Van de Pavert (2006) 175 - 181. For the *terminus ante quem* of the Confessor's contributions to the *Kanonarion* see below section 8.B.

²⁶ The words 'vel pontifex' might be an interpolation. However, they are already found in *P. Oxoniense II*, which was written in the 8th C. For these words see Kottje (1994) 187¹³².

As we have seen in the section on the genesis of my book, it was Halitgar of Cambrai († 830/831) who decided to give it as the first part of his sixth and final book of his compilation of canonical material. This so-called *P. pseudo-Romanum* was very popular, as is shown by the fact that more than 75 MSS of it survive.²⁷ Therefore we owe it to Halitgar that the complete text of *Quotiescumque* was preserved.

1.C.3. Contents of Quotiescumque

Quotiescumque can be divided into 14 sections, which follow upon its title. The various sections are not written by the same author. The analysis of *Quotiescumque* shows that three authors contributed to giving the writing the shape in which it has come down to us. I call the first and chief author ‘Sympathicus’ because he strongly emphasizes the necessity of a priest’s sympathy with penitents and sinners. I name the second author ‘Euchetes’, for he introduced Prayer Lk 18: 13 and its preceding rubric into Sympathicus’ text (section 4 and 5 of *Quotiescumque*). We may characterize the third author as the ‘Latin Interpolator’ because he enlarged the Latin translation of Sympathicus’ and Euchetes’ texts with two sections on the – originally Irish – practice of the so-called ‘redemptions’ or ‘commutations’ (section 2 and 13 of *Quotiescumque*).

In the MSS, *Quotiescumque* is headed by shorter and longer titles. I believe that the shortest title, ‘How penitents should be received’, is the original one.

The part of *Quotiescumque* that immediately follows upon the title, section 1 of the writing, does not give instructions that the title makes the reader to expect. Section 1 of *Quotiescumque* is by the hand of Sympathicus. He underlines that, when a priest imposes fasting on a penitent, the priest himself should also fast, because a priest ought not to impose burdens on fellow-Christians that the priest himself is not prepared to carry on his own shoulders. Sympathicus further explains that all Christians are members of the same body (cf. Rom 12: 5) so that, when one member suffers, all members are affected (cf. 1 Cor 2: 26). Therefore, when a priest sees that a fellow-member has fallen into sin, a priest should immediately recall the sinner to repentance.

Considering section 1 and 3 of *Quotiescumque*, its second instruction is clearly a dissonant. Section 2 is from the pen of the Latin Interpolator. Not showing any sign of the humility typical of Sympathicus, the Latin Interpolator declares that a confessor should not postpone the imposition of the penance – a period of fasting – and should immediately tell the penitent in what way he can replace the period of fasting by some other penitential work. The Latin Interpolator also explains that ‘this document’ is only meant for bishops and presbyters. The phrase ‘this document’ probably refers to a code of penal law, which tells the priest which penances are appropriate for which sins. The Interpolator adds that in a case of emergency a deacon may admit a penitent to Holy Communion.

Section 3 of *Quotiescumque* is entirely in harmony with section 1. Taking it for granted that the reader is still aware of what, with the help of Paul’s images, is said about the Church

²⁷ See below section 5.D.

in section 1, in section 3 Sympathicus rules that bishops and presbyters ought to pray not only for their own faults but also for those of all Christians, so that priests show that they are sympathizing with all sinful fellow-Christians.

Sections 4 - 5 was introduced by Euchetes. It seems that the title of *Quotiescumque* refers to these sections. Euchetes, who takes it for granted that confessions take place in a priest's home, tells priests that, when a penitent approaches them in order to confess, they should prepare themselves by saying a prayer, Prayer Lk 18: 13. For some reason, Euchetes believes that the penitent ought not to hear the priest's prayer. Therefore the priest should retire into the inner room of his house, where he can pray in the usual way, aloud. However, Euchetes considers the possibility that a priest's home is a one-room house. Even in this case the priest should say Prayer Lk 18: 13, but in his heart.

Sympathicus wrote section 6 - 12. Having ruled in section 3 that priests should not only pray 'with moaning and tears of sadness' for their own faults but also for those of all Christians, in section 6 Sympathicus points out that a priest's weeping for his own wrongdoings will cause a penitent to abhor his own sins as well. Not mentioning the place of confession, in section 7 Sympathicus indicates the time of confession: the moment that a penitent wishes to confess. Supposing that a priest knows how to hear a confession and which period of fasting he should impose as penance, Sympathicus only emphasizes that a priest should allow a penitent to prefer a short but severe fast to a long but mild one (section 8). Bearing this rule in mind, the confessor ought to impose the penance (section 9). In section 10, Sympathicus writes that a penitent who performs his penance will be cleansed from his sins (cf. 1 Jn 1: 9) but that a penitent who relapses is like a dog returning to his own vomit (cf. Prov 26: 11; 2 Pet 2: 22). Next, first, Sympathicus states this paradoxical opinion: in addition to the imposed fast, a penitent ought to perform a voluntary fast; second, Sympathicus gives this theologically dubious explanation of his opinion: through his voluntary fast, a penitent will earn himself a reward and *the kingdom of heaven* (section 11). Section 12 includes Sympathicus' rule that a penitent who fasts for a whole week for his sins, on the Saturday and Lord's Day should eat and drink whatever is set before him. It is this rule that is of crucial importance for my thesis that Sympathicus was a Greek.

The fact that Sympathicus speaks about fasting offers the Latin Interpolator a convenient opportunity to insert again a section on redemptions (section 13). In a legalistic way, he exactly indicates which amount of money equals which period of fasting.

Finally, in section 14, Sympathicus explains that slaves and female slaves should only receive half the penance imposed on the rich, because the former are not in their own power.

1.D. Outline of my book

My book is divided into 12 sections. It is not until section 5 that the subject proper of my study is discussed. The reason for this arrangement is the following. It might be hypothesized that *Quotiescumque* is not translated from the Greek into the Latin but that the reverse is true. The analysis of *Quotiescumque* is much easier when we can take it for granted that Greek

was its original language. It is section 3 - 4 of my book that demonstrates that a Greek author wrote the confessor's guide.

1.D.1. During the weekends a penitent should eat and drink as usual

In section 3 - 4, it is only one rule of the instructions of *Quotiescumque* that plays a role, the rule that a penitent who fasts for a whole week on the Saturday and Lord's Day should eat and drink whatever is set before him. This part of my study proves, first, that regarding the Sabbath as a compulsory non-fast day is in line with the Byzantine appreciation of the Saturday (section 3) and, second, that in the West the Saturday had not the same significance as it has in the East in regard to fasting (section 4). The two sections are preceded by a number of preliminary remarks (section 2). They set out the meanings of the verb 'to fast' and its derivatives and the unique significance of Holy Saturday. From the earliest times of the Church, this Saturday was a fast day and it always preserved this quality even in the East. For Methodius of Olympus it is the only fast day of the calendar.

1.D.2. Relevant Greek and Latin texts

The Fathers speak about fasting in a great amount of texts. The section 'Preliminary Remarks' also explains which of these texts are relevant to our subject (2.C). Of the Greek Fathers, they are not the texts that testify to the fact that Eastern Christians did not fast on the Saturdays, and even disrupted their fasting on the Lenten Saturdays. The texts that interest us are those that *forbid* Christians to fast not only on the Lord's Day but also on the Sabbath (2.C.1). Section 2.C.1 also clarifies that even in the East the day of the weekly commemoration of Christ's resurrection was of unique significance, and in some ways was distinguished from the Saturday. Section 2.C.1 further shows that it is only from the fifth century onwards that it is certain that the Sabbath is a collective non-fast day in the whole of the East and that some ascetics followed a practice of their own.

It is obvious that of the Latin texts (2.C.2) those ones would be relevant to our subject that *command* Christians to fast on the Saturday. However, this kind of texts was only produced in Rome. There are many Latin texts implying that Christians *are allowed* to fast on the Saturday, but the discussion of these texts would only yield an argument from silence. Fortunately, there is a limited number of Latin texts on the basis of which we may rule out that a Latin theologian would ever have forbidden a Christian, let alone a penitent, to fast on the Saturday. In addition to the Roman texts, I only cites these texts. However, the justification of the fact that I confine myself to these texts, requires that in a kind of excursus I speak about three Latin Churches in which even the Lenten Saturdays were exempt from fasting. These Churches seem to have held the exactly same view of the Saturday as the Eastern Christians do. If that in reality were true, it could be argued that *Quotiescumque* was written in one of these three Latin Churches.

1.D.3. Presentation and analysis of Greek texts

In my ‘Preliminary Remarks’ having delimited the Greek and Latin texts that are important to establish the Greek and Latin views of the Saturday as regards fasting, in section 3 I present and analyze the pertinent Greek texts. Unfortunately, among them there are texts by two Greek Fathers, pseudo-Eusebius of Alexandria and pseudo-Athanasius of Alexandria, who are scarcely studied and are ill-known (3.C and 3.D). Looking for works whose titles suggest that these works might include testimonies for my thesis that Greek Fathers forbid Christians to fast on the Saturday, I went through M. Geraard’s volumes of *Clavis Patrum Graecorum*. It was in this way that I traced the works of pseudo-Eusebius and pseudo-Athanasius and, if I am not mistaken, of the studies on the practices of fasting in patristic times my book is the first one that also considers the statements by the two Fathers in question.

Pseudo-Eusebius’ relevant text is his so-called ‘Sermo I (De ieiunio)’. By way of introduction to this ‘sermon’, I first establish its genre and date. It is only after having answered these questions, on which I believe to shed some new light, that I present and analyze the parts of the ‘sermon’ that forbid fasting not only on the Lord’s Day but also on the Sabbath.

Many works are falsely attributed to St Athanasius. The short title of the writing that interests us is *Syntagma doctrinae*. The two studies that are devoted to this work, one by A. Hyvernat and another by G. Garitte, were written in 1890 and 1942. It is especially Hyvernat’s study that is instructive for understanding the parts of *Syntagma doctrinae* that are interesting to us. As I do for pseudo-Eusebius, I first introduce *Syntagma doctrinae* before quoting and annotating the parts of it that forbid Christians to fast on the Saturday. In debate with Hyvernat, my introduction discusses the genre, the date and the structure of the work. In the light of works that were published following the date of issue of Hyvernat’s article, I also speak about the influence of *Syntagma doctrinae*.

Pseudo-Eusebius and pseudo-Athanasius do not only emphasize that fasting on the Sabbath is as wrong as fasting on the Lord’s Day, but they also answer the question to what extent the duty of entertaining a guest to a meal should prevail over the wish or obligation to fast. Therefore the two Fathers clarify a corrupt text of the *Kanonarion* by *John Monk and Deacon*, which touches upon the same subject and that I misinterpret in my book on the *Kanonarion* and *Didascalia Patrum*. Therefore, before discussing the other Greek texts that testify to the Byzantine appreciation of the Saturday as a day on which it is forbidden to fast (3.F - 3.K), I seize the opportunity to insert an excursus on the duty of hospitality and the rules of fasting (3.E).

Four typika and three guidebooks for confessors are the subject matter of the last two sections of the part devoted to the Greek texts forbidding Christians to fast on the Saturday (3.J - 3.K). The typika concerned are manuals, especially meant for monks, that explain how the liturgical year should be celebrated. They also explain which days of the calendar are fast days and to what extent they are such days. In section 3.J, I investigate whether the rules on fasting of the typika forbid monks to fast on the Saturday. Section 3.K examines whether, just

as *Quotiescumque* does, the guides for confessors that survived in their original Greek language likewise command penitents to disrupt their fasts on the Saturday.

1.D.4. Relevant Latin texts

Section 4 discusses the texts of four Latin authors. Three of them – Augustine of Hippo, Jerome and Pope Innocent I – are famous. Of the fourth figure, Silvester I, bishop of Rome from 314 to 335, little is known. Nevertheless the dictionaries pay much attention to him. The reason is that he ‘occupies ... an important place in later legend’ (ODCC). The well-known forgery of the *Donation of Constantine* was attributed to him. This happened in the second half of the eighth century. An earlier writing, the *Acts of Silvester*, which is important to our subject, was inserted into the *Donatio Constantini*. Pope Innocent I and the *Acts of Silvester* categorically command Christians to fast on the Saturday. Nevertheless, since the influence of these texts was limited, they are less relevant to our subject than Augustine’s and Jerome’s texts are, because we may assume that the authority of these Fathers was recognized by the whole Latin Church. Augustine and Jerome do not command that Christians should fast on the Saturday, but they maintain that, in principle, a believer may fast on any day of the week. Therefore it is especially on the basis of these texts that we may rule out that a Latin theologian would ever have forbidden a Christian to fast on the Saturday. Despite the fact that Pope Innocent I’s and pseudo-Silvester’s pleas for the observation of the Saturday fast had little effect on the practice of fasting of non-Roman Churches, we may take it that their pleas had some influence. They must have contributed to the fact that in the West the view prevailed that a Christian should not be forbidden to fast on the Saturday.

1.D.5. Text and analysis of Quotiescumque

In section 6, which follows upon a section consisting of an introduction to the text of *Quotiescumque* and to its analysis (5), I eventually present the text of the confessor’s guide dividing it into 14 sections, which I subject to a detailed analysis (7).

1.D.6. Place and time of origin of Quotiescumque

The analysis of *Quotiescumque* enables us to determine its place of origin and the time after which it must have been put together. Since Sympathicus borrowed the rule on slaves and female slaves from the *Kanonarion* by John Monk and Deacon, the analysis of *Quotiescumque* also makes it possible to determine the *terminus ante quem* of the interpolated parts of the *Kanonarion* and the time before which *Didascalia Patrum* was written. Therefore the analysis of *Quotiescumque* is followed by a section on these various dates (8).

1.D.7. Reception of Quotiescumque

Section 9 demonstrates the influence of *Quotiescumque* or its reception. The term ‘reception’ is borrowed from the German expression ‘Rezeptionsgeschichte’. In RGG, s. v. ‘Wirkungsgeschichte/Rezeptionsgeschichte’, different authors explain the meaning of the

term in various theological and non-theological disciplines in a 10-column article. The editors of the *Capitularia episcoporum* in MGH, Pars I, tomus I - IV (1984 - 2004) use the simple word 'Rezeption'. It refers to the phenomenon that medieval authors adopt another author's text and place it in a new context. The fact that a text is received in a new setting is interesting for the *Wirkungsgeschichte* of a text, but the awareness that a text is received is especially important for the interpretation of this text in its new context. To explain this I confine myself to the reception of *Quotiescumque*. The writers discussed in section 9 are both copyists and creative authors. They prefer to copy texts but, introducing more or less radical changes, they become creative authors. Therefore, if a writer proves himself to have modified a text of his model, we may take it that he did so to adapt the text to changed circumstances. By contrast, we cannot use a copied text as evidence for contemporaneous customs, because adapting a source to new circumstances requires the effort of turning oneself from a copyist into a creative author. We cannot assume that a writer was always capable or sufficiently motivated to make this effort. The rubric preceding Prayer Lk 18: 13 of *Quotiescumque* is a case in point. It tells the priest that he should prepare himself in his inner room. In some way, this rubric is received in many confession *ordines*. It is especially of this rubric that we should be prepared for the possibility that it does not reflect a real contemporaneous practice.

1.D.8. Division of the works influenced by Quotiescumque

The influence of *Quotiescumque* is visible in a great amount of works. Sometimes the full text of the confessor's guide is copied, sometimes only parts of it are received and sometimes only one section of it is adopted. In the last case it is always the priest's preparatory prayer, which proves itself to be the most well-received part of *Quotiescumque*, although it is not always adopted in its entirety. With the exception of *P. Oxoniense II*, all the works in which *Quotiescumque* is received have in common that the adopted matter is part of a text on confession. However, the influenced works differ from each other through the fact that they belong to all kinds of genres and are also characterized by various other features. One of these features is the following. In the texts on confession of some works, *Quotiescumque* or sections of it are a prologue that precedes an order of confession; in the texts on confession of other works, instructions of *Quotiescumque* are integrated parts of a confession rite. An author who wants to show the reception of *Quotiescumque* is faced with the challenging task of finding a way in which the great variety of involved works can be divided into groups.

The division that I believe to be the most suitable one to our purpose is the following. In the first place, I distinguish a group of five works that include the full or almost full text of the confessor's guide (9). In the second place, I apply a geographical criterion distinguishing between non-Italian and Italian works (10 and 11). However, to mention only one example, *P. Vallicellanum E 15* shows that my division is artificial and does not reflect the complex reality of the works influenced by *Quotiescumque* because, on the one hand, the penitential gives the full text of *Quotiescumque* and, on the other hand, it belongs to the group of Italian works.

The non-Italian works comprise penitentials and manuscripts of penitentials (10.A), works associating confession with Ash Wednesday (10.B), and three Rituals from Germany of the 16th, 18th and 19th centuries (10.C). One of the non-Italian works in which *Quotiescumque* is received, is *P. Oxoniense II* (10.A.I). This penitential is a special case, first, because in it a large section of *Quotiescumque*, including the priest's preparatory prayer (Prayer Lk 18: 13), immediately follows upon another guide for confessors, of which the first words are 'Propter corundam'. Second, although it is a prologue, *Quotiescumque* is not followed by an order of confession but by penitential canons. It is not difficult to show that, like Symphaticus, the author of *Propter corundam* is also a Greek, and I believe that he was familiar with *Quotiescumque*.

Of the group of non-Italian works those that more or less directly associate confession with Ash Wednesday are the most complicated category. It consists of these works: (1) the *So-Called Pontifical of Poitiers* (= PontPoit), and works that give an order of confession comparable with that of the pontifical (10.B.2), (2) pseudo-Alcuin, *Liber de divinis officiis* 13, *Pontificale Romano-Germanicum* (= PRG), No. 99 § 44 - 45 and the *Gregorian Sacramentary of Fulda*, No 437 (10.B.3), (3) the handbooks of canon law by Regino of Prüm and Burchard of Worms (10.B.4) (4) the *pontifical of Bishop Egilbert* of Freising (10.B.5) and (5) a sacramentary that was written for the diocese of Paris before the 12th century (10.B.6). I especially pay considerable attention to the orders of confession of PontPoit, pseudo-Alcuin and PRG, No. 99. This, despite the fact that these *ordines* only received Prayer Lk 18: 13 and PontPoit even only adopted the first part of the prayer. The reason for this attention is that I have to justify my use of the expression 'ordinary penitents'. These penitents are contrasted to a special category of penitents, whose crimes are so serious that they should be submitted to the bishop's judgment (10.B.I). The distinction between these groups of penitents is necessary, because I have to consider these questions. Are the confession rites of PontPoit, pseudo-Alcuin and PRG, No 99 meant for ordinary penitents or for a special category of them? Do these *ordines* show that they are intended for one of these groups or could they be followed for either group? PontPoit, pseudo-Alcuin and PRG, No. 99 presuppose that people confess on Ash Wednesday. Does this affect the shape of their *ordines* or do they give a form that could also be used when someone wanted to confess on some other day of the year?

Section 11 shows the influence of *Quotiescumque* on Italian works, which are discussed in chronological order. Devoting a chapter to Italian works presupposes that you know which works were written in Italy. If the MS of a work is being preserved in an Italian library and there is no evidence to the contrary, we may assume its Italian origin. *Mutatis mutandis* this also applies to the MSS in the libraries of other countries. However, in section 11 I discuss three works of which the MSS are being kept in non-Italian libraries. They are: *Berlin, Hamilton 240*, *Paris, Bibliothèque Mazarine 525* and *Paris, B. N., ms. lat. 3880*. I accept the Italian origin of the confession *ordo* of the Hamilton MS on the authority of R. Kottje (11.A) and that of *Paris, Bibliothèque Mazarine 525* on A. Gastoué's authority (11.B.2). I speak about the *ordo* of the Hamilton MS in the same section in which the *ordo* of *P. Vallicellanum*

E 15 is examined. The comparison of the two *ordines* confirms Kottje's view of the Italian origin of the confession rite of the MS *Berlin, Hamilton 240*. The *ordo* of *Paris, Bibliothèque Mazarine 525* is similar to that of the MS *Montecassino, Archivio della Badia 554*. The *ordo* of *Paris, B. N., ms. lat. 3880* has so many parts in common with one of the two *ordines* that are found in a MS of the abbey of Bobbio, that we may safely accept that the *ordo* of the Parisian MS was also written in Italy. In addition, this *ordo* shows signs of Greek influence, which also points to its Italian origin (11.F).

A reader might believe that I pay excessive attention to even slight variants in the Italian *ordines* of the text of *Quotiescumque* as it stands in section 6. However, it is probable that there are handwritten descriptions of confession rites that have not yet been brought to light. In addition, it is possible that some study on an order of confession escaped my notice. Another researcher might meet with a manuscript or printed order of confession influenced by *Quotiescumque* that is not discussed in my study. The confessor's guide is received in Italian *ordines* in a typical way. Sometimes a slight variant shows or confirms the Italian origin of a confession rite. Therefore I even consider these variants. Finding certain variants in an order of confession not discussed in my book, a student can compare them with those mentioned by me and, maybe, be able to establish whether the concerned *ordo* was written in Italy or not. In addition to finding other details, my elaborate general index is also meant as a tool for discovering the pertinent variants. Studying the Italian *ordines*, you cannot but notice that from the end of the ninth to the 12th century the Italo-Byzantine way of hearing a confession influenced the Latin Italian *ordines*. Although this goes beyond the scope of my book, I mention a few instances of this influence.²⁸

As I say above, it is especially Prayer Lk 18: 13 of *Quotiescumque* that later authors appreciated. A version of this prayer is still found in the *Rituals of Mainz* of 1599 and of Constance of 1721 and even in the 19th-century Ritual of the diocese of Würzburg. The last section of my book is a note in which I explain why this prayer is missing from the current confession orders of the Latin and Greek Churches (12).

1.E. Two remarks

(1) I divide longer quotations of texts into lines or small sections. I call these quotations 'texts' and use the term line or colon for their divisions.

(2) For our purpose, the orthography of a word is irrelevant as long as its spelling does not affect its meaning. For instance, depending on the MS, you find the words 'paenitentia', 'poenitentia' or 'penitentia', each of which means 'penance'.²⁹ However, it is opportune to note that I generally write, for instance, 'ieiunium' – and not, 'jejunium' – and consistently write, e. g., 'virtus' and 'servet' – and not, 'uirtus' and 'seruet'. For the rest, I adopt the spelling of the printed texts I quote, even where *e* is *ae*, as, for instance, applies to the final *e* of 'ecclesie', the genitive of 'ecclesia'.

²⁸ See my General Index, s. v. 'Greek influence on Italian *ordines*'.

²⁹ For a list of the main orthographical variants in medieval MSS see Blaise (1954) 30 – 31, for a few other ones Blaise (1975), p. LXIX.

2. PRELIMINARY REMARKS

2.A. Meanings of the verb ‘to fast’ and its derivatives

Before examining Christian fasting practices, it is opportune to define the verb ‘to fast’. As far as I can see, it can have five meanings, which also apply to its derivatives.

2.A.1. Fasting is abstaining from all food

In the first place, the verb ‘to fast’ can mean abstaining from all food. This meaning is visible in the Greek verb νηστεύω. The etymon νήστις composed of νη-ἔδω (‘not eating’) qualifies a person who has not eaten, who is hungry.¹ Since νηστεύω is usually translated with ‘ieiuno’ and ‘to fast’, these verbs can have the same meaning although their etymology does not show this. The adjective *ieiunus* is ‘kindred to Sanscrit yam, refrenare, cohibere’.² The original meaning of ‘to fast’ is ‘hold fast’, which assumed the sense of ‘keeping an observance’.

2.A.2. Fasting is abstaining from certain kinds of food

The verb νηστεύω can also mean to abstain from certain kinds of food. Although it is missing from Dimitrakos’ *Mega Lexikon*, this meaning is given by TEE and LKN. *The Oxford Dictionary and Thesaurus* (1994) gives as meanings of ‘to fast’, ‘abstain from all or some kinds of food or drink, especially as a religious observance’. In practice, the meaning of abstaining from certain kinds of food implies the abstinence from popular kinds of food and the alleviation of one’s hunger to a greater or lesser extent by less appetizing nourishment. The paradoxical nature of this second meaning of fasting is clear in *erotapokrisis* 64 of the so-called *Collectio a of erotapokriseis* attributed to Anastasius Sinaita.³ The answer is: ‘If someone is abstaining from (ἀπεχόμενος) meat but feeding and fattening his body with other kinds of food and drink (his) fasting (νηστεύων) is of no avail’. In contrast to the Latin words ‘abstineo’ and ‘abstinentia’, the Greek equivalents ἀπέχω and ἀποχή never assumed the technical meaning of abstinence from meat. These words are not special entries in the mentioned Greek encyclopedia. In Russian the expressions ‘fast day’ and ‘day of abstinence’ are both постный день (*postnyi den*).⁵ In his chapter ‘Jeûne et abstinence’ of his manual on the Oriental Churches, R. Janin writes this about the current state of affairs in the Byzantine Rite: ‘Chez les chrétiens du rite byzantine, il n’y a pas à distinguer actuellement entre le jeûne et l’abstinence, car le jeûne porte essentiellement sur la qualité des aliments et non sur la quantité’. The author describes the present-day Greek-Byzantine Lenten practice of fasting thus. ‘Sont interdits les aliments gras, le poisson, l’huile, les œufs, le laitage, le vin. L’huile est permise cependant le samedi et le dimanche. Le jour de l’Annonciation et le dimanche des Rameaux on peut y ajouter le poisson’.⁶

¹ See Kittel, s. v. νήστις and GEL, s. v. νήστις.

² Lewis-Short, s.v.

³ For this *Collectio a* see below section 3.G.

⁴ PG 89, 661B.

⁵ The Slavonic постъ derives from the Old High German *fastâ*.

⁶ Janin 71. 72. For a description of the current ‘Rules of Fasting’ see also Mother Mary 35 – 37.

Thus, if we take the word ‘to fast’ in our second meaning, during Lent the Greek-Byzantines are supposed to fast even on the Saturday and Sunday. This can also be said of the Byzantines of the seventh century. Quoting canon 64 of the Apostles, in its canon 55 the Council in Trullo (691) condemns every Christian who fasts on the Sunday or Saturday. But, in canon 56 it states that, in contrast to what the Armenians do, throughout the whole world God’s Churches should perform the Lenten fast following one and the same rule (τάξις) and, just as the Church abstains from every kind of meat, so it should abstain from eggs and cheese, which are the fruits and products of the animals from the meat of which we abstain.⁷

Here it is convenient to note that the technical meaning ‘abstinence from meat’ of the term *abstinentia* must have originated after the period of time that interests us. It is missing from Blaise’s dictionaries and from MLW. I suspect that the technical use of the term *abstinentia* is a rather recent phenomenon. Be this as it may, when in the texts of the period that interests us the word *abstinentia* is used, it is often a synonym of *ieiunium*. If the matter from which is abstained is not specified, the term *abstinentia* implies abstinence from all food.

2.A.3. Fasting is only taking the evening meal

The verbs νηστεύω and *ieiunare* are so often used in the meaning of renouncing food till the moment of the evening meal (δειπνον or *cena*) that it might be the most common Christian meaning of these verbs. For John of Damascus and his contemporaries it was the main meaning of the term νηστεία. He writes, ‘fasting is not only complete abstinence from food (ἀσπιτία) from the early morning till the evening, but also the abstinence (ἀποχή) from certain kinds of food’.⁸ This meaning is implied in many of the texts to which PGL refers in its entry νηστεύω and in some texts indicated by Blaise (1954) s. v. *ieiuno*.⁹ Even today on fast days, Christians of the Byzantine Rite observe ‘dans les monastères et dans les villages, où la coutûme ancienne est restée en vigueur, la défense formelle de manger avant les Vêpres’.¹⁰ In some circles the practice existed of having one meal a day but to take it at midday. This happened during the Eastertide. The custom is a compromise between the desire to fast even during this season and the obligation to respect the traditional festive character of the Eastertide.¹¹

2.A.4. Fasting is taking one full meal a day

The verb ‘to fast’ can also mean taking only one *full* meal a day. This way of fasting is prescribed by canon 1251 of the Latin Code of Canon Law that applied till its revision in 1983.¹² A similar practice is found in the *Responsa canonica* by Timothy I, bishop of Alexandria from 380 to 385, and in *Ep. festalis 6* that his successor, Theophilus of Alexandria

⁷ Joannou I/1, 192 f.

⁸ De *sacris ieiuniis* 3, PG 95, 69A¹⁵⁻¹⁷. The text is quoted by PGL, s. v. νηστεία.

⁹ Blaise (1998) first refers to Blaise (1954) and then gives the terms for the fasts on the ember days, on which people also only took the *cena*. At the time of writing, MLW had not yet published the article on *ieiunium*.

¹⁰ Janin 71.

¹¹ See John Cassian († after 430), *Conlationes*, SC 64, 21, 23 and *Regula Magistri*, SC 106, 28, 37 - 45.

¹² CIC of AD 1917.

(† 412), wrote in 391. The pertinent text of the *Responsa canonica* is *Questio et Responsum* 23.¹³ The authenticity of the answer is dubious but, considering the similarity with the pertinent section of Theophilus' sixth festal letter, we may assume that the question and answer reflect the concerns of Timothy's place and time.¹⁴ For convenience's sake, I take it that Timothy is the author.

The following question was submitted to Timothy. 'We have this custom: (a) on whatever day they fall, even if these days are a Saturday or the Lord's Day, we do not break the fasts of (the day before the) holy Nativity of Christ and of (the day before) Epiphany, (b) but we offer the sacrifice of the Lord's Day early in the morning and communicate and rinse (the mouth). And in the evening we again celebrate the sacrifice, that of the vigil (ἡ προσφορὰ τῆς παννυχίδος), and again communicate. Therefore (the question arises): is this proper or not?' In the second part of his question (b), the author only says what his congregation does when the vigils of Christmas and Epiphany fall on the Lord's Day. The reason must be that when these vigils fell on a Saturday, the Eucharist was not celebrated and the Saturday was a fast day. Timothy only addresses the second part of the question. His answer is this. First, he states that the vigil of Christ's Nativity does not exist in Alexandria. Then he orders this practice. We should honour the festive character of the Lord's Day and break the fast by drinking the water used for rinsing the mouth after we have received Communion during the first Sunday Mass. However, we should observe the fast of the vigil of Epiphany by only consuming the mentioned water at the moment immediately following the Sunday Mass of the morning. It may be assumed that Timothy allowed people to break the fast completely by taking a full meal in the evening, after they had celebrated 'the sacrifice of the vigil'.

In 391 the vigil of Epiphany fell on a Sunday. For this circumstance Theophilus of Alexandria proposes this solution. His congregation should respect the solemnity of the Lord's Day by attending the Sunday Mass in the morning and by eating a few dates after its celebration. However, Theophilus' Church should observe the fast of the vigil by not eating more than a few dates.¹⁵

The differences between these Alexandrian practices and that of canon 1251 of CIC of AD 1917 are these. According to the latter, Roman Catholics may take their only full meal of the day at noon but are allowed to take some food in the morning and evening in accordance with local customs. The Alexandrian authors take it for granted that the only full meal of the day is taken in the evening, and they rule that their communities should only consume water or a few dates rather than their normal midday meal.

2.B. Holy Saturday

From the earliest times of the Church, the day before Easter was a fast day in the whole Catholic Church. The oldest piece of evidence for this practice is found in the *Traditio Apostolica*, which in ch. 33 twice emphasizes that Christians should fast on this day. Metho-

¹³ Joannou II 254 - 256.

¹⁴ Cf. also Joannou II 239.

¹⁵ Joannou II 262.

dius of Olympus († ca. 311) alludes to 1 Cor 7: 9, where Paul concedes a second marriage to a widowed man. Methodius compares this concession with offering food to a dangerously ill person on the day τοῦ πάσχα καὶ τῆς νηστείας, a day on which we should not even mention food.¹⁶ That the term τὸ πάσχα refers to the day before Easter is shown by ch. 33 of the *Apostolic Tradition* and by a letter of Dionysius of Alexandria († 264/265). In *Ep. ad Basilidem*, Dionysius addresses the question at which time of the termination of the *pascha* (τῆ τοῦ πάσχα περιλύσει) the brothers should cease to fast. The continuation of the text shows that the brothers disagreed on the hour at which the Paschal Vigil should be concluded. Using the word ‘pascha’ in the same sense, Tertullian († ca. 225) also stresses, ‘numquam nisi in *pascha* ieiunandum’.¹⁷ Speaking of ‘pascha’ in ch. V 20, 11 - 12 (ch. 21 in the Syriac text), the author of *Didascalia Apostolorum* rules that, of the Saturdays of the year, there should only be one Saturday – ‘the *pascha*’ – on which Christians should be allowed to fast during the three hours before Easter.¹⁸ Ambrose († 397) states that all days of Lent are fast days, with the exception of the Saturday and Lord’s Day. He adds, ‘the Lord’s *pascha* concludes this fast’ (“hoc ieiunium domini pascha concludit”) meaning that Holy Saturday is the last day of Lent.¹⁹ These texts show that the term πάσχα in Methodius’ phrase ‘the day of the *pascha* and the fast’ means the day before Easter, and that from the earliest times of the Church this day was a fast day. In HE V 23, 2 Eusebius reports that synods and gatherings of bishops convened to deliberate about the Quartodecimans’ date of celebrating Easter. Eusebius writes that by letters all bishops unanimously notified the Christians of all quarters of the world that the Lord’s resurrection should not be celebrated on another day but the Lord’s Day and that ‘we should only then celebrate the breaking of the fast of the *pascha*’. The term ‘the *pascha*’ must also refer to the day before Easter in Eusebius’ phrase.²⁰

In the above mentioned texts, the word ‘pascha’ does not mean ‘passover’ in the sense of passing over (the houses of the Hebrews) (cf. Ex 12: 13) but rather ‘crossing over’ (the Red Sea). The day before Easter is seen as the day of Christ’s transition from death to life.²¹ It is possible that in Methodius’ phrase ‘the day of the *pascha* and the fast’, the word ‘pascha’ refers to the 13th day of the month of Nisan and that Eusebius’ expression ‘the breaking of the fast of the *pascha*’ was understandable to all Christians, including the Quartodecimans. Incidentally, Methodius’ phrase shows that for him the day before Easter was the only collective fast day of the year.

The rule that the day before Easter or, for the period that interests us, Holy Saturday should be a fast day was universal. Therefore, when I write that in certain Churches people did not fast on the Saturday, I always imply that Holy Saturday is excepted. This Saturday was such a special day that I do not associate it with the other Saturdays of the year.

¹⁶ *Convivium decem virginum* 3, 12, 83, SC 95, 118³⁷⁻⁴⁷.

¹⁷ *De ieiunio adv. Psychicos* 14, 3.

¹⁸ V 20, 11 - 12, Funk I 298 - 800; V 21 in Voöbus II, p. 202⁸⁻¹³; V 21, 12 in Steward-Sykes (p. 223).

¹⁹ *De Helia et ieiunio* 10, 34, CSEL 32/2, 430¹⁵⁻¹⁷.

²⁰ For the meaning of ‘pascha’ in Origenes see Buchinger. The author kindly wrote me that Origenes does not use the term ‘pascha’ in the sense of Holy Saturday. I owe the reference to Eusebius’ text to Buchinger II 415. The author sent me a copy of the pp. (o. c. 412 - 416) on which he discusses the same texts that I cite, with the exception of Methodius’ and Ambrose’s evidence (o. c. 413 - 415).

²¹ See Bouman and PGL, s. v. διάβασις.

2.C. Texts relevant to the subject matter of the present study

2.C.I. Relevant Greek texts

Scholars are so generally agreed that from the fifth century onwards Eastern Christians did not fast on the Saturday and Sunday that it is superfluous to me to discuss the evidence that proves this. As we have just seen, in the fourth century an Egyptian Church made an exception for the case that the vigils of Christmas and Epiphany fell on a Saturday.²² However, *Quotiescumque* does not only show that a penitent does not fast on the Saturday and Sunday, but it also *commands* him to break his fast on these days. Sympathicus writes: ‘Qui ergo tota hebdomada ieiunat pro peccatis suis, sabbato et dominica die *manducet et bibat* quidquid ei appositum fuerit’. The hortatory subjunctive expresses a command in a less crude way than the imperative mood does. Thus, for instance, in the Vulgate Paul writes in Eph 5: 33, ‘uxor autem timeat virum suum’.²³

In *Quotiescumque* a penitent is commanded on the Saturday and Sunday to eat and drink whatever is set before him. This implies that he should consume the usual meals on these days. This does not mean that those Greek texts are only relevant to us that show that Christians should take two normal meals on the Saturday and Sunday. The rule of *Quotiescumque* implies a more general view, viz., that the Saturday and Sunday are of equal significance in regard to fasting. It is the obligation of respecting this view that distinguishes the Greek from the Latin tradition. There are Greek texts that order Christians to break the fast on the Saturday and Sunday but, in contrast to what *Quotiescumque* does, do not command that they should take normal meals on these days. Nevertheless, these texts are valuable evidence for us because they are inspired by the principle that the Saturday is equivalent to the Lord’s Day in regard to fasting.

The specification ‘in regard to fasting’ is necessary because even in the East the Saturday and the Lord’s Day are not completely equal. In the first place, we may assume that it was generally accepted that for Christians the Sabbath was not a day of rest. Canon 29 of the Council of Laodicea (end of the 4th cent.) forbids Christians to keep the Sabbath rest with the Jews.²⁴ In the second place, the significance of the Lord’s Day and the Saturday was also different as regards the celebration of the Eucharist or the obligation to attend Mass. It is true that Gregory of Nyssa calls the Saturday and the Lord’s Day ‘two sisters’ and says that, if you fail to attend Mass on the Saturday, ‘treating the one with insolence, you offend the other’.²⁵ It is also true that Asterius of Amasea takes it for granted that people attend Mass both on the Saturday and the Sunday. He calls these days ‘mothers or foster mothers of the Church’

²² In Epiphanius (ca. 315 - 403), *Panarion, Haer.* 75, 1, it is only the Sunday that is exempted from fasting, GCS 37, 523¹²⁻¹⁹. This also applies to *Didascalia Apostolorum* (3rd C.) V 20 (21 in Syriac text), 11 - 12 and to the Council of Gangra (ca. 340) canon 18.

²³ Other examples can be found through Bauer-Arndt, s. v. ἵνα III 2, 1. There the lexicon gives the evidence that ἵνα with subjunctive is a periphrasis for the imperative mood.

²⁴ See also pseudo-Eusebius of Alexandria, *Sermo 7 (De neomeniis et sabbatis, et de non observandis vocibus)* PG 86/1, 354 - 356A. For a Latin Father’s prohibition to rest on the Sabbath see Pope Gregory I († 604), *Ep.* 13, 3.

²⁵ *De castigatione*, PG 46, 309B⁶⁻¹¹.

because they bring the congregation together and at the same time they set the priests as teachers before the assembly.²⁶ Therefore, like the Sunday, the Saturday spiritually nourishes the Church through the priest's teaching. However, at Alexandria the practice was different. Athanasius of Alexandria states that even the Lenten Saturdays are free from fasting.²⁷ Nevertheless, in his *Apologia Secunda* 11, 5 he shows that during the year the Eucharist was only celebrated on the Lord's Day.²⁸ Socrates affirms that, in contrast to what happens everywhere else, an old tradition prohibits that in Alexandria and Rome Mass is celebrated on the Saturday.²⁹ For Alexandria, this is confirmed by pseudo-Eusebius of Alexandria, *Sermo 16* (on the Lord's day).³⁰ At Antioch in John Chrysostom's time, the Saturday was one of the days on which the Eucharist was celebrated. However, it was only the Sunday Mass that the faithful were required to attend.³¹ There is also evidence that ascetics only attended Mass or received Holy Communion on the Lord's Day. The virgin Taor lived in a monastery at Antinoöpolis (metropole of the province of Thebaïd). While she herself remained in her cell because of her tattered clothes, all her fellow-sisters went to the church on the Lord's Day in order to communicate. Of Zenon, who lived near Antioch, it is reported that he only frequented the church on the Lord's Day.³² John Moschus († 619), *Pratum spirituale*, ch. 161 shows that Abbot Isaac of Thebes, who lived in the province of Thebaïd, near the town of Lycos, only communicated on the Lord's Day.³³ The anonymous work *The History of the Monks in Egypt* also attests to this custom. In *Hist. monach.* 13, 4 we read that a certain John only received the Eucharist on the Lord's Day.

However, I must note that for some ascetics the Sunday was also of greater importance than the Saturday in regard to fasting. J. CL. Guy gives an *apophthegma* showing that Abbot Poimen learned about someone who continued his fast for six days, presumably for the first six days of the week.³⁴ The hagiographer Antony tells us that one of the fellow monks of Simeon the Older complained with the archimandrite of their monastery that Simeon ἀπὸ κυριακῆς εἰς κυριακὴν ἐσθίει.³⁵ The mentioned work *The History of the Monks in Egypt* mentions six examples of monks who only ate on the Lord's Day. It is reported about Or that he often only enjoyed food once a week. Elia always practised this custom.³⁶ We may assume that Or and Elia only ate on the Sunday. According to *Hist. monach.* 8, 9, Apollo only took food on the Lord's Day. Since he did so with his companions, it is possible that some of Apollo's companions only ate on the Sunday as well. In *Hist. monach.* 10, 8, Kopres relates

²⁶ *Hom.* 5 (on Mt 19: 3) 1, 1.

²⁷ *Ep. festalis 6* (for the year 334) 13.

²⁸ Opitz 96; PG 25, 268BC.

²⁹ HE V 22. For other pieces of evidence suggesting that Mass was not everywhere celebrated on the Saturday in the East see Van de Pavard (1970) 64 - 66.

³⁰ PG 86/1, 413 - 422.

³¹ See Van de Pavard (1970) 68.

³² For Taor's fellow sisters see Palladius, *Hist. Laus.* 59, Butler 153¹⁶⁻²¹; for Zenon, Theodoret, *Hist. Relig.* 12, 5, SC 234, 468⁶⁻⁷.

³³ SC 12 (1946) 215. Through the entries κυριακή and σάββατον of the index of Greek words of SC 489, you can establish that the practices of the Desert Fathers varied.

³⁴ Guy (1962) 30, No. 16.

³⁵ See Lietzmann, *Vita* § 6, p. 278-9.

³⁶ *Hist. monach.* 2, 5 and 7, 3.

about Paternouthios that it was only on the Sunday that he found a piece of bread at his head and that, having eaten of it, this consumption lasted him till the next Sunday. Apelles reports about the above mentioned John that the Eucharist of which he partook on the Lord's Day was his whole diet. Pityrion ate twice a week, on the Thursday and the Sunday.³⁷

In conclusion we may say that from the fifth century onwards, in the East the Saturday is a compulsory non-fast day (ἀνήστευτος ἡμέρα).³⁸ Since this does not imply that it is also equivalent to the Lord's Day in other respects, we must specify that this is the case as far as fasting is concerned when we write that the Saturday and Sunday are of equal significance.

2.C.2. Relevant Latin texts

There is not any scholar who questions the fact that, from the fourth century onwards, the Saturday was a compulsory fast day in Rome. That is why the command in *Quotiescumque* that a penitent should break his fast on the Saturday and Sunday led J. A. Jungmann to the statement: 'Die Ablehnung des Samstagfastens zeigt, daß wir hier nicht-römische Überlieferung vor uns haben'.³⁹ Scholars are also agreed that many non-Roman Latin Churches did not follow the Roman custom of the Saturday fast. However, the fact that non-Roman Latin Churches did not accept the Roman practice does not mean that they shared the Greek view that the Saturday and Sunday are comparable in regard to fasting. There is a great amount of evidence demonstrating for almost all Latin Churches that, even if they did not keep the Saturday fast, they observed certain Saturdays as fast days, for instance, the Lenten Saturdays, or the ember Saturdays or the vigil of Pentecost. As regards the ember days, the work by Fischer is still fundamental. On p. 165 he writes that we do not need investigate whether the ember days were observed in the East, because the Greek are unacquainted with 'das für die Quatember charakteristische Samstagfasten'. As far as the vigil of Pentecost is concerned, there is not any canon dating from the period that interests us ruling that vigils should be fast days, but in so many texts praying and fasting are associated with keeping a vigil that we may accept that days of vigil were days of fasting. There is a text from the second half of the 11th century which explicitly states that vigils are fast days. It is *P. Vallicellanum E 62*, canon 70. The source of this canon is *Collectio in V libris* (first three decades of the 11th cent.).⁴⁰

If a Church observed one or more Saturdays of the calendar as fast days, this implies that in this Church it was possible to fast on this day. However, for however many Western Churches I might be able to show that they observed one or more Saturdays as fast days, this evidence is insufficient to prove that a Latin author cannot have commanded a penitent to disrupt his fast on the Saturday and Sunday. It is insufficient for two reasons. First, as far as I could ascertain, for two Churches there is direct proof that in them even the Lenten Saturdays

³⁷ O. c. 13, 4 and 15, 4.

³⁸ For the expression ἀνήστευτος ἡμέρα see Dimitrakos, s.v. ἀνήστευτος.

³⁹ Jungmann 146, note 70.

⁴⁰ For the canon see Gastra (2007) 272, cf. WAS 564, where it is canon 48. The source of canon 70 is Book 4 of *Collectio in V libris* (see Gastra [2007] 90). Book 4 - 5 of the collection is unpublished. For Book 1 - 3 see Fornasari.

were exempt from fasting, and for one Church there is circumstantial evidence that this was the case (see below). Therefore it could be defended that an author of one of these Churches wrote the main part of *Quotiescumque*. Second, for however many Latin Churches I can show that the Saturday and Sunday were not of the same significance in regard to fasting, a critic can always point out that there might have been Latin Churches that followed the Byzantine practice but that the evidence for the existence of such Churches did not survive. In other words, an opponent of my thesis can always object that it is merely based on an argument from silence. Therefore two other kinds of texts are far more important for my theory than the many texts showing that in the Latin Churches in which these texts were written, a Christian could fast on the Saturday. These two other kinds of texts are even of decisive importance. Before explaining their nature, I must mention the three Churches for which there is direct or indirect evidence that in them even the Lenten Saturdays were free from fasting.

2.C.3. Lenten Saturdays in three Latin Churches

For the following three Latin Churches there is evidence that in them the Saturdays of Lent were exempt from fasting.

Milan

Ambrose, *De Helia et ieiunio* 10, 34 shows that at Milan in the fourth century the Saturdays of Lent were exempt from fasting. He writes, ‘Quadragesima totis praeter sabbatum et dominicam ieiunatur diebus’.⁴¹ This Milanese practice is confirmed by Augustine, *Ep.* 36, 14, 2 and *Ep.* 54, 2, 3.⁴² We do not know for how long the Ambrosian Rite preserved this custom, but there is evidence that in the eighth or ninth century it had disappeared. The evidence is found in Carmassi. Among other MSS that are relevant for the reconstruction of the system of readings for the Mass followed in the ecclesiastical province of Milan, she also discusses a codex that is preserved in the library of the church of John the Baptist (S. Giovanni) in Busto Arsizio (south of Varese), *codex M. I. 14*. It consists of a ‘capitulare evangeliorum’ and an ‘evangelistarium’. The former only indicates the pericopes to be read as Gospel readings on the days of the ecclesiastical calendar and the evangeliary gives the full texts of the pericopes. The MS includes the indication of the reading of the vigil of Pentecost and the text of the pericope (Jn 15: 26 - 16: 14). The MS dates from the second half of the ninth century, but it goes back to a pre-Carolinian model.⁴³ Therefore, unless the Gospel reading for the vigil of Pentecost is one of the changes introduced by a copyist in his model, prior to the eighth century at least one Saturday of the Ambrosian liturgical year was a fast day. This means that it was a potential fast day before it became an actual penitential day. The fact that the vigil of Pentecost was a fast day makes it likely that at a certain stage the Lenten Saturdays had become fast days as well.

⁴¹ *De Helia et ieiunio* 10, 34, CSEL 32/2, 430¹⁵⁻¹⁷.

⁴² See below section 4.A.

⁴³ Carmassi 81 and 101. For the dates of the MS and its model see o. c. 90 - 95.

Arles

Aurelian, metropolite of Arles (546 - ca. 550) wrote a Rule for a monastery of monks, *Regula ad monachos* (CPL 1844) and a Rule for a monastery of nuns, *Regula ad virgines* (CPL 1845).⁴⁴ The section on fasting of the first Rule is almost identical with that of the second Rule. Where in the Rule for monks Aurelian speaks of ‘abbas’ and ‘fratres’, he uses the words ‘abbatissa’ and ‘sorores’ in the Rule for nuns. For the preposition ‘usque’ in the first Rule, ‘usque ad’ appears in the second Rule. The Rule for monks speaks about the month October. The Rule for nuns shows that this should be the month November. In the last clause of the Rule for nuns, the word ‘ista (studeat temperare)’ is a corruption of ‘ita (studeat temperare)’ as the Rule for monks demonstrates.

Aurelian orders that from Epiphany to Easter, the monks and nuns should daily fast, with the exception of major festivals and the *Saturday* and Lord’s Day.⁴⁵ Since he did not demand it from his monks and nuns, we may rule out that Bishop Aurelian required from secular Christians that they should fast on the Lenten Saturdays.

Toledo

It is very probable that in the Church of Toledo in the fifth or sixth century the Lenten Saturdays were free from fasting. The evidence for this theory is found in *Liber Commicus Hispanicus* (= LCH) (CPL 1993). J. Perez de Urbel and A. Gonzalez y Ruiz-Zorilla published a critical edition of this work. In a study on Lent in the Mozarabic Rite, C. Callewaert writes that it is impossible to establish whether Christians fasted on the Saturday in Spain. However, he believes that there are two texts suggesting that the Lenten Saturdays were exempt from fasting: the *Liber comicus ecclesiae Toletanae* and what he believes to be canon 48 of the Second Council of Braga (AD 572) but in reality is a translation of canon 51 of the Council of Laodicea by Martin of Braga († 579 or 580).⁴⁶ Martin’s evidence regards the Spanish province of *Gallaecia* and, carefully analyzed, his text does not imply that the Saturdays of Lent were free from fasting in this province.⁴⁷ In their introduction, the Spanish editors of LCH are less doubtful than Callewaert is as regards the question whether the lectionary shows that the Saturdays were free from fasting. They accept that ‘like in the Oriental Churches, the Saturday was not a fast day’ in Visigothic Spain.⁴⁸ However, in a footnote at the rubric ‘Sabbato ad tertia(m)’ above the readings for the first Saturday of Lent, they state (my italics): ‘The fact that, according to E and S, on the other days the Mass was celebrated at the hour of None, whereas on the Saturdays this was done at the hour of Terce, seems to show that the order of the primary Commicus, on which E and S depend, was created at a time in which the custom still existed to compare the Saturday with the Sunday in times of fasting’.⁴⁹ Siglum E refers to the MS *Madrid, Acad. Hist. Aemil. 22*. This MS was written in the

⁴⁴ For these Rules see PL 68, 387 - 406.

⁴⁵ PL 68, 396C⁶⁻⁸; 406C⁸⁻¹⁰.

⁴⁶ Callewaert 23 - 33.

⁴⁷ Barlow 136, first part of *capitulum* 48.

⁴⁸ *Liber comicus* I, p. 91 (roman numerals), see also p. 77, 85 and 90 (roman numerals).

⁴⁹ *Liber comicus* I, p. 131.

monastery of Aemilianus Cucullatus (San Milan de la Cojolla) in the 11th century. Siglum S refers to *Paris, B. N., nouvelle acquisition ms. lat. 2171*. This MS was written in the monastery that is currently called San Domingo de Silos and the MS was created before 1067, maybe in 1041. The ‘primary Commicus’ is the MS *Toledo, Catedral 35, 8*, written in the ninth or 10th century. The Lenten readings of this codex could reflect the customs of the fifth- or sixth-century Church of Toledo.⁵⁰ I believe that LCH indeed includes circumstantial evidence for the fact that in the fifth- or sixth-century Church of Toledo the Lenten Saturdays were exempt from fasting. This does not imply that also the ninth-century Church of Toledo and the other Churches in which LCH was copied celebrated the Lenten Saturdays as Sundays. In addition to the monasteries of Aemilianus Cucullatus and San Domingo de Silos, the lectionary was copied at two other places. Its MS *León, Catedral 2* (written between 1065 and 1071) was the lectionary of the Church of León. A fragment of LCH is given by the palimpsest *Paris, B. N., ms. lat. 2269* (8th/9th cent.), which was written in *Gallia Narbonensis*, maybe at Carcasso, situated in the province of *Septimania*.⁵¹ It is possible that scribes did not always take into account changed or local circumstances.

Incidentally, Jerome, *Ep. 71 (ad Licinium)* (AD 393) writes that, like the Romans, ‘the Spains’ (‘Hispaniae’) are said to keep the Saturday fast.⁵² The accuracy of this hearsay is questionable, but there is evidence that in several parts of Spain the Lenten Saturdays were fast days. The Council of Gerona of AD 517, canon 2, entitled ‘De litaniis’, prescribes that in the week following Pentecost ‘abstinence’ should be observed from Thursday to Saturday.⁵³ The observance of the mentioned Saturday as fast day makes it likely that the Saturdays of Lent were also fast days. Isidore of Sevilla († 636) was familiar with a six-week Lent of which the Saturdays were fast days.⁵⁴ A letter by a certain Peter to an unknown Bishop Felix of Cordoba, written in 764, shows that at Cordoba in 764 the ember days of November were celebrated.⁵⁵ The Saturday was one of these penitential days, and this probably means that at Cordoba the Lenten Saturdays were fast days as well.

As I say prior to this ‘excursus’ on the three Latin Churches in which even the Lenten Saturdays were exempt from fasting, I believe that it also applies to these Churches that the Latin texts I mention in the next section enable us to rule out that a member of one of these Churches can have forbidden a penitent to fast on the Saturday.

2.C.4. Texts that must have defined the Latin view of the Saturday as possible fast day

Above I state that there are two kinds of texts that are of decisive importance for my thesis that a Latin author cannot have commanded a penitent to disrupt his fast on the Saturday. The first kind is the texts of influential Fathers that put all customs of fasting into perspective. The New Testament does not include any statement that compels Christians to

⁵⁰ *Liber commicus I*, pp. 75 - 87 (roman numerals).

⁵¹ See Mundó 241 - 274.

⁵² See below section 4.B.

⁵³ Vives 39.

⁵⁴ *De ecclesiasticis officiis I* 37, 4.

⁵⁵ G. Morin 289 - 295. See also Fischer 176.

fast or not to fast on certain days. Paul writes to the Galatians: ‘You observe days and months and seasons and years! I am afraid I have laboured over you in vain’ (Gal 4: 10). There are texts of authoritative Latin Fathers that emphasize that Christians are fundamentally free in their choice of days and times of fasting. These texts justify the theory that, from the sixth century onwards, it never occurred to a Latin theologian to forbid an individual Christian to fast on the Saturday. The sections 4.A and 4.B are devoted to these texts.

The second kind of texts is two writings that have in common that in them a bishop of Rome explains that the Saturday should be a fast day. The first work is the famous letter of 19 March 416 by Pope Innocent I to the bishop of Gubbio (*Ep.* 25) and the second, the *Acts of Silvester* (bishop from 314 - 335). The *Acts of Silvester* are attributed to Eusebius of Caesarea († ca. 359), but their oldest parts were written in the sixth century. The section in which Silvester explains the importance of the Saturday fast belongs to these parts.⁵⁶ This is shown by the *Rule of the Master*, written at Rome before 550 (CPL 1858). The Master states that the Thursday and the Lord’s Day are non-fast days because on the Thursday the Lord’s ascension is celebrated and the Sunday is devoted to the Lord’s resurrection. The Master adds to this: ‘quod (fasting on the Thursday and Sunday) in libris suis fieri prohibet sanctus Silvester’ (cf. below text 14 b. g).⁵⁷ As regards the Saturday fast, these works had little effect outside Rome. However, like the statements by influential Latin Fathers that put fasting and non-fasting on certain days into perspective, Pope Innocent’s letter and the story about the saint Pope Silvester are also pieces of evidence for the theory that a Latin theologian cannot have forbidden a penitent to fast on the Saturday, although the *Acts of Silvester* can only have exercised their influence after the sixth century.⁵⁸ I discuss Innocent’s letter and the *Acts of Silvester* in the sections 4.C and 4.D.

2.C.5. Limitation of my evidence

As we have seen, there are two Latin Churches in which even the Lenten Saturdays were exempt from fasting and one Church in which this was most probably the case. In addition to the texts referring to these Churches, I studied, I believe, all the printed Latin texts that in some way show that in the Churches in which these texts were written a Christian could fast on the Saturday. I did this for the various parts of the Latin Church outside Rome and the draft of my study included chapters on Africa, Milan, Poetobio (Victorinus of Poetobio, *De fabrica mundi* 5), Turin (St Maximus of Turin, Maximus II of Turin, and pseudo-Maximus), other parts of Italy, Gaul – including the Iro-Frankish monastic customs practised in this region – , Roman and Visigothic Spain and the Spanish province of *Gallaecia*, the British Isles and, finally, the Frankish Realm, followed by special chapters on Amalarius Fortunatus and Hrabanus Maurus.⁵⁹ I saw many texts showing that it was possible to fast on the Saturday

⁵⁶ See Pohlkamp (1995) 1905 - 1908.

⁵⁷ SC 106, 28, 40 - 42.

⁵⁸ There is evidence that the anonymous author of the *Life of Cuthbert*, written soon after 698, was acquainted with the *Acts of Silvester*. See Colgrave 11 - 12. 42. 64. 76. 316. For the special way in which medieval authors looked upon forgeries see Fuhrmann 195 - 222.

⁵⁹ Amalarius is also called Amalarius of Metz, but see Diósi.

in the Latin Church, but I decided to omit the mentioned chapters from the final version of my study. I decided this, first because, as I say above, it only yields an argument from silence and, second, because I regard two other kinds of texts as conclusive for my thesis that a Latin author cannot have written the rule that whoever fasts for a whole week for his sins, on the Saturday and Sunday should eat and drink whatever is set before him. However, before concluding my Preliminary Remarks, I must note that, studying the practices of fasting of the British Islands, I met with one text that seems to belie my thesis that a Western author cannot have commanded a penitent to disrupt his fast on the Saturday and Sunday. It is an excerpt from the so-called *Book by David*.

2.C.6. Excerpt 7 of the *Excerpta quaedam de Libro Davidis*

The work *Some Excerpts from the Book by David* was written before 550 (CPL 187), that is, before the British Church was integrated into the Anglo-Saxon Church.⁶⁰ The book is attributed to St David of Wales, who is also called David of Menevia († ca. 601). The text of *Excerpta quaedam* is given by, among other authors, Bieler 70 - 73. The work might be spurious but, even if this is the case, we may consider it to be of Welsh origin. The seventh excerpt rules that a bishop who wilfully commits murder or any kind of fornication or fraud should do penance for 13 years, but that for these sins a presbyter should do penance for seven years ‘cum pane et aqua, et ferculo in die dominica vel sabati’.⁶¹ In this phrase, the word ‘ferculum’ indicates a kind of food. Bieler translates it with ‘titbit’. Therefore, at first sight, the rule of excerpt 7 means that a penitent should relax his fast not only on the Sunday but also on the Saturday. However, there are three differences between the rule of excerpt 7 and that of *Quotiescumque* ordering a penitent on the Saturday and Sunday to eat and drink whatever is set before him. First, according to the excerpt, a bishop who does penance for a serious crime is not allowed to relax his fast during the weekends. Therefore for the bishop concerned, if not both the Saturday and the Sunday are penitential days, this applies at any rate to the Saturday. *Quotiescumque* orders all penitents to eat and drink normally on the Saturday. Second, taken literally, excerpt 7 orders a penitent to add a titbit to his regime of bread and water on the Saturday and Sunday. But, if this were the author’s intention, we would expect him to have articulated his rule in a way analogous to the wording of *Quotiescumque*. Sympathicus writes, ‘(whoever fasts for a whole week for his sins) sabbato et dominica die *manducet et bibat* (whatever is set before him)’. The author of excerpt 7 does not write: ‘a presbyter should do penance (*peniteat*) for seven years on water and bread and he *should* take a titbit on the Saturday and Lord’s Day’ but: ‘(a presbyter should do penance ...) cum pane et aqua, et ferculo in die dominico vel sabati’. Therefore it is natural to interpret this rule to the effect that the titbit is meant as a concession, not as an obligation. Third, in contrast to what *Quotiescumque* does, excerpt 7 does not say that on the Saturday and Sunday a penitent should eat and drink *whatever is set before him*.

⁶⁰ For the British Church see Spitzbart. ODCC only gives the entry ‘Anglo-Saxon Church,’ but see the entry ‘Wales, Christianity in’.

⁶¹ Here the conjunction ‘vel’ must mean ‘et’. Studying the Latin authors, I saw more than once that they use ‘vel’ for ‘et’. The same applies to Greek writers, see Van de Paverd (2006) 32.

3. GREEK TEXTS FORBIDDING CHRISTIANS TO FAST ON THE SATURDAY AND SUNDAY

3.A. Constitutiones apostolorum

3.A.I. Constitutiones apostolorum VII 3 - 4, Funk I 408

[1] 23,3) Τὸ σάββατον μέντοι καὶ τὴν κυριακὴν ἐορτάζετε, ὅτι τὸ μὲν δημιουργίας ἐστὶν ὑπόμνημα, τὸ δὲ ἀναστάσεως.

23, 4a) Ἐν δὲ μόνον σάββατον ὑμῖν φυλακτέον ἐν ὄλῳ τῷ ἐνιαυτῷ, τὸ τῆς τοῦ κυρίου ταφῆς, ὅπερ νηστεύειν προσήκειν, ἀλλ' οὐχ ἐορτάζειν.

23, 4b) An explanation why we should fast on Holy Saturday.

The Saturday and Sunday, however, you should celebrate as feast days because the former is (the day) of the commemoration of the creation (and) the latter (is the day) of the resurrection (23, 3). You should only observe one Saturday in the whole year, that of the Lord's burial. On this Saturday, it is fitting to fast, but it is unfitting to celebrate it as a feast day (23, 4a).

The author uses the adversative μέντοι because he contrasts the festive character of the Saturday and Sunday to the penitential nature of the Wednesday and Friday.¹ Text 1 is not only interesting because it forbids Christians to fast on the Sabbath and the Lord's Day, but also because it shows that celebrating a day as a feast day is considered to be incompatible with observing it as a fast day. Egeria suggests that at Jerusalem a different view prevailed. She states that the Christians in Jerusalem call Lent 'eortae'. She explains that at Jerusalem Christians fast for forty days before Easter, although they observe a eight-week Lent. Her explanation is that they do not fast on the Saturday and Sunday, with the exception of Holy Saturday. Then she writes that 41 days of fasting remain, 'quod hic appellant eortae, id est quadragesimas'.² However, the fact that Egeria suggests that at Jerusalem Lent is called 'eortae' is not the only reason why her phrase is curious. She translates the Greek term 'eortae', which is a transliteration of ἐορτή or ἐορταί, with 'quadragesimae'. We would expect her to translate it with 'festum' or 'festa'. Does Egeria mistake the Greek word for 'feast(s)' for that for Lent (τεσσαρακοστή)? Be this as it may, the view that fasting and celebrating a feast are diametrically opposed to each other was so universal that, instead of writing that a day was a non-fast day, we may say that it was a feast day. The Festal Letters by, for instance, Athanasius are called 'festal' because they announce the festival of Easter and 'festal' refers to this festival, and not to Easter and the preceding Lent.³

¹ ConstAp 23, 1 - 2, cf. *Didache* 8, 1.

² *Itinerarium* 27, 1.

³ For a different opinion see the explanation of 'eortae' by Maraval 259, note 1.

3.A.2. Canon 64 of the *Canones apostolorum*, *ConstAp VIII 47*, canon 64

[2] - Εἴ τις κληρικὸς εὐρεθῆ τὴν κυριακὴν ἡμέραν ἢ τὸ σάββατον - πλὴν τοῦ ἐνόου μόνου - νηστεύων καθαιρεῖσθω· ἐὰν δὲ λαϊκός, ἀφοριζέσθω.⁴

Excepting only Holy Saturday, this canon condemns whoever is found fasting on the Sunday or Saturday. If he is a cleric, he should be suspended from office, if he or she is a lay Christian, excommunication is the penalty.

3.B. Pseudo-Ignatius, *Epistula ad Philipenses* 13, 3

[3] – Εἴ τις κυριακὴν ἢ σάββατον πλὴν ἐνόου σαββάτου νηστεύει, οὗτος χριστοκτόνος ἔστιν.⁵

This text is also found in PG 5, 881 (cf. CPG 1026) and in one of the notes that M. Lequien appended to his edition of John of Damascus' letter *De sacris ieiuniis*.⁶ It can scarcely be doubted that pseudo-Ignatius was inspired by canon 64 of the Apostles.

3.C. Pseudo-Eusebius of Alexandria, *Sermo I (De ieiunio)*

3.C.I. *Genre of pseudo-Eusebius' treatise on fasting*

CPG 5510 calls pseudo-Eusebius' treatise on fasting 'Sermo 1' but, like a number of other 'sermons' of the 22 texts by pseudo-Eusebius published in PG 86/1, 313 - 462, it is an answer to a question posed by a certain Alexander to Eusebius, bishop of Alexandria. Eusebius and Alexander are both fictional characters. There is also a *Vita Eusebii Alexandrini* (CPG 5533), written by a certain John the Notary, probably a pseudonym. I assume that John the Notary also wrote Eusebius' answers to Alexander's questions. In the *Life*, John the Notary purports Eusebius to be the successor of Cyril of Alexandria († 444). John emphasizes that, since Eusebius was a pious (εὐσεβής) man, he is rightly called 'Eusebius'. L. Mac Coull explains why John the Notary stresses that such a pious man was the successor of Cyril. In reality, Cyril was succeeded by Dioscorus († 454), a Monophysite. John the Notary was a Chalcedonian, who wanted to show to the Melkite community that an orthodox bishop succeeded the great Cyril.⁷ Incidentally, the circumstance that Eusebius is a fictive character does not alter the fact that his answers and sermons are interesting. They are as full of evidence for Christian customs as John Chrysostom's sermons are, of which pseudo-Eusebius' texts often remind us.

Pseudo-Eusebius' treatise on fasting, which I indicate by the Latin translation of its first word 'Instante', begins thus: 'Since holy Lent was imminent, Alexander approached the

⁴ Funk I 582 - 584; Joannou I/2, 41.

⁵ Diekamp 166⁴⁻⁵.

⁶ PG 95, 72D.

⁷ Mac Coull 16.

blessed Bishop Eusebius and he (Alexander) says (λέγει) to him: “I beg you, reverend father, teach me (this). How ought a man (ἄνθρωπος) to fast on these days of Lent and how, after these days, on the Wednesday and Friday?”. Then the holy man began (ἤρξατο) to say’. The answer that follows is a kind of long *apophthegma*. It does not belong to the genre of the *erotapokriseis* because it is a third author who relates the question and the answer.

3.C.2. Date of pseudo-Eusebius’ treatise on fasting

Pseudo-Eusebius states that all healthy Christians should keep Lent. He exempts the Saturday and Sunday from fasting, but does not mention the festival of Annunciation.⁸ Its present day of celebration, 25 March, ‘was probably introduced to Antioch in the 6th C. and to Jerusalem and the whole Christian world shortly thereafter’.⁹ The festival can coincide with Easter but mostly falls in Lent. Pseudo-Eusebius’ silence on the feast of Annunciation is an indication that he was unfamiliar with 25 March as its celebration day and that he wrote his treatise before the beginning of the seventh century.

An objection can be made against this theory. Towards the end of his *apophthegma*, pseudo-Eusebius writes this.

[4] – Pseudo-Eusebius, Sermo 1, PG 86/1, 324A

- a) When you resolve to fast, do not make a law of it so that the fast becomes unbreakable, but (do this):
- b) Keep the Lenten fast for yourself (τεσσαρακοστήν κτήσαι ἑαυτῷ) and do not break the fast on account of a friend’s presence, because the rule (κανὼν) of Lent obliges all to fast.
- c) But on the other days, the Wednesday and Friday, do not hesitate (to break the fast) in case of (the visit of) a friend (ἐπὶ φίλου μηδὲν διακρίνειν).
- d) But on the Saturday and Sunday no one should fast,
- e) and no one should fast on the days of the Eastertide,
- f) or on (the days of) the commemorations of the triumphant martyrs.

Act 11: 12 shows that the phrase μηδὲν διακρίνειν can mean ‘do not hesitate’. In the Vulgate the words μηδὲν διακρίναντα are translated with ‘nihil hesitans’. Therefore pseudo-Eusebius says that the Lenten fast should never be broken because it is compulsory to all, including visiting friends. However, the Wednesday and Friday fast is voluntary, and someone who resolves to fast on these days ought to disrupt his fast when a friend visits him. In other words, hospitality is more important than a self-chosen fast. In line f, pseudo-Eusebius only mentions the commemorations of the martyrs as occasions at which the self-imposed Wednesday and Friday fast should be broken. This line could be adduced as evidence against the thesis that he was unacquainted with 25 March as celebration day of Annunciation. Someone might argue this. In line f, pseudo-Eusebius does not mention the feasts of the Apostles, that of the Decollation of John the Baptist (29 June) and the Lord’s

⁸ PG 86/1, 313 - 314.

⁹ ODB, s. v. ‘Annunciation’; Scheer 45 - 70.

festivals. His reason is that he took it for granted that Christians were aware that these feast days, which are greater festivals than those of the martyrs, are non-fast days. Likewise, he took it for granted that people knew that they should disrupt their Lenten fast on 25 March. However, for the feast of Annunciation we cannot assume that it was obvious how it should be celebrated. The *Hypotyposis* of the Stoudios monastery rules that at the feast of Annunciation this should be done: ‘Then we eat fish and consume oil and we drink three times at each meal (πίνομεν ἀνὰ τριῶν)’.¹⁰ The *Didascalia chronica* attributed to Theodore the Studite, an excerpt from a typikon in *Paris, B. N., ms. gr. 1152*, and the *Didasc. chron.* by pseudo-Anastasius order that we should not eat fish during Lent ‘except on the day of the Annunciation’.¹¹ Therefore, if pseudo-Eusebius had been familiar with 25 March as celebration date of Annunciation, we may expect that in colon b of text 4 he would have indicated what this festival meant for people’s diet on this feast day when it fell in Lent.

Thus, we may accept that John the Notary wrote pseudo-Eusebius’ *apophthegma* before the beginning of the seventh century. The *terminus post quem* of *Instante* is AD 444, because the author of the Life of pseudo-Eusebius presents him as successor of Cyril of Alexandria. L. Mac Coull accepts AD 750 as *terminus post quem*, but he argues that ‘the pseudo-Eusebius corpus and vita’ date from ‘the middle third of the eighth century’.¹² I believe that this time (ca. 765) is too late a date. In 691, the Council in Trullo accepted the authority of the *Canons of the Apostles* (canon 2). This implies that the council also recognized the validity of the pseudo-apostolic canon 69, which prescribes a punishment for any Christian who fails to observe the Lenten fast and the Wednesday and Friday fast. For pseudo-Eusebius, the latter fast is not a collective, but a voluntary practice. G. Lafontaine suggests his date in carefully chosen words writing, ‘à titre d’hypothèse vraisemblable, nous pouvons retenir comme date la fin du V^e siècle - ou le courant du VI^e’.¹³

Pope Eusebius of Alexandria is also mentioned in an *apophthegma* that belongs to the so-called *Collectio alphabetica-anonyma* of the *Apophthegmata Patrum*. This collection consists of two parts. In the first part the names of the Fathers delivering a saying appear in alphabetical order, the second part is devoted to anonymous sayings. This collection is found in the MS *Sinai 448*, which was written in 1004, as is shown by J. CL. Guy.¹⁴ The saying concerned is found in Paulus Evergetinos.¹⁵ A French translation is given in L. Regnault (1970) 164, PE (= Paulus Evergetinus) I 22, 6 and Regnault (1976) 57 - 58, No. 1762.¹⁶

In this *apophthegma*, Eulogius’ disciples report that, after a sojourn of 38 years in Skete, accompanied by Abbot Daniel, Eulogius went to Pope Eusebius of Alexandria for some necessity. According to the *Collection alphabetica of the Apophthegmata Patrum* (CPL

¹⁰ Dmitrievskij (1805) 236.

¹¹ See below p. 59.

¹² Mac Coull 17 - 18.

¹³ Lafontaine (1974) 24. In footnote 1, Lafontaine cites Lafontaine (1966). A fragment (on worthily receiving Communion) of *Sermo 16* (on the Lord’s Day) is found in *Codex Nanius 126* (16th C.) p. 64. The fragment is given by Mingarelli 278. I believe that Mingarelli’s text is a slightly adapted version of the text given by PG 86/1, 416C^{13b} - D^{13a}.

¹⁴ Guy 16.

¹⁵ This ed. of *apophthegmata* was inaccessible to me. See bibliography.

¹⁶ For a Dutch trans., see Wagenaar 74, No. J 762.

5560), the presbyter Eulogius was a disciple of John Chrysostom († 407).¹⁷ The *Collectio alphabetica* dates from the end of the fifth or the beginning of the sixth century. If the same applies to the *Collectio alphabetica-anonyma* and if we take it that saying 1762 in Regnault's translation, which seems to have escaped Lafontaine's and Mac Coul's notice, depends on John the Notary's Life and sermons of pseudo-Eusebius, it confirms Lafontaine's date of the sermons by pseudo-Eusebius of Alexandria. I believe that pseudo-Athanasius shows that pseudo-Eusebius' first 'sermon' was written before the sixth century (see below section B 6).

3.C.3 Pseudo-Eusebius' evidence that fasting on the Saturday is forbidden

Alexander asks pseudo-Eusebius how a man ought to keep Lent and the Wednesday and Friday fast. Answering the first part of this question, pseudo-Eusebius declares: 'In the first place, all (men) ought equally to fast on these forty days, with the exception of the Saturday and Sunday'. After having exempted the ill from this rule, he stresses that it applies to monks and secular Christians (λαϊκοί).¹⁸ Then he continues, 'But on the Saturday and Sunday no one should fast (μηδείς νηστεύτω) in order that not a blemish is counted against him'.¹⁹ Answering the second part of Alexander's question, pseudo-Eusebius states that the Lenten fast is always obligatory, but that we should break the Wednesday and Friday fast when a friend visits us. Next he repeats, 'But on the Saturday and Sunday, no one should fast'.²⁰

3.D. Pseudo-Athanasius, *Syntagma doctrinae*

For pseudo-Athanasius, *Syntagma doctrinae* see A. M. Henri Hyvernat and G. Garitte.²¹ Garitte explains the relationship of pseudo-Athanasius' *Syntagma* with a letter attributed to Antony the Great and with related texts. It is especially Hyvernat's study that interests us.

3.D.I. Genre, manuscript, editions and influence of *Syntagma doctrinae*

The full title of pseudo-Athanasius' writing is: Τοῦ ἐν ἀγίοις πατρὸς ἡμῶν Ἀθανασίου ἀχιεπισκόπου Ἀλεξανδρίας σύνταγμα διδασκαλίας πρὸς μονάζοντας καὶ πάντας χριστιανούς κληρικούς τε καὶ λαϊκούς. The treatise is a collection of commandments (ἐντολαί). It is only found in one MS, *Leydensis Vossianus graec.*, in fol., n. 46 (11th cent.) (f. 161 - 164). PG 28, 836 - 846 reproduces B. de Montfaucon's edition of it (1698), which is a reprint of the *editio princeps* by a certain André Arnold (Paris 1685). Hyvernat gives a somewhat more carefully copied text.²² Some rules on fasting figure among the commandments.

There are a few texts that are inspired by *Syntagma doctrinae*. One of them is the MS *Vatic. Graec. 733* (15th cent.), f. 278r - 283r. Its title is: Ἐκ τοῦ συντάγματος τοῦ ἀγίου

¹⁷ PG 65, 169C.

¹⁸ For the use of λαϊκός in the sense 'of lay Christian opposed to monk' see PGL., s. v. B 2 d.

¹⁹ PG 86/1, 313 - 316.

²⁰ PG 86/1, 321D - 324A.

²¹ I received a photocopy of Hyvernat's article from the British Library through the University Library of Utrecht. Garitte and CPG 2264 attribute Hyvernat's article to P. Batiffol.

²² Hyvernat 121 - 128. Under the title 'Syntagma ad monachos' Hyvernat's ed. is on-line.

Ἀθανασίου ἀχιεπισκόπου Ἀλεξανδρίας, ὁ πρὸς μονάζοντας καὶ χριστιανούς πάντας κληρικούς τε καὶ λαϊκούς συνετέθη. It is an adaptation of *Syntagma doctrinae*. In terms of contents, its rules on fasting are in accordance with those of *Syntagma doctrinae*. On the same pages, Hyvernat gives the text of *Ek tou Syntagmatos* of *Vatic. Graec. 733* under his text of *Syntagma doctrinae*.

The following data are borrowed from Garitte's article.²³ The MS *Marcianus gr. II 42* (olim *Nanianus 63*) (13th/14th cent.) includes a work on Christian faith and life. We may call it 'Didascalía 318 Patrum' (see below). Giovanni Luigi Mingarelli published this work.²⁴ His edition is reproduced in PG 28, 1637 - 1644. P. Batiffol published *Didascalía 318 Patrum* twice; the first time only using *Marcianus gr. II 42* (Batiffol [1885]), the second time availing himself of two other MSS, *Paris, B. N., ms. gr. 1503* (10th/11th cent.) and *1087* (14th cent.) (Batiffol [1887]). Of the second edition, there are only 100 copies. There are a Coptic, Arabic, Ethiopian and Armenian version of *Didascalía 318 Patrum* (see also CPG 2264). To these details it is convenient to add that Hyvernat calls Batiffol's edition of *Didascalía 318 Patrum* 'le remaniement grec' of *Syntagma doctrinae* and that he gives sections of it on p. 131 - 134 of his article. It is sections of only one MS, which Hyvernat does not specify and of which he does not give the variants. The MS is certainly not *Marcianus II 42* and we may assume that Hyvernat gives the text of the oldest MS, *Paris, B. N., ms. gr. 1503*.

The title of *Didascalía 318 Patrum* is: (1) Ἐκθεσις πίστεως τῶν ἀγίων τηῖ Πατέρων τῶν ἐν Νικαίᾳ καὶ (2) διδασκαλία πάνυ θαυμαστή καὶ ὠφέλιμος (τοῦ μεγάλου Βασιλείου add *Marcianus gr. II 42*). The work consists of two parts. The first part, which we may call 'Expositio fidei' is a creed and a dogmatic treatise.²⁵ The second part is an adaptation of *Syntagma doctrinae*. In Latin translation, the incipit of *Syntagma doctrinae* is: 'Est vita (filiorum catholicae ecclesiae)', that of the second part of *Didascalía 318 Patrum*: 'Est autem vita'.²⁶

B. Pitra published and introduces an excerpt from a writing related to *Syntagma doctrinae*.²⁷ The excerpt is made up of eight rules, of which the last one is: Τῶν δὲ συνάξεων μὴ ἀμέλει.²⁸ The seven preceding rules are on fasting. The excerpt includes a text that is missing from *Syntagma doctrinae*, but that is given by *Est autem vita*. Pitra states that he took the excerpt from two MSS, *Coislin 37*, f. 318 and *Coislin 343*, f. 140. Pitra's indication of the shelf mark of his second MS is a mistake because *Coislin 343* (17th century) is a copy of 'Manuelis Palaeologi oratio funebris in laudem Joannis (Theodori) Palaeologi' according to Omont. The MS consists of 98 pages, written by F. Combéfis. I could not find out which MS Pitra might have meant, but many MSS of the National Library of Paris include parts of the *Pandektes* by Nikon of the Black Mountain, which contains *Syntagma*

²³ Garitte 105 - 109.

²⁴ Mingarelli 107 - 114.

²⁵ C. P. Caspari produced a special edition of *Expositio fidei* using two other MSS in addition to *Marcianus gr. II 42*, see Garitte, 105. For an Armenian version of *Expositio fidei* see CPG 2298.

²⁶ PG 28, 1639B¹².

²⁷ Pitra (1858) 456.

²⁸ Cf. Hyvernat 123; PG 25, 840B³⁻⁴; cf. PG 28, 1641A⁷⁻⁸.

doctrinae (see below). Calling him wrongly ‘Nikon of Rhaïtou’, Hyvernat attributes the excerpt to Nikon of the Black Mountain.²⁹ Pitra does not mention any Nikon, but Omont affirms that *Coislin 37* is a copy of the *Pandektes* by Nikon of the Black Mountain (367 folios).

3.D.2. Nikon of the Black Mountain († ca. 1025), *Pandektes*

For this work see De Clercq. Omont assigns the MS *Coislin 37* to the 14th, De Clercq to the 16th century. Omont’s statement that the MS is a copy of the *Pandektes* is incorrect, because the MS also includes the work *The History of Saint Pachomius*. It is, however, true that Nikon of the Black Mountain incorporated *Syntagma doctrinae* into his *Pandektes*, parts of which are found in many MSS of Paris, B. N. In his opusculum (93 pp.), De Clercq gives a French translation of the summaries of the chapters of the *Pandektes*, which summaries precede the corpus of the text. De Clercq used the MS *Coislin 122* (14th cent.) which gives the complete text of the *Pandektes*.³¹ The Greek text of a version of these summaries is PG 106, 1360 - 1380, which reproduces their edition by A. M. Brandini, who gives the text of the MS *Florence, Bibliotheca Laurentiana, pl. VI, codex 4* (14th cent.).³² I suspect that Nikon gives *Syntagma doctrinae* in ch. 59 of his *Pandektes*. The summary of this chapter shows that it is on the disruption of the fast because of the visits of fathers and brothers, and on the disruption of voluntary and obligatory fasts.³³

Finally, Nicholas III Grammaticus († 1111) quotes *Syntagma doctrinae* 2, 10 in canon 3 of his *Synodicae constitutiones* and in an answer to questions of the Athonite monks. He introduces his quotations writing, ‘In one of his works the great Athanasius says’. Nicholas alludes to *Syntagma doctrinae* in canon 9 of the *Synodicae constitutiones*.³⁴

3.D.3. *Syntagma doctrinae* consists of two layers

Hyvernat shows that *Syntagma doctrinae* consists of two kinds of maxims: those for ascetics and those for all Christians, which Hyvernat calls the ‘*Fidei praecepta*’.³⁵ He demonstrates that the *Fidei praecepta* are the original portion of *Syntagma doctrinae* and that the ascetic rules are an elaboration of the former. Having detached them from the other rules of *Syntagma doctrinae*, Hyvernat separately gives the *Fidei praecepta* on p. 150 - 154 of his article. The passage that especially interests us belongs to the *Fidei praecepta*.

3.D.4. Hyvernat’s date of *Syntagma doctrinae*

Hyvernat believes that the Greek and Coptic versions of *Didascalia 318 Patrum* derive from a common source, which he calls ‘y’. He also takes it that source y and *Syntagma*

²⁹ Hyvernat 120, note 1.

³⁰ For the De Clercq’s date and the fact that the MS includes *The History of St Pachomius* see o. c. 11, note 12.

³¹ For the MSS that include parts of the *Pandektes* see De Clercq 11 and 15, for *Coislin 122*, o. c. 11 – 12.

³² O. c. 14.

³³ O. c. 65; PG 106, 1380.

³⁴ Pitra (1858) 468²²⁻²⁷ and 477 – 478⁵ (= *Prooemium*, No. II). For the allusion see o. c. 470.

³⁵ Hyvernat 155.

doctrinae stem from a common source, which he names ‘x’. He devotes pp. 136 - 138 of his article to the date of *Expositio fidei*, the creation of which he assigns to the years between 375 and 381. From this he infers that source y also dates from 375 - 381, which means that the *terminus ante quem* of source x is 375. In fact, he argues that the *Fidei praecepta* were written by the end of the third century and the ascetic rules of *Syntagma doctrinae* were interpolated ca. 350.³⁶

I believe that *Expositio fidei* and *Syntagma doctrinae* were originally two independent writings and that the two opuscles were put together after 381. We may accept Hyvernat’s thesis that the *Fidei praecepta* are an elaboration of the *Didache*, just as the *Traditio Apostolica* – which Hyvernat and his contemporaries call the ‘Constitution apostolique égyptienne’ – and the seventh book of *ConstAp* are.³⁷ However, Hyvernat’s arguments for the affirmation that the *Fidei praecepta* were written by the end of the third century do not include any piece of evidence proving that they cannot be younger. Hyvernat infers from a comparison of various passages of *Syntagma doctrinae* with Epiphanius, *Panarion*, *De fide* 23, 2 - 25, 1 that Epiphanius had read *Syntagma doctrinae*.³⁸ From Hyvernat’s comparison you can also infer that the author of *Syntagma doctrinae* was familiar with Epiphanius, *Panarion*, completed in 377. I propose my date of *Syntagma doctrinae* below in section 3.D.6.

3.D.5. Section on fasting of *Syntagama doctrinae*

The section on fasting of *Syntagma doctrinae* is ch. 2, 10 - 18.³⁹ I give this whole section because it includes an indication for dating the treatise. *Syntagma doctrinae* 2, 9 rules that we should not pray with a heretic nor with pagans. The text continues:

[5] – Pseudo-Athanasius, *Syntagma doctrinae* 2, 10 - 18

- a) Μὴ παραβαίνειν νηστείαν, τουτέστιν τετράδα καὶ παρασκευὴν, εἰ μὴ τι ἐπὶ νόσῳ βεβάρησαι, χωρὶς τῆς πεντεκοστῆς μόνης καὶ τῶν ἐπιφανίων (2, 10).
- b) Τὴν τεσσαρακοστὴν τῆς ἀγίας ἐκκλησίας καὶ τὴν ἑβδομάδα τοῦ ἀγίου πάσχα παρατηρημένως φύλαττε (2, 11).
- c) Λύε τὴν νηστείαν ἐπὶ ἀδελφὸς πρὸς σε ἐπεδήμησεν·
- d) νηστείαν δὲ οὐ τὴν τεταγμένην, τετράδα καὶ παρασκευὴν καὶ τὴν τεσσαρακοστὴν καὶ τοῦ πάθους,
- e) ἀλλὰ τὴν ἀπὸ ἰδίας προαιρέσεως, τουτέστιν δευτέρας καὶ τρίτης καὶ πέμπτης (2,12).
- f) Σάββατον {καὶ κυριακὴν} μὴ νηστεύσης, πλὴν τοῦ μεγάλου σαββάτου τοῦ ἀγίου πάσχα (2, 13).
- g) Ἡ δὲ τῆς τετράδος καὶ παρασκευῆς ἕως ὥρας ἐννάτης νηστεία τεταγμένη ἐστίν (2, 14).
- h) Καὶ εἴ τι περισσοτέρως ποιήσεις, τοῦτο παρὰ τὴν σεαυτοῦ προαίρεσιν·

³⁶ O. c. 139 - 148.

³⁷ O. c. 160.

³⁸ O. c. 140 - 142.

³⁹ O. c. 123; PG 28, 837C - 840A.

- i) εἰ δὲ καὶ ὑπερθέσεις δύνασαι ποιεῖν, γενναίως ἄσκεις (2,15).
j) Νηστεύων δὲ καὶ πολιτευόμενος βλέπε μὴ φυσιωθῆς ... (2, 16).
k) Μὴ τίς σε πλανήσῃ ἐν κυριακῇ νηστεύειν τὸ παράπαν, μήτε γονυπετεῖν τὸ παράπαν, μήτε ἐν πεντεκοστῇ· οὐ γὰρ ἐστὶ θεσμὸς ἐκκλησίας (2, 17).
l) Καὶ μὴ ἀνέχου ἵνα πλανήσωσίν σέ τινες Μαρκιωνισταὶ ἢ ἕτερα αἵρεσις νηστεύειν τὸ σάββατον {ιδίως καὶ κυριακῆς} (2, 18).

Unless you suffer from an illness, do not transgress (the rule on fasting), that is (the fast on) the Wednesday and Friday, only excepting the Eastertide and Epiphany (a). Carefully observe the forty-day fast of the holy Church and the week of the holy *pascha* (b). Break the fast when a brother visits you (c) but not the stated fasts, the Wednesday and Friday fast and the Lenten fast, and that of the Passion Week (d) but the self-chosen fast, that on the Monday, Tuesday and Thursday (e). You should not fast on the Saturday {and the Lord's Day} excepting the great Saturday of the holy *pascha* (f). The ninth hour is the stated end of the Wednesday and Friday fast and, if you do something more, you do this of your own accord (h). But if you can even extend the fast over the next day, you courageously practise ascetism (i). Fasting and performing ascetic exercises, take care that you do not get conceited ... (j). Take heed that no one by any means beguiles you into fasting or kneeling on the Lord's Day and during the Eastertide, because this is not a law of the Church (k).⁴⁰ And do not tolerate that some followers of Marcion or some other heresy beguiles you into {privately} fasting on the Saturday {and Lord's Day} (l).

Section a - e is considerably different in the parallel text of *Marcianus gr. II 42*. The version of section a - b is in the latter: '(Do not transgress the rule on fasting ... unless you suffer from an illness) with the exception of {the week of the holy *pascha* and} the Eastertide and the Lord's festivals <and> the twelve <days> (between Christmas and Epiphany) (cf. a). But carefully observe the other days' (cf. b). It is obvious that the words between { ... } are the result of a scribal error. The text continues: 'Do not break the fast without necessity, but when a brother is going to stay at your home (πρὸς σὲ ἐνδημήσει) give him a meal (μετάδος ἀγάπην) because of the strain of the journey. But you should not eat till the ninth hour (cf. c). I mean the stated fasts, that is above all the holy and glorious Lenten fast and the Wednesday and Friday (fast) of the rest of the year (cf. d). But if you can of your own accord fast on the other days, in other words, on the Monday, Tuesday and Thursday, your reward will be great. Because on these days it is your own decision to act contrary to the (stated) hour (καὶ παρὰ τὴν ὥραν γίνεται διάκρισις) for the sake of an important friend. But the stated fast is the result of a decision by the holy Apostles' (cf. e).⁴¹ This text shows that for the copyist of *Marcianus gr. II 42*, or for a predecessor, it is not only Epiphany but all the Lord's festivals and the *dodekaemeron* that should be exempt from fasting. As to the Wednesday and Friday

⁴⁰ Cf. Council of Gangra, canon 18 and ConstAp V 20, 19. For the prohibition to fast and to kneel during the Eastertide see Council of Nicaea of 325, canon 20.

⁴¹ PG 28, 1640B¹⁰ - C¹¹.

fast, it is specified that the guest may break the fast, but the host should keep it. I suspect that the words, ‘But the stated fast is the result of a decision by the holy apostles’ is an allusion to ConstAp VIII 47, canon 69.

Colon f (2, 13) is in *Syntagma doctrinae*: ‘You should not fast on the Saturday {and the Lord’s Day} excepting the great Saturday of the holy *pascha*’. The words between {...} are also given by *Ek tou syntagmatos*, but they are missing from *Est autem vita*.⁴² Hyvernat compares the parallel sections of the Coptic version and that of *Paris, B. N., ms. gr. 1503* with *Syntagma doctrinae* 2, 13. He gives the Coptic version in a Greek retranslation. The reading of the Coptic version is, εἰ μὴ τι τῆ ἑορτῆ μεγάλης μόνῃ, τουτέστιν ἐν τῷ ἁγίῳ πάσχα. The reading of *Paris, B. N., ms. gr. 1503* is, πλὴν τοῦ ἐνόσ.⁴³ *Marc. gr. II 42* gives, εἰ μὴ μόνον τῷ μεγάλῳ σαββάτῳ ἐν τῆ νυκτὶ τοῦ πάσχου.⁴⁴ Pitra’s excerpt has the reading, ἢ μόνον τῆ νυκτὶ ἐκείνῃ τοῦ ἁγίου πάσχα.⁴⁵ We may take it that the reading of *Paris, B. N., ms. gr. 1503*, πλὴν τοῦ ἐνόσ, is the original one. It reminds us of the phrase πλὴν τοῦ ἐνόσ μόνου of ConstAp VIII 47, canon 64 (see text 2) This verbal accordance suggests that the author of *Est autem vita* was familiar with canon 64 of the Apostles.

Between the first part of colon f of *Syntagma doctrinae* (‘You should not fast on the Saturday’) and its second part (‘with the exception of the Great Saturday of the holy *pascha*’) *Marc. gr. II 42* gives a piece of text that deserves a special discussion (see below section 3.D.7).

Line j: The full text of *Syntagma doctrinae* 2, 16 is: ‘Fasting and performing ascetic exercises, do not get conceited, because pride is a snare of the devil, through which he fell from heaven, and through which ensnaring men, he throws them down as well’. Verse 2, 16 is missing from *Ek tou syntagmatos*. The Coptic version of *Didascalia 318 Patrum* gives the Greek word πολιτευόμενος, but *Paris, B. N., ms. gr. 1503*, ἀγωνιζόμενος and *Marcianus gr. II 42*, κοιταζόμενος. The verb κοιτάζω has several meanings, none of which is related to ascetism. The reading of Pitra’s excerpt is, ἐγκρατευόμενος.⁴⁶ The parallel text of the letter attributed to Antony the Great is: Νηστεύοντες δὲ καὶ ἐν Χριστῷ πολιτευόμενοι, ὁρᾶτε μὴ φυσιωθῆτε.⁴⁷

In colon l (2, 18) the author of *Syntagma doctrinae* writes: ‘and do not tolerate that some followers of Marcion or some other heresy beguile you into {privately} fasting on the Saturday {and Lord’s Day}’. The author speaks of Μαρκιωνισταί. *Marcianus gr. II 42* reads Μαρκιανισταί.⁴⁸ Marcion († ca. 160) demanded a severe dietary ascesis from his followers. His influence expired in the fifth century. *Marcianus gr. II 42* refers to the followers of Marcianus, the head of an Euchite sect, who – according to Timotheus Constantinopolitanus Presbyter (fl. 6th/7th) – lived during Justinian’s reign (527 - 565).⁴⁹ The adverb ‘privately’ is

⁴² Pitra (1858) 456, No. 4 and PG 28, 1640C¹⁴.

⁴³ Hyvernat 133.

⁴⁴ PG 28, 1640D³⁻⁴.

⁴⁵ Pitra (1858) 456, No. 5.

⁴⁶ For the Coptic version see Hyvernat 133; for Marcianus gr. II 42, PG 28, 1640D9 and for Pitra’s fragment, Pitra (1858) 456, No. 6.

⁴⁷ Garitte 101⁸.

⁴⁸ PG 28, 1041A⁶.

⁴⁹ See PGL, s. v. Μαρκιανισταί.

given by Pitra's fragment, but it is missing from *Ek tou syntagmatos* and from *Marcianus gr. II 42*.⁵⁰ Since *Syntagma doctrinae* does not address a Church or a monastic community, but individual Christians, the adverb is superfluous. The words καὶ κυριακῆς imply that the author of *Syntagma doctrinae* repeats what he says in colon k (2,17). Moreover, in contrast to the accusative of the immediate preceding expression τὸ σάββατον, the genitive is used. This makes the authenticity of the phrase καὶ κυριακῆς suspect. *Ek tou syntagmatos* and *Marcianus gr. II 42* also mention the Lord's Day but it is missing from Pitra's excerpt.⁵¹ Therefore I believe that, like in 2, 13 (f), a copyist mechanically added the words 'and on the Lord's Day'.

It is obvious that for pseudo-Athanasius fasting on the Saturday is forbidden and that it is a heretical practice.

3.D.6. Date of *Syntagma doctrinae*

In text 5 b and d, the author distinguishes between the forty-day fast and that of the Passion Week. Hyvernat does not consider section 5 c - d (2,12) to belong to the *Fidei praecepta*, but regards it as a rule for monks. However, there is not any reason for suspecting that 5 c - d is not part of the *Fidei praecepta*. We have even to accept that it is one of the rules of faith if we follow the principle that a portion of a text should be presumed to be authentic unless there is evidence to the contrary. The distinction between the forty-day fast and that of the Holy Week also appears in Epiphanius, *Panarion, De fide* 22, 9 and in ConstAp V 13, 3. Epiphanius writes that the Church performs the forty-day fast in the same way as it does the Holy Week.⁵² For Epiphanius the fast of the Holy Week is a more firmly established practice than that of the *tessarakoste*. He considers the former to be the model of the latter. For the author of the *Fidei praecepta*, the observance of the forty-day fast is as natural as that of the Holy Week. The same applies to the author of ConstAp V 13, 3.⁵³ Therefore, when these authors wrote their rules, the distinction between the fast of the *tessarakoste* and that of the Holy Week had lost its meaning, and it is not surprising that this distinction disappeared. The author of *Ek tou syntagmatos* omits 5 b (2, 11). His version of 5 d is, '(Break the fast at some brother's visit; not that stated one, that is, the Wednesday and Friday fast) καὶ τὴν τοῦ σωτηρίου πάθους τεσσαρακοστήν'. The author of Pitra's excerpt gives 5 b but omits the words καὶ τοῦ πάθους of *Syntagma doctrinae* 5 d. The author of the second part of *Didascalia 318 Patrum* changed colon c to such an extent that he only preserved the parallel of the phrase παρατετηρημένως φύλαττε, for which he gives ἀκριβῶς φύλαττε. He omits the words καὶ τοῦ πάθους from colon d.⁵⁴ Since for the authors of the *Fidei praecepta* and ConstAp V 13, 3 the forty-day fast is an as firmly established practice as that of the Holy

⁵⁰ Pitra (1858) 456, No. 7 and PG 28, 1641A7.

⁵¹ PL 28, 1041A7 and Pitra (1858) 456, No. 7.

⁵² In *De fide* 22, 9 Epiphanius speaks of the seven days and in 22, 10, of the six days of the *pascha*. In 22, 9 he considers the time of the celebration of the Easter Vigil as a day. In *Panarion, Haer.* 6, 2 he speaks of 'the six days of the *pascha*'.

⁵³ R. H. Connolly writes that he is uncertain whether the author of *Syntagma doctrinae*, whom Connolly believes to be familiar with *Didascalia Apostolorum*, was acquainted with the work itself or with its 'AC recension'. Connolly 158, footnote. Text 5 b and d shows that the author of *Syntagma doctrinae* was familiar with ConstApost.

⁵⁴ PG 28, 1640B¹⁴ and 1640C⁴.

Week, we may accept that *Fidei praecepta* and ConstAp are younger than Epiphanius' *Panarion*. Therefore the *terminus post quem* of *Fidei praecepta* is ca. 380.

In colon d, the author of *Syntagma doctrinae* speaks of νηστεία ἢ τεταγμένη. Does he refer to the *Apostolic Constitutions* (Διαταγαί) VIII 47, canon 69 (cf. VII 23, 2)? The use of the adjective τεταγμένη might have been caused by *Didache* 8, 1: ὑμεῖς δὲ νηστεύσατε τετράδα καὶ παρασκευήν.

It is not only possible to establish the *terminus post quem* of the *Fidei praecepta*, but also their *terminus ante quem*. As we have seen, there is an Armenian version of *Didascalia 318 Patrum*. It goes back to the fifth century.⁵⁵ Since *Est autem vita* is an adaptation of *Syntagma doctrinae*, the latter must have been written before 500. Therefore we may assign the *Fidei praecepta* and *Syntagma doctrinae* to the period between ca. 380 and 500.

In section c - e (= 2, 12) the author of the *Fidei praecepta* writes, 'Break the fast when a brother visits you, but not the stated fasts, the Wednesday and Friday fast, and the Lenten fast, but the self-chosen fast, that on the Monday, Tuesday and Thursday'. As we have seen, pseudo-Eusebius rules that we should *not* keep the Wednesday and Friday fast when a friend visits us. I believe that pseudo-Athanasius polemizes with pseudo-Eusebius and that the former would differently have phrased his rule if he had been unfamiliar with pseudo-Eusebius' treatise. Pseudo-Athanasius could simply have written, 'Do not fast on the Monday, Tuesday and Thursday when a brother visits you'. Perhaps *Syntagma doctrinae* is attributed to Athanasius in order to bestow a greater authority on it than pseudo-Eusebius' writing has. Pseudo-Athanasius' polemic tone justifies the thesis that pseudo-Eusebius' treatise dates from before 500.

3.D.7. A special section on fasting in Marcianus gr. II 42, PG 28, 1640C14 - D2

As I have said, between the first part of colon f ('You should not fast on the Saturday') and the second part ('excepting the great Saturday of the holy *pascha*') of text 5, *Marcianus gr. II 42* gives a special text on fasting. A very similar text is given by Pitra's excerpt, of which I mention a few variants (Pitra (1858) 456, No. 4 - 5) (= P).

[6]

- a) Τὸ σάββατον μὴ νηστεύε ὅλην τὴν ἡμέραν.
- b) Ἀπρὲς γὰρ ἐστὶν ὅλην τὴν ἡμέραν τοῦ σαββάτου μέχρι δυσμῶν ἡλίου νηστεύειν.
- c) Ἐξεστί δὲ <νηστεύσαι> (see P) ἕως ὥρας ἕκτης ἢ ἑβδόμης.
- d) τὸ δὲ περισσὸν Ἰουδαϊκῆ αἰρεσῆς ἐστὶν (om P).
- e) Ἄπαξ δὲ μὴ ἐπιδυέτω ὁ ἥλιος ἐν τῇ νηστείᾳ σου (for τοῦ σαββάτου, see P)
ἐπιφανούσης κυριακῆς,
- f) εἰ μὴ μόνον τῷ μεγάλῳ σαββάτῳ ἐν τῇ νυκτὶ τοῦ πάσχα.

⁵⁵ Garitte 121, note 61.

On the Saturday do not fast for the whole day (a) because it is unfitting to fast for the whole day on the Saturday, till sunset (b). But it is possible to fast till the sixth or seventh hour (c). But more fasting is a Jewish heresy (d).⁵⁶ But let the sun not go down on your fasting while the sun is dawning (e) with the only exception of the great Saturday in the night of the *pascha* (f).⁵⁷

At first sight it seems that we are dealing with an exception to the rule that Christians should not fast on the Saturday. However, the author only allows someone to fast till the sixth or seventh hour, that is, till the moment of the midday meal. But, we may wonder whether people were used to take a morning meal. In John Chrysostom's time this was not the case.⁵⁸ It is typical of a normal fast day that people do not eat the midday meal. Therefore, since the author orders people to take their first meal or 'break-fast' at the latest at 12 or about 1 o'clock p. m., he prescribes that the Saturday should be a non-fast day. It is possible that some people were used to take a titbit before the midday meal. These Christians are allowed to renounce this morning meal even on the Saturday. However, this does not mean that the author of text 6 considers the Saturday to be a suitable day for fasting, that is, as a day on which it is permitted to take only one meal, the evening meal. If that were the case, what the author writes in text 6 would contradict what he says in his parallel text of text 5 l: 'And take care that some followers of Marcianus or some other heresy do not beguile you into fasting on the Saturday or Lord's Day'.⁵⁹

3.E. Excursus: Hospitality and Rules of Fasting

In KAN 102, 19, according to the printed text, John Monk and Deacon writes that on the Wednesdays and Fridays of the two weeks of Carnival penitents should not break the fast εἰς φίλον τὸ (sic) οἰνοῦν. In Van de Paverd (2006), I defend that φίλον is a corruption of φιληθονίαν.⁶⁰ Pseudo-Eusebius and pseudo-Athanasius show that φίλον τὸ οἰνοῦν is a corruption of φίλον τὸν οἰνοῦν. This is confirmed by many texts on hospitality in the Lives and sayings of the Desert Fathers. Several of these texts can be found through H. Rosweyde's detailed index on his *Vitae Patrum* (PL 74), s. vv. 'Hospitale (prandium)', 'Hospitalitas' and 'Hospites'. Relevant texts can also be detected by reading the sayings referred to by the words νηστεία and νηστεύειν of the index of Greek words of SC 498, which is the third volume of J.-CL. Guy's edition of the systematic collection of the *Apophthegmata Patrum*.

To this Greek evidence a few Latin texts can be added. *Regula Magistri* 26, 11 - 12 allows the abbot to supplement the monks' meal with whatever kind of food he wishes and with delicacies not only on the Lord's Day 'and other feast days' but also on 'whatever day' 'propter extraneas advenientes personas'.⁶¹ Adomnán of Iona († 597) tells us that at Iona the

⁵⁶ This affirmation is curious because for the Jews the Sabbath is a feast day.

⁵⁷ Section e - f is also given by Hyvernat 333, 3rd column, where he gives the version of *Paris, B. N., ms. gr. 1503*, which in line f simply reads, πλὴν τοῦ ἑνός.

⁵⁸ See Van de Paverd (1991) 165.

⁵⁹ PG 28, 1641A⁶⁻⁷.

⁶⁰ Van de Paverd (2006) 159.

⁶¹ SC 106, 138.

monks broke the fast on a Wednesday because of the arrival of a guest ‘by name Aidan, Ferno’s son’.⁶² In his *Regula ad virgines* (CPL 1863) 11, Waldebert, abbot of Luxeuil, rules that during the season from Pentecost to Lent the arrival of guests may make the disruption of the fast compelling.⁶³ Ch. 14 of Book 12 of the *Collectio canonum Hibernensis* (ca. 700/725) quotes a statement of an unspecified synod saying: ‘On account of kindness (“humanitas”), ‘advenientibus fratribus’, it is opportune to bring forward the virtue of love and to break the severity of the abstinence and the rigour of the daily determination (to fast) (‘propositum’) because that fast is pleasing to God that is united with the fruits of charity’.⁶⁴

3.F. Council in Trullo (691/692), canon 55

In the introduction to his edition of the canons of the Council in Trullo, P.- P. Joannou explains that Roman legates did not attend the council. He also discusses the question to what extent the council’s decisions were accepted by Rome.⁶⁵ H. Ohme wrote more than one article on this assembly, which is also called ‘Quinisect Council’. I mention two of them which, among other matters, are interesting for the historical background of the synod. They are: (1) Ohme (2006) 55 - 72 and (2) – specifically relevant to our subject – Ohme (2004) 71 - 84.⁶⁶

It is often suggested that the council was hostile to Rome. Ohme shows that the synod was not ill-disposed towards the see of the Western patriarchate, but that the measures of the council should be explained in the light of the pursuit of Emperor Justinian II (685 - 695. 705 - 711) to uniform the various customs within the *Reichskirche*. Incidentally, citing John Chrysostom, *In Gen., Hom. 11, 2*, in Ohme (2004) the author affirms, ‘Das Fastenverbot am Samstag wurde bereits von Johannes Chrysostomos († 407) homiletisch eingeschränkt’.⁶⁷ I disagree with the author on this point. Chrysostom’s text is merely one of the many pieces of evidence that Eastern Christians did not fast on the Sabbath.⁶⁸

The Fathers of the council state in canon 55:

[7] – ‘Since we have learned that during the fast of holy Lent, contrary to the traditional rule, the (Christians) in the city of the Romans fast on the Saturdays of Lent, the synod decided that even to the Church of the Romans the canon firmly applies that says (the council quotes canon 64 of the Apostels, text 2).

It is curious that, apparently assuming that the ordinary Saturdays of the year were exempt from fasting even for the Romans, the council affirms that, according to reports, it is only on the Lenten Saturdays that the Romans fast.

⁶² Anderson 52; Sharpe 131.

⁶³ PL 88, 1063A⁸⁻¹¹.

⁶⁴ PL 96, 1286A. For the *Collectio canonum Hibernensis* see CPL 1794 and Vogel (1978) 64

⁶⁵ For canon 55 see Joannou I/1, 192, for his introduction, o. c. 98 - 100.

⁶⁶ Ohme kindly sent me an offprint of the first and a photocopy of the second article.

⁶⁷ A. c. 74.

⁶⁸ For Chrysostom’s text see PG 53, 92 f.; cf. Van de Pavard (1970) 72, note 1. In Funk I 300, note 19, Funk wrongly writes ‘In Gen. hom. 13, 2’.

3.G. Erotapokrisis 64 of Collectio a of Erotapokriseis attributed to Anastasius Sinaita

Collectio a of *erotapokriseis* attributed to Anastasius Sinaita consists of 154 questions and answers and was put together in the 11th century. Jacob Gretser († 1617) published it and his text was adopted by J. P. Migne (PG 89, 312 – 824).⁶⁹ There are two indications proving that *erotapokrisis* 64 is spurious. First, its author shows his erudition enumerating four heretical sects (see below) and, second, he almost literally quotes ConstAp VII 23, 3 – 4 (see below section 3.G.2). Parading erudition and quoting sources is unlike the authentic *erotapokriseis* by Anastasius and typical of those of *Collectio a*. Therefore as regards *erotapokrisis* 64, we may speak of pseudo-Anastasius. The *Erotapokrisis* might have been written after the author of *Quotiescumque* wrote his instructions. However, the answer confirms the Byzantine tradition of considering the Saturday as a non-fast day.

3.G.1. First part of erotapokrisis 64, PG 89, 664A - B¹

Explaining his view on the ‘Great *Tessarakoste*’ in one of the sections of *erotapokrisis* 64, pseudo-Anastasius tells us this. The end of the *tessarakoste* is Palm Sunday, which is followed by ‘the Great Week’ (cf. ConstAp V 13, 3). During the Holy Week we fast because of the Lord’s passion and *pascha* (χάριν τοῦ πάθους τοῦ Κυρίου καὶ τοῦ πάσχα), and not because of the *tessarakoste*. Therefore, in contrast to what the Arians do, we should not observe a *tessarakoste* of eight weeks.⁷⁰ Next, pseudo-Anastasius points out that a number of sectarians – Eustathians, Marcionists (Μαρκιωνισταί), Lampetians and Messalians – fast on the Saturday and Sunday during Lent. Like that of the Arians, their practice is heretical. The reason is that ‘the Saturday and Sunday are holy and festive days and it is not allowed (οὐκ ἔξεστιν) to fast on them. Because the first is blessed on account of God’s rest from his works (cf. Gen 1: 2 - 3), the second is sanctified because of the Lord’s resurrection’ (cf. ConstAp VII 23, 3, see above text 1).

3.G.2. Second part of erotapokrisis 64, PG 89, 664B² - 668A²

This section is headed by the title, Ἐκ τῶν ἀποστολικῶν διαταγμάτων. It is the ninth fragment of F. X. Funk’s ‘Fragmenta Anastasiana’, which are part of his ‘Testimonia veterum’ of the *Didascalia Apostolorum* and *Constitutiones Apostolorum*. Giving a critical edition of pseudo-Anastasius’ text, Funk indicates the sections of ConstAp that pseudo-Anastasius excerpted. Of the text that interests us, he gives the same reading as PG does. His variants in his critical apparatus are irrelevant to us. Pseudo-Anastasius almost literally copied ConstAp VII 23, 3 - 4 (see text 1). His text only includes two variants, which do not affect the substance of the rule that the Sabbath and the Lord’s Day should be feast days.

⁶⁹ For a discussion of the various collections of *erotapokriseis* attributed to Anastasius Sinaita see Munitz, p. XVII – XXVIII. See also Internet, s. v. Anastasius Sinaita.

⁷⁰ PG 86, 664A.

3.H. John of Damascus

In *Ep. de sacris ieiuniis* 3, John (ca. 675 - ca. 749) writes that a canon of the Apostles prescribes that, on the one hand, Christians should not fast on the Saturday and Sunday and that, on the other hand, they should fast for forty days before Easter.⁷¹ Although John speaks of ‘a canon of the holy Apostles’, he means the canons 64 and 69 of the current edition of the text.⁷² For clarity’s sake I refer to these two canons. John suggests the following solution for reconciling the two apparently contradicting rules.

[8]

- a) Ἐπεὶ τοίνυν κανὼν τῶν ἁγίων ἀποστόλων διατετύπεται μὴ νηστεύειν σαββάτῳ καὶ κυριακῇ (canon 64) καὶ νηστεύειν τὴν ἁγίαν τεσσαρακοστήν (canon 69),
- b) τυχὸν τὰς μὲν πέντε τῆς ἑβδομάδος τὴν παντελῆ ἀσιτίαν νηστεύειν, τὰς δὲ δύο τοῦ σαββάτου καὶ τῆς κυριακῆς ἡμέρας, τὴν τινῶν βρομάτων ἀποχὴν προστέταχεν.

John interprets the canons 64 and 69 to the effect that during Lent Christians should observe a complete fast on the first five days of the week but should abstain from certain kinds of food on the Saturday and Sunday (b). John considers abstaining from certain kinds of food not only as fasting but also as non-fasting. Thus, during Lent we follow canon 69 because, *abstaining* from certain kinds of food on the Saturday and Sunday, we fast even on these days, and we follow canon 64 because, *eating* certain kinds of food on the Saturday and Sunday, we do not fast on these days. Speaking of a ‘complete fast’ on the first five days of the Lenten weeks (b), John alludes to the general custom of renouncing the midday meal on fast days.⁷³ Speaking of abstaining from certain kinds of foods on the Lenten Saturdays and Sundays (b), he must mean that people should do this during the two meals they are supposed to take on these days. He proposes that people should to a certain extent fast on the Lenten Saturdays and Sundays. However, for us it is important that, following canon 64 of the Apostles, he accepts the principle that the Saturday should be considered as equivalent to the Sunday in regard to fasting.

3.I. Photius, *Encyclica ad sedes orientales* (Ep. 2)

For Photius (ca. 810 - ca. 895), *Encyclica ad sedes orientales*, see Louardas 39 -40 (introduction) 40 - 53 (text). Cf. PG 102, 721 - 741 (= Ep. 13). Photius wrote the letter in the first half of AD 867. For its historical background, see, for instance, Beck (1980) 96 - 105; Beck (1985) 207 – 208; Norwich 856 (62) - 868 (88).

In 866 the Franks sent missionaries to the Bulgarians, who had already converted to Christianity accepting the Byzantine Rite. Photius accuses these missionaries of having taught errors to the Bulgarians. In the first place, the missionaries unholily made the Bulgar-

⁷¹ Funk II 58 - 61, cf. o. c. p. VIII and p. 19.

⁷² Funk I 582 f. and 584.

⁷³ See also above section 2.A.3.

ians change their customs of fasting, so that they fasted on the Saturdays (καὶ πρῶτον μὲν αὐτοὺς [the Bulgarians] οὐχ ὁσίως εἰς τὴν τῶν σαββάτων νηστείαν μετέστησαν.⁷⁴ This text shows that Photius believed that a Christian should not fast on the Saturday. The patriarch was aware that fasting on the Saturday was a minor misdemeanour, but he observes that ‘even a small rejection of the traditions can incite (ἐπιτροίψαι)’ to complete scorn of Christian doctrine (τοῦ δόγματος).⁷⁵ Photius quotes canon 64 of the Apostles (text 2) and canon 50 of the Quinisext Council (text 7) as evidence for the prohibition to fast on the Saturday.⁷⁶

After Photius’ time, Byzantine authors continued to argue against the Saturday fast, which they not only believed to be the practice of the Roman but also of the whole Latin Church. However, *Quotiescumque* was written before 800, so that even Photius’ evidence dates from a later time than the period that interests us. The subsequent texts on this controversy can be found through the index of Beck (1959), s. v. ‘Samstagsfasten’.

3.J. Typika of the eighth and ninth centuries

As I say in my Preliminary Remarks (section 2), for the Greek Church I only discuss the texts showing that Christians are forbidden to treat the Saturday differently from the Sunday as regards fasting. There are liturgical monastic typika that include rules of fasting, but for the Saturday and Sunday the authors of these rules use verbs in the present tense and in the first person plural. For instance, one of these rules is, ‘During ... Lent we only have one meal a day, except on the Saturday and the Lord’s Day’.⁷⁷ The first person plural includes the whole community, apparently leaving no choice to an individual member but to comply with the rule. However, Augustine and Isidore of Sevilla allow individual Christians to fast privately on days that are collective feast days.⁷⁸ It is possible that the authors of the mentioned typika also accept that an individual member privately fasts, provided the faster does not give offence to the other members of the community. Therefore I regard these typika as writings including a few of the many testimonies that even the Lenten Saturdays were exempt from fasting in the Byzantine Church and limit myself to listing these typika.

(1) The *opusculum* included by the *Hypotyposis* of the Stoudios monastery. The *Hypotyposis* attributed to Theodore the Studite (759 - 826) includes an *opusculum* that is entitled: ‘Quantity and Quality of Food and Drink and Orderly Table Manners’.⁷⁹

(2) An excerpt from a typikon in *Paris, B. N. ms. gr. 1152*. The detailed commentary on the Rule of St Benedict by Edmund Martène (1654 - 1739) includes a Latin translation of an excerpt from a Greek typikon. The translation was made by ‘noster Jacobus Loppin’.⁸⁰ I call

⁷⁴ Louardas 42⁶⁷⁻⁶⁸, cf. PG 102, 724D (Ep. 13, 5). For οὐχ ὁσίως, PG gives ἐκθέσιμους, an obvious corruption of ἐκθέσιμος, which is given by two MSS.

⁷⁵ Louardas 42⁶⁸⁻⁶⁹

⁷⁶ O. c. 48²³¹⁻²⁴².

⁷⁷ For the *opusculum* included by the *Hypotyposis* of the Stoudios monastery see Beck (1959) 494.

⁷⁸ See below text 10 and comment.

⁷⁹ Dmitrievskij (1895) 233²⁸ - 235. For the *Hypotyp.* see o. c. 224 - 228 and PG 99, 1704 - 1720. Dmitrievsky gives the variants of PG.

⁸⁰ For the text see PL 66, 661C⁶ - 662B³; for the name of its trans., PL 66, 661C.

this excerpt ‘*Incipiendum*’ after its first word ‘*Incipiendum (est a splendida et prima dominica omni cibo vesci per totam novam hebdomadam)*’.⁸¹ Loppin found *Incipiendum* in *Codex 6041* of the library of Jean-Baptiste Colbert (1619 - 1683).⁸² This MS is currently *Paris, B. N. ms. gr. 1152*. It not only includes *Incipiendum* but also DID and a large part of KAN.⁸³

As regards the date of *Incipiendum* this can be noted. Among the works attributed to Theodore the Studite, there is also a *Didascalia Chronica*, a ‘Teaching on the Liturgical Year’ (see below). It rules that during the 10th week before Easter (= week A) and during the Week of Cheesefare (= week B), on the Wednesday and Friday, two traditional fast days, Byzantine Christians should eat as usual. The reason is that the Armenians fast during week A and the Monophysites during week B.⁸⁴ We may speak of an anti-Armenian and an anti-Monophysite non-fasting. For the author of the *Didasc. Chron.*, the anti-Armenian non-fasting was already a tradition, because he writes that during ‘the Week of the Proclamation’, the 10th week before Easter (week A), we break the fast in regard to all kinds of food according to the custom that ‘we received from our holy Fathers’.⁸⁵ *Incipiendum* does not mention the two Byzantine practices, and I believe that the writing is older than the mentioned *Didasc. Chron.* It is true that for the anti-Armenian non-fasting an objection could be made against this thesis. Nicholas I Mysticus, patriarch of Constantinople from 901 to 907 and from 912 to 925, rejects the anti-Armenian non-fasting.⁸⁶ It could be argued that the author of *Incipiendum* agreed with Nicholas I. In fact, it is also missing from the *Diatyposis* by Athanasius of Athos (written ca. 963).⁸⁷ However, Nicholas and Athanasius do accept the anti-Monophysite non-fasting.⁸⁸ This shows that Nicholas I did not influence the author of *Incipiendum*, and we may accept that the typikon from which it is an excerpt is older than the *Didasc. Chronica* attributed to Theodore the Studite.

After having discussed the liturgical year, the author of *Incipiendum* to a certain extent quotes canon 69 of the Apostles (= c. 69). His text is: ‘Si quis vero vel episcopus vel presbyter vel diaconus vel subdiaconus, aut lector (ἢ ψάλτης ad c. 69) aut aliquis fidelis (om c. 69) τὴν ἀγίαν τεσσαρακοστὴν ad c. 69) oleo et obsonio vescitur (οὐ νηστεύει c. 69) feriis quarta et sexta <<totius anni, exceptis videlicet dominicis festis (om c. 69) extra infirmitatem; si clericus fuerit, deponatur, si laicus, excommunicetur (ἀφοριζέσθω) <<ut transgressor divinae legis (om c. 69)’.⁸⁹ Perhaps this emphasis on the importance of the Wednesday and Friday fast is an indication that *Incipiendum* was written after 691, the year in which the Council in Trullo recognized the authority of the *Canons of the Apostles*.

⁸¹ The ‘new week’, διακαινήσιμος ἑβδομάς, is the Easter Week.

⁸² See PL 66, 661C.

⁸³ See Van de Pavverd (2006) 206. For the date of *Paris, B. N. cod. gr. 1152* (13th or 16th C.) see *ibid.*

⁸⁴ *Didasc. chron.* 8 and 11, PG 99, 1697D and 1700A¹³⁻¹⁷ and 1701B⁵⁻⁸. The best explanation of the fast of the Armenians that I read is, Phountoulis 269 - 271.

⁸⁵ PG 99, 1697D⁴⁻⁵.

⁸⁶ *De vita monastica* 13, PG 111, 404. This text is missing from Jenkins.

⁸⁷ For the text of the *Diatyposis* see Dmitrievskij (1895) 238 - 256, for the date ODB, s. v. ‘Athanasios of Athos’. Nicholas III Grammaticus († 1111) also rejects the anti-Armenian non-fasting, but he accepts the non-fasting on the Wednesday and Friday of the 9th week before Easter though he cannot explain this practice. See *Synodicae constitutiones*, canon 16, Pitra (1858) 171.

⁸⁸ *Vita monast.* 14, PG 111, 404 and *Diatyposis*, Dmitrievskij (1895) 252²⁴: ἡ γὰρ τῆς ἀποτυρώσεως ἑβδομάς ὅλη ἀπόλυτος ἔσται.

⁸⁹ PG 66, 662A, cf. 661D 5⁹⁻¹¹.

(3) *Didascalía chronica* attributed to Theodore the Studite (= Didchron1). R. Cholij questions the correctness of the attribution of Didchron1 to Theodore the Studite († 826).⁹⁰ It is unclear whether Cholij read V. Grumel's article on the Fast of the Assumption in the Greek Church, in which the French scholar strongly defends the authenticity of Didchron1. Cholij does not discuss the 'plusieurs marques d'authenticité' brought forward by Grumel.⁹¹ These marks are less striking than Grumel believes them to be, although Beck accepts them.⁹² Therefore it is possible that Didchron1 was written after *Quotiescumque* was produced.

(4) Pseudo-Anastasius, *Didascalía chronica* (= Didchron2).⁹³ The second 'Teaching on the Year' is attributed to Anastasius Sinaita († after 700) but, referring to Didchron1, it twice cites Theodore the Studite, the first time calling him 'our *theophoros* Father Theodore'.⁹⁴ The second Didchron, which is very similar to *Incipiendum*, was written after *Quotiescumque* had been produced, and I only mention it because it is partially based on Didchron1. If you collationate the section on Lent of Didchron1 with those of *Incipiendum* and Didchron2, you see that the phrase in Didchron1, 'we do not eat fish during ... Lent, except on the day τοῦ σαββάτου, the word σαββάτου is a corruption of εὐαγγελισμοῦ (Annunciation of Mary).⁹⁵

3.K. Texts prescribing penances of fasting

Quotiescumque rules that a penitent who fasts for a whole week, on the Saturday and Sunday should eat and drink whatever is set before him. Therefore Greek texts telling confessors which penances of fasting they should impose are especially interesting to us. These texts are found in three works: the *Kanonarion* by John Monk and Deacon (= KAN), *Didascalía Patrum* (= DID) and the *nomokanon* of the Athonite MS *Panteleimonos 311* (= NOM). We may disregard KAN. John's rules on fasting only show that for him the Saturday and Sunday are of equal significance in regard to fasting, but he does not say anywhere that a penitent *should* keep the same diet on the Saturday and Sunday.⁹⁶ DID and NOM do include such commands.

3.K.I. Rules on fasting of *Didascalía Patrum*

DID is an adaptation of KAN. The 'second book' of my study on KAN is devoted to DID. I divide the texts of DID into 'documents' and these documents give the pages and lines of M. Arranz's publication of the text of DID.⁹⁷ I refer to these documents. DID is the product of three authors. It is only the contributions of the second author, Basil the Monk, that are important for us because they include the rules of fasting for penitents.⁹⁸ DID was written between 730 and 800.¹⁰⁰ Basil the Monk writes that confessors should offer penitents the

⁹⁰ Cholij 77. For the text of Didchron1 see PG 99, 1663 - 1704.

⁹¹ For Grumel's 'marks of authenticity' see Grumel 166 f.

⁹² Beck (1959) 494.

⁹³ See Pitra (1868) 278 - 280.

⁹⁴ O. c. 279²¹.

⁹⁵ For the section on Lent in Didchron1 see ch. 9, PG 99, 1700B, for those in *Incipiendum* and Didchron2, PL 66, 662A and Pitra (1868) 280¹⁻⁶. The text of Didchron2 is also quoted in PGL, s. v. εὐαγγελισμός.

⁹⁶ For John's penances of fasting see Van de Paverd (2006) 151 - 167.

⁹⁷ Arranz (1992 - 1993) 131 - 207. Cfr. Van de Paverd (2006) 199.

⁹⁸ For the section of DID concerned see Van de Paverd (2006) 274 - 285.

⁹⁹ See below section 8, 'Place and Time of Origin of *Quotiescumque*'.

choice between two penances, which he calls 'rules' (ῥογοί). His first rule is more severe than his second one. There are three documents in DID in which it is said that a penitent should follow the same diet on the Saturday and Sunday. They are the following: (1) of the first rule, the document in which Basil specifies a penitent's regime of fasting during Lent (doc. 66), (2) doc. 71, Basil's second rule, (3) doc. 72, which is an interpolation that summarizes Basil's first rule. I disregard the many variants of the various MSS because they are irrelevant to our purpose. I only consider the readings that I believe to be the original ones.

Penitents' regime of fasting during Lent (doc. 66)

First Basil gives the penances for healthy and willing penitents (doc. 66, 200, 4 - 10b), then the penance to be imposed on the ill and unwilling penitents (doc. 66, 200, 11 - 14). During Lent, on the Monday, Wednesday and Friday healthy and willing penitents should abstain (καρτεῖτωσαν) from wine and oil, on the Tuesday and Thursday they should consume (ἐσθιέτωσαν) oil and wine, on the Saturday and Sunday they should break the fast (καταλύετωσαν) in regard to fish as well. This text implies that during Lent the penitents' diet should be the same as that of the ordinary faithful on the Saturdays and Sundays. Basil clearly states that penitents should eat on the Saturday and Sunday. However, referring to the penitents' regime of fasting on the Tuesday and Thursday he also uses the imperative mood. But, it is thinkable that a specially zealous penitent wanted to fast as severely on the Tuesday and Thursday as he ought to do on the Monday, Wednesday and Friday. Basil can scarcely have objected to such a fervour. Therefore we cannot use doc. 66 as evidence that Basil was convinced that it was forbidden to penitents to abstain from fish on the Lenten Saturdays. Doc. 66 only confirms that Byzantine Christians customarily disrupt a fast on the Saturday and Sunday. Basil's rule for ill and unwilling penitents is as ambiguous as that for the healthy and willing ones. He writes: 'But if they are ill or unwilling, they should eat oil and drink wine on the first five days (of the week) but on the Saturday and Sunday they should break the fast in regard to all food'.

Basil the Monk's second rule (doc. 71)

Basil's second rule is for penitents who are unwilling to accept his first penance. His second rule only differs from his first penance as regards the ordinary time of the liturgical year. He orders that on the Monday, Wednesday and Friday, penitents should eat (τρωγέτωσαν) oil and fish; on the Tuesday and Thursday, cheese and eggs in addition to oil and fish, and on the Saturday and Sunday all the former kinds of food plus meat. Here again it is clear that Basil does not use the imperative mood in a studied way.

An interpolation that summarizes Basil's first rule (doc. 72)

Summarizing Basil's first rule, a copyist writes that penitents 'should eat (ἐσθιέτωσαν) meat and all (kinds of) food on all days', with the exception of the Monday, Wednesday and Friday. This implies that penitents should eat meat on the Saturday and Sunday but, since this also applies to the Tuesday and Thursday, the nature of this obligation is ambiguous.

3.K.2. *Nomokanon of the MS Panteleimonos 311*

The *nomokanon* that is found in the MS *Panteleimonos 311* (15th/16th cent.) gives a confession rite.¹⁰⁰ The dismissal (ἀπόλυσις) marking the end of the rite is followed by instructions for confessors telling them which penances they should impose for various sins.¹⁰¹ One of these instructions is a διάκρισις, an enlightened judgment, attributed to John IV the Faster, patriarch of Constantinople (582 - 595). Addressing the confessor, it first declares: ‘You should rather reduce (κατεβάξης) the (penance of) 15 years -I mean that for adultery, for sleeping with men and for bestiality - to three years. Next the judgment specifies how the penitent should spend the three years of his penitential excommunication. It is this specification that includes a phrase that is interesting to us. It is true that the *nomokanon*, written in demotic Greek, dates from a much later time than *Quotiescumque* does. However, without doubt, the essence of the phrase concerned reflects an old tradition. Speaking about fasting, in different words it expresses the substance of the exhortation in *Quotiescumque* that a penitent who fasts for a whole week, on the Saturday and Sunday should eat and drink whatever is set before him. The pertinent text of the διάκρισις attributed to John the Faster is this.¹⁰²

[9] – Ἀλήθεια νὰ τοὺς νηστεύη καὶ τρεῖς χρόνους ὀλοκλήρους, ξηροφαγία<ν> εἰς ἐννάτην καὶ μετανόιας πολλὰς, χωρὶς τῶν σαββατοκυριακῶν.

Truly he (the penitent) should also fast for the whole of the three years (of his excommunication) (eating) dry food at the ninth hour, and performing many obeissances, except on the Saturday and Lord’s Day.

My translation takes it for granted that the use of the article τοὺς is correct. The preceding text justifies this assumption, but the place of the article is strange. I suspect that a copyist anticipated it and that the original text was νὰ νηστεύη καὶ τοὺς τρεῖς χρόνους. In addition to his not taking part of Holy Communion, traditionally the most important element of Byzantine penance, the penitent should also fast. The expression ‘dry food’ refers to food that is not made savoury by the use of olive oil. The compound ἡ σαββατοκυριακή or, in demotic Greek τὸ σαββατοκυριακό, epitomizes the Greek view of the Saturday and Sunday as regards fasting in a nut shell: both days are of equal significance. Unfortunately, we cannot assume that the expression was being used before the 10th century. It appears for the first time in the MS *Munich 498*, which dates at the earliest from the 10th century.¹⁰³ However, although the use of the compound may be a rather recent phenomenon, the texts discussed in section 3 of my study prove that it is the result of a tradition that goes back to the fifth century.

¹⁰⁰ Almazov 29 - 32³⁴. See for the reproduction of the Greek text and a French trans. Arranz (1992 - 1993) 83 - 86.

¹⁰¹ Almazov 32³⁵ - 36³⁰.

¹⁰² Almazov 34²⁴⁻²⁸.

¹⁰³ See Van de Paverd (2006) 23 - 24. For the compound see o. c. p. 159, 104, 2 and p. 181, 118, 14, cf. p. 278, doc. 66, 200, 9a and p. 288, doc. 75, 204, 12-13.

3. L. Conclusion of section 3

Summarizing the results of our section on the Greek texts forbidding Christians to fast on the Saturday and Sunday, we may state this. Prompted by ConstAp VII 3 - 4 and especially by canon 64 of the Apostles, several authors affirm that Christians are not allowed to treat the Saturday differently from the Lord's Day in regard to their diet. The compound ἡ σαββατοκυριακή concisely expresses this view.

4. LATIN TEXTS SHOWING THE POSSIBILITY OF FASTING ON THE SATURDAY

4.A. Augustine on fasting on the Saturday

In *Ep. 36*, Augustine (354 - 430) answers Casulanus' question 'whether it is permissible to fast on the Saturday'. In ch. 14, 32, he first relates that Monica was troubled by the fact that in Milan Christians did not fast on the Saturday in contrast to what was the custom in her own town.¹ (Augustine repeats this story in *Ep. 54*, 2, 3). Next, he writes:

[10] Since it is especially in Africa that it happens that one Church or the Churches in the same region have some (members) who take the *prandium* on the Sabbath and others who fast, I believe that the custom should be followed of those to whom the government of a congregation has been committed.²

This text means that a Christian should not fast on the Sabbath if he or she belongs to or visits a Church led by a bishop whose custom it is to take the midday meal on the Saturday. However, Augustine's statement (and his whole letter) clearly shows that he considers fasting and non-fasting on the Saturday as a matter of custom, not of doctrine.³ Therefore his statement implies that he would not have forbidden a Christian to fast on the Sabbath even if this Christian was part of a Church whose members had two meals on the Saturday -, provided, of course, that having a good reason for his or her action, the faster did not give offence to his or her fellow Christians. *Ep. 36*, 14, 22 implies what Augustine explicitly states in a previous section of his letter, in ch. 12, 27 - 29.⁴ This section is about fasting on the Lord's Day, but it is important to us because it demonstrates that Augustine even puts the prohibition to fast on the Sunday into perspective. In ch. 12, 27 he writes that the Manichaeans compelled their followers to fast on the Sunday. As a result, the Catholics regarded fasting on the Lord's Day with great horror. Augustine goes on:

[11] – Unless, perchance, someone is able to continue an unbroken fast for more than a week, so as to approach as nearly as may be to the fast of forty days, as we have known some to do. And we have been assured by brothers most worthy of credit that one person did attain to the full period of forty days.

In ch. 12, 28, Augustine writes that 'the Priscillianists, a sect very like the Manichaeans', affirm that at Troas Paul and those with him fasted on the Sunday, and that this shows the legitimacy of the Sunday fast. In ch. 29, Augustine admits that Paul fasted on the Sunday until midnight (Act 20: 7) or until dawn of the following morning (cf. Act 20: 11). However,

¹ CSEL 34/1, 62^{2-18a}.

² CSEL 34/1, 62^{18b-26}.

³ See also *Ep. 54*, 1, 1, CSEL 34/1, 159¹⁵ - 160³.

⁴ CSEL 34/1, 56³ - 59¹⁷.

since heretics and especially the Manichaeans prescribe fasting on the Sunday as a regular practice, orthodox Christians should not fast on the Lord's Day. Augustine explains that it is true that on a certain occasion Paul even fasted for 14 days (see Act 27: 33 - 35) but nevertheless we should firmly be convinced that the Lord's Day is an unsuitable day even for voluntary fasting. However, Augustine makes a second exception, in addition to that he mentions in text 10. The Sunday is an inappropriate day for fasting 'unless someone vows to remain without any refreshment for several days'.⁵ *Ep.* 36, 12, 29 shows that according to a very influential Father a Christian is allowed to fast on a day that was a collective feast day, provided he or she has a good reason for doing so.

Isidore of Sevilla († 636), another influential Father, puts an opinion forward that is similar to Augustine's. Isidore writes that, although from Easter to Pentecost the tradition of the Churches alleviates 'abstinentiae rigorem' through the midday meals, a monk or a cleric who wishes to fast during this season, should not be forbidden to do so. He gives as reason that we read that Antony (the Great) and Paul (of Thebes) and the other Desert Fathers fasted even during the Eastertide, excepting only the Lord's Day.⁶ Using *Collectio in V libris*, book 4, canon 335 as source, the compiler of *P. Vallicellanum E 62* gives Isidore's text at the end of canon 71 of the penitential.⁷ However, canon 71 of the penitential (= PV) includes an interesting variant, which I indicate italicizing it. The pertinent phrase is: '(the Eastertide is traditionally exempt from fasting) tamen <<siquis monachorum vel clericorum ("si clerici vel monachi {constituerunt})" PV) (*seu penitentes ad PV*) ieiunare cupiunt non sunt prohibendi'.⁸

4.B. Jerome, Epistula 71 (ad Licinium) 6

In his letter to Licinius, written in 398, among other matters, Jerome addresses the question whether Christians ought to fast on the Saturday.⁹ This question was put to him by Licinius, an inhabitant of the Roman province of *Baetica*. Jerome writes that the Roman Church and the Spains ('Hispaniae') are said to keep the Saturday fast.¹⁰ Next he states that, since fasting on the Saturday is purely a matter of local ecclesiastical tradition, and not of faith, a Christian ought to follow the custom of the Church in which he or she is dwelling. Then he exclaims:

[12] – Atque utinam omni tempore ieiunare possimus, quod in Actibus apostolorum diebus Pentecostes (cf. Act 1: 14¹¹) et die dominico apostolus Paulus et cum eo credentes fecisse legimus (Act 20: 7; 27: 33 - 35).

⁵ CSEL 34/1, 5915 f. ('quando non plures dies sine ulla refectione continuandi uolentur').

⁶ De *ecclesiasticis officiis* I 43, 2 - 3; *Regula monachorum* (CPL 1868) 10, 3, Campos – Ruiz, BAC 321, 107^{289b} - 108; PL 83, 880 - 881.

⁷ For *Coll.V libr.* 4, canon 335 as source of canon 71 of *P. Vallic. E 62* see Gastra (2007) 90, for canon 71, o. c. 272. The final version of the penitential dates from the second half of the 11th C. or later.

⁸ In Isidore the indefinite pronoun (*siquis*) has the meaning of a plural.

⁹ Labourt IV 13 - 14.

¹⁰ The expression 'the Spains' refers to the province of *Mauretania Tingisana* and the European provinces of the Roman diocese of Spain.

¹¹ In Act 1: 14, Luke does not say that the Apostles' praying was coupled with fasting.

Thus, like Augustine, Jerome even put the Christian tradition of exempting the Lord's Day from fasting into perspective. To avoid misunderstanding, he immediately adds an explanation to his exclamation. He clarifies that he does not mean that he expects us to fast on feast days ('festae dies') or that he wants to deprive the 50 days of the Eastertide of their festive character. Therefore, Jerome declares that it would be perfect if we could always fast, but that we ought to respect certain traditional feast days. It is clear that the expression 'festae dies' does not include the Saturdays. Therefore we may rule out that Jerome would have forbidden an individual Christian to fast on the Saturday if he or she had reasons for doing so.

Augustine's and Jerome's appreciations of the Saturday as possible fast day must have been known to Western theologians. This makes it to such an extent unlikely that sixth-century and later theologians would have forbidden a Christian to fast on the Saturday, that we can rule it out.

4.C. Pope Innocent I, Epistula 25, 4

Two Latin texts have in common that in them a bishop of Rome orders the observance of the Saturday fast. They are relevant to us because they are evidence for the theory that it never occurred to a Latin theologian to command a penitent to eat on the Saturday. The first text is Innocent I's letter to bishop Decentius of Gubbio of 19 March 416, that is, *Ep. 25, 4*; the second, a section of the *Acts of St Silvester*.¹²

4.C.I. Text

[13]

- a) Sabbato vero ieiunandum esse, ratio evidentissima demonstrat.
- b) Nam si diem dominicum ob venerabilem resurrectionem domini nostri Iesu Christi non solum in *Pascha* celebramus, verum etiam per singulos circulos hebdomadarum ipsius diei imaginem frequentamus,
- c) ac sexta feria propter passionem domini ieiunamus,
- d) sabbatum praetermittere non debemus, qui inter tristitiam atque laetitiam temporis illius videtur inclusus.
- e) Nam utique constat apostolos biduo isto et in moerore fuisse et 'propter metum Iudaeorum' (Jn 20: 19) se occuluisse.
- f) Quod utique non dubium est in tantum eos ieiunasse biduo memoratur ut traditio ecclesiae habeat isto biduo sacramenta penitus non celebrari.
- g) Quae forma utique per singulas hebdomadas est tenenda propter id quod commemoratio diei illius semper est celebranda.
- h) Quod si putant semel atque uno sabbato ieiunandum, ergo et dominicum et sexta feria semel in *Pascha* erit utique celebrandum.
- i) Si autem dominici diei ac sextae feriae per singulas hebdomadas reparanda imago est, dementis est bidui agere consuetudinem sabbato praetermisso,

¹² For *Ep. 25* see CPL 1641, for the text of ch. 4, Cabié 24 - 26.

- j) cum non disparem habeat causam – a sexta videlicet feria, in qua dominus passus est – quando et ad inferos fuit ut, die tertia resurgens, redderet laetitiam post biduanam praecedentem tristitiam.
- k) Non ergo nos negamus sexta feria ieiunandum, sed dicimus et sabbato hoc agendum, quia ambo dies tristitiam apostolis vel his qui Christum secuti sunt indixerunt.
- l) Qui die dominica hilaritati, non solum ipsum festivissimum esse voluerunt, verum etiam per omnes hebdomadas frequentandum esse duxerunt.

4.C.2. Translation

A very obvious reason shows that we should fast on the Saturday (a). Because it is not only at Easter that we celebrate the day of the Lord on account of the venerable resurrection of our Lord Jesus Christ, but we also solemnize the image of this day at every single round of the cycle of the weeks (b) and if we fast on the Friday because of the Lord's passion, then we should not neglect the Saturday, which we see to be enclosed by the sadness and the joy of this time (c - d). Because it is quite certain that the Apostles were both grieving during these two days and were hiding themselves 'for fear of the Jews' (Jn 20: 19) (e). Because it is certainly beyond doubt that we to that extent are mindful of the fact that the Apostles fasted on two days, that it is in keeping with the tradition of the Church that we should absolutely not celebrate the sacraments on these two days (f). And this model should certainly be followed every week because the commemoration of this day should always be celebrated (g). Because, if people believe that we should only fast once (a year), on one Saturday, it would follow that we should also only once celebrate the Lord's Day and the Friday, at Passover (h). But, if we should renew the images of the Lord's Day and the Friday every single week, we are out of our minds when we observe the custom of these two days, but neglect the Saturday (i) because there is no different reason – different, to wit, from that for the Friday, on which Christ suffered – for the day on which he was even in the Hades in order that, rising on the third day, he gives the joy back to us after the two preceding days of sadness (j). Therefore we do not deny that we should fast on the Friday, but we state that we should also do this on the Saturday, because both days inflicted sadness on the Apostles and Christ's followers (k) and, exhilarated on the Lord's Day, they not only wished that day itself to be a most festive day but also deemed it proper to solemnize this day every week (l).

4.C.3. Comment

Although he also gives a biblical reason, Innocent's argument for fasting on the Saturday is basically liturgical. Since we weekly commemorate Christ's passion and resurrection, on the Friday and the Sunday, we should also mark the day between them, the Saturday (a - d). It is absurd to believe that we should only fast on Holy Saturday because this would imply that we should celebrate the Lord's passion and resurrection only once a year as well (h - i).

In colon b, Innocent uses the expression 'dies dominicus' for the historically unique day of Christ's resurrection. The weekly Sunday is an image or reflection of this unique day.

Colon f: For 'biduo memoratur' many MSS read 'biduo memorato'. This reading is grammatically possible but it makes little sense as regards the contents of the colon. There is not any biblical evidence for Innocent's thesis that the Apostles fasted while they were gathered behind closed doors (cf. Jn 20: 19). Therefore Innocent adduces a liturgical argument: the tradition of not celebrating 'the sacraments' on Good Friday and Holy Saturday. The word 'sacramenta' certainly refers to the celebration of Mass, but Innocent might also imply other 'sacraments'. In line 99 of Cabié's edition, the word 'sacramenta' refers to the Eucharistic species, and in line 141 the unction of the sick is called a 'sacramentum'. In line 142, the words 'reliqua sacramenta' mean any other sacrament than the unction of the sick.

Colon g: Introducing this colon with the words 'Quae forma', Innocent makes a mental leap. He would have made it easier for a translator if he had written: The practices observed on Good Friday and Holy Saturday should be a model, and this model should be followed on the Friday and Saturday of every week. Giving the reason for this rule, he uses the singular 'day' and speaks of 'the commemoration of that day' while he only insists that it is the practice observed on Holy Saturday that should be a model for every Saturday. He takes it for granted that it is generally accepted that Good Friday is the model for every Friday. The thesis that Holy Saturday should be the model of how we should act on every Saturday implies that every Saturday should be a non-liturgical day. However, the non-celebration of the Sacraments on Holy Saturday is the commemoration of the Apostles' fast on that day. Therefore, when Innocent states that the practice observed on Holy Saturday should determine our behaviour on every Saturday, he means that we should both respect the non-liturgical character of the Saturday and fast on it.

Colon h - i: Innocent uses the word 'dominicum' (h) and the phrase 'dies dominicus' (i) in the same sense as he uses 'dies dominicus' in colon b: he refers to the unique day of Christ's resurrection. In an analogous way he uses the expression 'sexta feria' for the historically unique day of Christ's passion (i).

It is not difficult to detect weak points in Innocent's plea for the Saturday fast, and we may assume that it was unconvincing to many theologians. However, for us it is important that the pope's view of the Saturday must have made it impossible for a Latin theologian to forbid a Christian to fast on the Saturday.

4.D. Acts of Silvester

Of the Latin Acts of Pope St Silvester I, bishop of Rome from 313 - 335, there are two printed texts.¹³ One is found in the second volume of B. Mombricitus († 1500), *Sanctuarium seu vitae sanctorum* (pp. 508 - 533). Mombricitus edited his two-volume work without indicating the place and time of publication. Two monks of Solesmes, H. Quentin and F. A. Brunet, again edited it at Paris in 1910 (repr. 1978). The second text is found in a book published by the *Fratres Vitae Communis*. This work is made up of treatises by Juan de

¹³ See CPL 2235. For a recent article on the *Acts of Silvester* see Pohlkamp (1995).

Torquemada († 1468), Dionysius the Carthusian († 1471), a certain Salomon Marocanus, Nikolaus de Lyra († 1349), Prosper of Aquitaine († ca. 463), Augustine of Hippo, Athanasius of Alexandria, and the *Actus Silvestri*. It was published at Bruxelles in 1478. In the Netherlands, the Royal Library at The Hague and the University Library at Utrecht have a copy of this book. It is without pagination. The beginning of the *Acts* is found on the same page on which Athanasius' treatise ends. At the top of the page of the copy in Utrecht someone indicated with pencil that it is p. 186. The text of the *Acts* is headed by the title, 'Prologus in legenda sancti Silvestri papae'.

The section that is relevant to us is Mombritius 509⁵⁷ - 510¹⁵. Rathramnus of Corbie († 868) quotes a large part of it in his work *Contra Graecorum opposita* I 3.¹⁴ The text of the Brethren of the Common Life and that of Rathramnus are very similar, whereas that of Mombritius sometimes differs from the common text of the Brethren and Rathramnus. The Brethren give one important, rather obvious variant ('vultis' for 'multis'). I follow Mombritius' text but replace some of his readings with those of the Brethren and/or Rathramnus. I also slightly adapt the spelling and use my own punctuation. The variants of the three texts do not affect the essence of what is relevant to us. Presupposing that Greek Christians were with Silvester, the author narrates the following about him.

4.D.I. Latin text of Acts of St Silvester

Text

[14] – *Actus Silvestri*, Mombritius 509⁵⁷ - 510¹⁵ (F = *Fratres Vitae Communis*, R = Rathramnus)

- a) Quartam et sextam diem et sabbatum ieiuniis observandum esse spetialiter definivit.
- b) Quintam vero diem quasi dominicam colendam esse constituit. Quod sanctus Euphrosinus memorabat ab apostolis traditum.
- c) Exigebant autem illi graeci sabbatum magis celebrandum quam quintum diem;
- d) quibus ille ait:
- e) Sufficere deberet hoc ad auctoritatem nostri propositi quod ita tenuisse apostolos nostri priores nobis asseruerunt.
- f) Tamen quia <<altera ratio (for 'altercatio', F R: 'ratio') flagitatur <<a vestra caritate (for 'vestrae caritati', see F R) , redenda est {ratio} (see F R).
- g) Si omnis dominicus dies <<pro reverentia (F R: 'causa') resurrectionis domini tenetur et colitur, iustum est ut omnis sabbatorum dies causa sepulturae eius ieiunii suscipiatur instantia ut, flæntes cum apostolis (for '.lo', see F R) de morte domini nostri Iesu Christi, gaudere cum eisdem de resurrectione mereamur.
- h) Sed dicebant graeci unum esse sabbatum sepulturae, in quo semel est in anno *ieiunium* excolendum.
- i) Quibus sanctus Sylvester:

¹⁴ PL 121, 312CD.

- j) Si unum vultis (for ‘multis’, see F) sabbatum (for ‘.to’) ieiunio colere, unum ergo diem dominicum celebrate.
- k) Quod, si omnis dominicus dies resurrectionis <<est (for ‘esse’) gloria decoratus, omnis qui eum antecedit dies sabbati sepulturae est ieiunio mancipandus, ut merito gaudeat de resurrectione qui de morte ploraverat.
- l) Plorare autem compati dixerim, salvo eo quod passio domini gaudii nostri sit summa.
- m) Accepta ergo hac ratione, græci acquieverunt quidem de sabbato,
- n) sed de quinta feria vāherentissime obsistebant.

Comment

Colon b: Euphrosinus is mentioned in the part of the Acts that precedes text 14. In this part, the author narrates that a revelation ordered this bishop ‘ex orientis partibus’ to hasten ‘ad apostolorum limina’.¹⁵

Colon c: The words ‘illi graeci’ are surprising because ‘graeci’ are not mentioned in the part preceding text 14. How can the use of ‘illi (graeci)’ be explained? Before answering this question, I must note that in the text following text 14, Silvester gives many reasons why the Thursday should be a feast day, and that the Greek are said to approve them (Mombritius 510¹⁶⁻²³). I suggest this solution. The original version of the *Acts* defined that the Wednesday, Friday and Saturday should be fast days (a). Section c - m is taken from a source in which the Greek were mentioned in a preceding part of the text. If this is accepted, the original version of text 14 plus the text of Mombritius 510¹⁶⁻²³ was mainly about the festive character of the Thursday.

Colon e: Silvester explains that the forefathers of the Roman Christians told them that the Apostles observed the Saturday fast, and that this ought to be sufficient to prove the validity of his proposition concerning this fast. F and R give here the grammatically incorrect variants: ‘(... tenuisse) apostolos nostros patres asserimus’ (F) and ‘(... tenuisse) apostolos priores cognovimus’.

Colon f is: ‘However, since Your Grace demands a second reason, it should be given’.

Colon g - k: Silvester’s statement in g is repeated in different words in j - k. Colon g and section j - k strongly remind us of Pope Innocent I’s argument for the obligation of observing the Saturday fast (see text 13 g - j). It is plausible that the author of the *Acts of Silvester* was here inspired by Innocent.

Colon j: For this colon, Quentin and Brunet give the variants of one MS. They do not give a variant of ‘multis’. Rathramnus omits the words, ‘Si unum ... Quod’ (see j - k).

In line l, Silvester emphasizes that it is true that we ought to participate in Christ’s suffering but that at the same time we should be aware that Christ’s passion is the reason of our greatest joy.

4.D.2. Greek versions of Acts of Silvester

There are also Greek versions of the *Acts of Silvester*, which are generally accepted to be

¹⁵ Mombritius 509⁴⁰⁻⁴¹.

translations of a Latin version. L. Duchesne writes this in regard to the episode on the Saturday fast.¹⁶

Jamais un Grec n'aurait eu l'idée de faire sanctionner par saint Silvestre une observance aussi contraire aux usages de son pays. Cela est si vrai que les traducteurs ou copistes grecs se sont crus obligés de retoucher ce texte de diverses manières; il y en a un qui, peu satisfait des atténuations introduites avant lui, a imaginé de faire soutenir par saint Silvestre juste l'opinion qu'il combat dans le texte original.

Sixth-century Greek version of Acts of Silvester

There is a printed text of each of the two Greek versions. Combéfis 258 – 336 is one of them. This version is based on a Greek translation that was made in the sixth century. Its model was not the oldest Latin text but a younger version of it. Editing the text of *Paris, B. N., ms. gr. 513* (10th cent.), Combéfis corrected it using *Paris, B. N., ms. gr. 1448* (11th cent.).¹⁷ Combéfis does not give a critical apparatus. He presents his Latin translation alongside the Greek text. The section on the Saturday fast is in Combéfis (o. c. 267²⁸ - 268²⁶).

[15]

- a) Καὶ λοιπὸν ἀμφισβήτησις οὐ μικρὰ ἀνέκυψεν ἐκ τούτου τοῖς Ἑσπερίοις καὶ τοῖς Ἀνατολικοῖς.
- b) Τῶν γὰρ Ἑσπερίων ἐν τῷ σαββάτῳ νηστευόντων, τοῖς Ἀνατολικοῖς ἤρρεσεν Ἰουδαϊκῶ ἔθει ἀριστάν.
- c) Ὁ ἅγιος τοῖνυν Σίλβεστρος ὥρισεν ἐν τῷ σαββάτῳ νηστεύειν,
- d) καὶ ἐν τῇ πέμτῃ μὴ νηστεύειν, ὥσπερ οὐδὲ τῇ κυριακῇ, λέγων οὕτως,
- e) τῷ μὲν σαββάτῳ, τοῦ δεσπότη ἐν τῷ τάφῳ ὑπάρχοντος, πάντας τοὺς μαθητὰς νενηστευκέναι,
- f) τῇ δὲ κυριακῇ τὸν δεσπότην ἐγειγέρθαι καὶ τοσαύτην χαρὰν εἰληφέναι τὴν κυριακὴν ἡμέραν ὅσον πέντος εἰλήφει τὸ σάββατον,
- g) καὶ τούτου χάριν χρῆναι ἐν τῷ σαββάτῳ νηστεύειν ἔκρασεν τῶν δυναμένων,
- h) τὸν γὰρ μὴ δυναμένων ὁ Θεὸς πρὸς δύναμιν οὐδέποτε οὐδὲν ἀπαιτεῖ.
- i) Ἐν δὲ τῇ πέμτῃ ἡμέρᾳ, διὰ τὸ τῇ τοῦ δεσπότη ἀναλέψει κεκοσμηθῆαι αὐτήν, καὶ χρῆναι κοινωνεῖν αὐτήν τῇ τῆς ἀναστάσεως ἡμέρᾳ.

This text is in Combéfis Latin translation:

Exin iam etiam questio non levis Occidentales inter Orientalesque emersit (a). Nam cum Occidentales Sabbato ieiunarent, placuit Orientalibus ut Iudaeorum more Sabbatis pranderent (b). Itaque sanctus Silvester ieiunandum in Sabbato statuit: (c) in Quinta

¹⁶ Duchesne 113 (roman numeral).

¹⁷ See W. Pohlkamp (1992) 136. The university of Leiden kindly sent me a photocopy of Combéfis' ed.

autem, ut et Dominica non ieiunandum; dicens (d), Sabbato quidem existente Domino in sepulchro cunctos ieiunium discipulos servasse; Dominica autem die, Dominum suscitatum esse (e); tantumque gaudium accepisse Dominicam, quantum Sabbatum luctum hauserat, atque tristitiam (f). Quamobrem, ieiunandum Sabbato, cuicumque per vires liceat (g): ab eo enim qui non possit, numquam Deus exigat, quod maius sit facultate, aequae excedat (h). Quinta autem feria, vir est propterea quod Dominica in coelos Assumptione decorata sit, debeatque Dominicae Resurrectionis diei consociari (i).

Version of Acts of Silvester attributed to John Zonaras

For the Greek version in which Silvester sustains the opposite of what he declares in the original text, Duchesne refers to its Latin translation, which was made by G. Hervet (1499 - 1584) and that was published by L. Surius († 1578) in his monumental edition of Lives of saints. The Greek text that Hervet translated was published by the monks of Grottaferrata.¹⁸ This Greek version is attributed to John Zonaras (fl. 12th cent.) and W. Levison sees no reason for questioning Zonaras' authorship.¹⁹ In his six-volume work, Surius arranges the Lives of saints according to the celebration dates of their feasts consecrating one volume to every two months of the calendar. The *Acts of Silvester* are found in volume six on the pages devoted to 31 December. In the sixth volume of the edition that I consulted (Cologne 1617 - 1618) these pages are 368 - 373.²⁰ The Greek text is:

[16]

- a) Τούτου (of Silvester) θεσμοθεσία καὶ τὸ μὴ νηστεύειν τοῖς σάββασι.
- b) τῶν γὰρ ἐσπερίων νηστεῖαν ἀγόντων κατὰ σάββατα, τοῦτο τοῖς ἐφοῖς οὐκ ἤρκεσεν, ἔθει λέγουσι ἰουδαϊκῶς τοὺς οὕτω ποιοῦντας ἀκολουθεῖν.
- c) Ὁ δὲ μέγας οὗτος πατήρ ἐν ἓνι σαββάτῳ ἐπικρίνας νηστεύειν τοὺς πιστοὺς, ἐν ᾧ παρὰ τὸν τάφον ἔτι ὁ κύριος ἔκειτο,
- d) ἐν τοῖς λοιποῖς τὴν νηστεῖαν ἀπεψηφίσατο.
- e) Ἐντεῦθεν αὐτῷ παρὰ τοῖς Ῥωμαίοις διαβολαὶ ὡς τὰ τούτων ἀθετοῦντι πάτριά τε καὶ νόμματα.

This is in Hervet's translation:

Ab eo (Silvestro) quoque est constitutum ne ieiunaretur sabbatis. Nam cum Occidentales ieiunarent sabbatis, hoc minime placuit Orientalibus, dicentibus, eos qui sic faciunt sequi morem Iudaicum. Hic autem magnus pater, cum decrevisset ut in uno sabbato ieiunarent fideles, in quo Dominus adhuc situs erat in sepulchro, ieiunium abrogavit in reliquis. Hinc in eum sunt exortae apud Romanos calumniae, qui patrios eorum ritus tolleret.

¹⁸ Monks of Grottaferrata 343²³⁻²⁹. The Vatican Library sent me a photocopy of the Greek text. For the various editions of Surius' work see LThK, s. v. 'Surius'.

¹⁹ Levison 452 - 453.

²⁰ For the section on the Saturday fast see p. 369.

The *Acts of Silvester* had as little effect as Innocent I's *Epistula 25* had as regards the observance of the Saturday fast. However, since we may assume that Latin theologians were familiar with them, in addition to Augustine's and Jerome's texts, they are evidence for the theory that a Latin theologian cannot have forbidden a penitent to fast on the Saturday.

4.E. Conclusion of section 4

Quotiescumque prescribes that whoever fasts for his sins for a whole week, on the Saturday and Sunday should eat and drink whatever is set before him. Section 3 of this study shows that, if this rule had been found in a Greek text, it would not have surprised anyone. The Greek view on the Saturday and Sunday in regard to fasting is epitomized in the compound *σαββατοκυριακή*. From the beginning of the fifth century onwards, this view was universally accepted in the Eastern Church. By contrast, we may assume that Augustine's and Jerome's views must have prevented Latin theologians from forbidding a Christian to fast on the Saturday provided he or she has good reasons for doing so. In addition to this assumption, we may likewise take it that Pope Innocent I's defence of the Saturday fast must have prohibited Latin theologians from commanding a Christian, let alone a penitent, to eat and drink normally on the Saturday. Finally, at the time that *Quotiescumque* was written, between 730 and 800, we may suppose that the influence of the *Acts of Silvester* had also begun to be effective. Therefore we may conclude that it is only a Greek author who can have written *Quotiescumque*.

5. INTRODUCTION TO TEXT AND TO ANALYSIS OF *QUOTIESCUMQUE*

5.A. Versions of *Quotiescumque*

There are various versions of *Quotiescumque*. The most conspicuous feature through which they differ from each other is their length. In section 6, I give the longest version, divided into 14 sections. Prayer Lk 18: 13 (section 5 of Q) played a crucial part in the transmission of the confessor's guide. It is a priest's preparatory prayer for hearing a confession. Section 9 - 11 of my book is devoted to the reception of *Quotiescumque*. It shows that it is especially the sections of Q following Prayer Lk 18: 13 that are missing from the various versions of Q. The natural explanation of this phenomenon is that creators of texts on confession wanted to unite the priest's preparatory prayer with their confession rites. Therefore to me it is beyond doubt that the longest version of Q represents the most original shape of the confessor's guide.

5.B. Methods followed for presenting the text of *Quotiescumque*

For the title and section 1 - 3 of Q, I follow the text of what scholars call 'P. Merseburgense a'. The oldest MS including this penitential is *Merseburg, Archiv des Domkapitels 103*, written between 800 and 850.¹ In addition to seven other works, H. J. Schmitz also uses *P. Merseburg. a* to give a kind of critical edition of *Quotiescumque*.² You cannot but admire Schmitz's painstaking comparison of the various versions of Q and the craftsmanship of his typographer. However, the drawback of Schmitz's critical edition of Q is that it is a jumble of pieces of texts, which you must first unravel in order to discover which penitential or MS includes which version of Q. Therefore, if available, it is more convenient to use a separate edition of a version of Q for reproducing its text or a section of it. Wassersleben published *P. Merseburgense a* and also its version of Q in an unbroken text.³ However, his text is somewhat different from that of Schmitz's. On the latter's request, a certain 'Dr. Veckenstedt' collated the handwritten text of *P. Merseburg. a* with Wassersleben's edition (WAS 388 - 407). This led to the discovery of 'bedeutende Varianten'.⁴ Schmitz gives the variants of WAS 388 - 407 for the canonical part of *P. Merseburg. a*, not for Schmitz's critical edition of Q.⁵ Since it seems that Schmitz's text is more trustworthy than that of WAS, I reproduce the former's text for section 1 - 3 of Q, taking it from his critical edition of Q, in which it has the siglum B.

For section 4 - 14 of Q, I follow one of Schmitz's two editions of *P. pseudo-Romanum* (see below section 5.D). Reproducing section 5 of Q, I place the Latin and Greek texts of Prayer Lk 18: 13 in parallel columns.

¹ Hägele 43 - 45. 59 - 76; Kottje (1994) p. XXV - XVII.

² Schmitz (1898) 199 - 202³⁶.

³ WAS 388³⁰⁶ - 389¹¹⁶.

⁴ Schmitz (1898) 199; cf. 358.

⁵ For a recent critical ed. of the canonical part of *P. Merseb. a* see R. Kottje (1994) 125 - 169. Unfortunately, Kottje does not give the version of Q of *P. Merseb. a*.

5.C. MSS and penitentials used by Schmitz for his critical edition of Quotiescumque

As I have said, Schmitz uses eight texts for his critical edition of Q. He indicates them by the sigla A - H. Since I refer to these texts in section 7 of my book, on the analysis of *Quotiescumque*, it is opportune to mention these texts. I more fully discuss seven of them in section 9 - 11, on the reception of Q. For the eighth text, *P. pseudo-Romanum*, see below section 5.D. The eight texts Schmitz uses for his critical edition of Q are:

- (A) *P. Sangallense tripartitum*, only found in *Codex Sangallensis 150* (8th cent.). For the version of Q of this penitential see also Meens 326 - 328.
- (B) *P. Merseburgense a*, see above section 5.B.
- (C) *Codex Dusseldorpiensis B 113* (end of 9th cent.). This MS is one of the 10 codices that include *P. mixtum pseudo-Bedae/Egberti* (see D).
- (D) *P. mixtum pseudo-Bedae/Egberti* (written between 870 and 880). In his introduction to his critical edition of Q, Schmitz calls this penitential ‘*Paenitentiale Pseudo-Bedae*’ adopting Wasserschleben’s name for it. In a note, Schmitz indicates that he uses Wasserschleben’s edition of Q of the penitential.⁶ In the same note, Schmitz writes, ‘Das Poenitentiale wird unten mitgetheilt’. He refers to Schmitz (1898) 680 - 701, where he calls the penitential ‘Das Doppel-Poenitentiale des Beda-Egbert’schen Excarpusus’. However, on p. 679 of Schmitz (1898), the author tells us: ‘Ich theile das Doppel-Poenitentiale mit, insoweit nicht die Vorstücke bereits in anderen Poenentialien enthalten sind’. *Quotiescumque* is one of these ‘Vorstücke’. Wasserschleben edited *P. mixtum pseudo-Bedae/Egberti* from three MSS. The MSS *Dusseldorpiensis B 113* (see C) and *Sancruciensis 217* (see F) are not one of them. For his text of Q, he only gives the variants of *P. pseudo-Romanum* suggesting that the three MSS he uses for the version of Q of *P. mixtum pseudo-Bedae/Egberti* give exactly the same text, which is improbable. However, we may assume that he gives the text of his main MS, *clm 3853 (August. 153)* (after 950).⁷ Therefore mentioning the readings of Q of the text indicated by Schmitz’s siglum D, I refer to *clm 3853*.
- (E) *P. Casinense 372* (11th cent.). Schmitz gives the unbroken text of the version of Q of this penitential in Schmitz (1883) 397¹⁷ - 399⁵. A. H. Gastra gives a much more carefully copied text.⁸
- (F) *Codex Sancruciensis 217* (10th cent.). This MS is one of the 10 codices that include *P. mixtum pseudo-Bedae/Egberti* (see D). (see also *Codex Dusseldorp. B 113 [C]*).
- (G) *P. Vallicellianum E 15* (end of 9th cent.).
- (H) *P. Halitgarii*, Book 6 or *P. pseudo-Romanum*.

5.D. Halitgar († 830/831), Paenitentiale, Liber VI or P. pseudo-Romanum

For section 4 - 14 of Q, I follow a MS of *P. pseudo-Romanum*. Therefore it is convenient to introduce this penitential here in greater detail. R. Kottje discusses 69 MSS that include

⁶ WAS 250 - 252.

⁷ See WAS 248, note 2; Schmitz (1898) 679.

⁸ Gastra (2007) 236.

Halitgar's collection of penitential material or parts of it. Kottje arranges the MSS in alphabetical order so that the description of each single MS can easily be found.⁹ The sixth book of Halitgar's compilation is *P. pseudo-Romanum*. This penitential is found in eight MSS, of which it is not always clear if a copyist transcribed the sixth book of Halitgar's work or transmits *P. pseudo-Romanum* as a from Halitgar's collection independent work.¹⁰

In his first volume, Schmitz edited *P. pseudo-Romanum*, which he calls 'Paenitentiale Romanum' from *clm 3909* (12th cent.), folio 55 ff.¹¹ *Quotiescumque* is Schmitz (1883) 471¹³ - 473²⁵. In his second volume, he first gives the version of Q of *P. pseudo-Romanum* in his critical edition of the confessor's guide.¹² Next, in his second edition of the whole of *P. pseudo-Romanum* he again publishes its version of Q.¹³ He follows *Paris, B. N., ms. lat. 8508* (end of 9th cent.) for that part of Q that goes from the first word 'Quotiescumque' to the rubric preceding Prayer Lk 18: 13 (section 4 of Q). For this part he gives the variants of *Codex Sangallensis 679* (9th or 10th cent.).¹⁴ For the part that goes from Prayer Lk 18: 13 (section 5 of Q) to the end of Q he also follows *Paris, B. N., ms. lat. 8508*, but not only gives the variants of *Codex Sangall. 679* but also those of the MSS *St Gall 570* (ca. 850) and *277* (ca. 875). For his critical edition of Q, he followed *Paris, B. N., ms. lat. 8508* disregarding the variants of the other mentioned MSS.¹⁵ Wasserschleben († 1893) was the first author who called Halitgar's Book 6 'Paenitentiale Pseudo-Romanum'. He edited its text of Q from *Codex Sangall. 679*.¹⁶ I believe that of the MSS used by Schmitz, *clm 3909* gives the best reading and I reproduce this text. I discuss the variants that I consider as relevant and my conjectures in my analysis of Q.

⁹ Kottje (1980) 13 - 83. Meens 51, note 124 wrongly writes that Kottje identified 67 MSS. Meens mentions a 70th MS.

¹⁰ Meens 51 - 52.

¹¹ Schmitz (1883) 471 - 489.

¹² Schmitz (1898) 199 - 202.

¹³ Schmitz (1898) 290⁴³ - 292³⁰.

¹⁴ Schmitz (1898) 290⁴³ - 291³¹. For the indications of the MSS that Schmitz uses in his second vol. for the ed. of *P. pseudo-Romanum*, including Q, see Schmitz (1898) 266⁴⁴⁻⁴⁶; 275¹¹⁻¹³ and 290³¹⁻³⁵.

¹⁵ See Schmitz (1898) 199, note 7.

¹⁶ WAS 360 - 363.

6. TEXT OF QUOTISCUMQUE

<> = my conjecture; {...} = omittendum

Title, *P. Merseburgense a*, Schmitz (1898) 199¹⁴ (siglum B) (WAS 388³⁰⁻³¹)

Qualiter suscipi debeant poenitentes.

Section 1, *P. Merseburgense a*, Schmitz (1898) 199 - 200^{13a} (siglum B)

Priests' fast and sympathy with penitent

- a) Quotiescumque christianis qui ad poenitentiam accedunt, ieiunia damus, et nos communicare eis debemus ieiunio una et duabus ebdomadibus vel quantum possumus,
- b) ut non dicatur nobis quod sacerdotibus iudaeorum dictum est a domino salvatore:
- c) Vae vobis, legisperitis, qui adgravatis homines (cf. Lk 11: 46a) et imponitis super humeros eorum onera gravia (cf. Mt 23: 4), ipsi autem uno digito virga vestro non tangitis sarcinas ipsas (cf. Lk 11: 46b).
- d) Nemo autem potest sublevare iacentem sub pondere, nisi inclinaverit se ut porrigat ei manum.
- e) Neque ullus medicorum vulnera infirmantium potest curare, nisi foetoribus particeps fuerit.
- f) Ita quoque nullus sacerdotum vel pontifex peccatorum vulnera curare potest, aut animae peccata auferre, nisi per instantem sollicitudinem et orationem cum lacrymis.
- g) Necessè est ergo nobis, fratres charissimi, sollicitos esse pro peccantibus,
- h) quia sumus alterutrum membra (cf. Rom 12: 5) 'et si quid patitur unum membrum, compatiuntur omnia membra' (1 Cor 12: 26).
- i) Ideoque et nos, si viderimus aliquem in peccatis iacentem, festinemus eum ad *poenitentiam* per nostram doctrinam vocare.

Section 2, *P. Merseburgense a*, Schmitz (1898) 200^{13b-39} (siglum B)

Immediate imposition of penance

- a) Et quotiescumque dederis consilium peccanti, simul da ei poenitentiam,
- b) et dic ei statim quantum debeat ieiunare, et redimere peccata sua,
- c) ne forte obliviscaris quantum eum oporteat pro suis peccatis ieiunare,
- d) et necesse tibi erit ut iterum exquiras ab eo peccata eius,
- e) ille autem forsitan erubescit iterum peccata sua confiteri,
- f) ut inveniatur iam <non> amplius <<iudicari (for 're')>>.

Priests' and deacon's competence

- g) Non enim omnes clerici debent qui inveniunt hanc scripturam <eam> usurpare aut legere, nisi soli illi quibus necesse est, hoc est, presbyteri.
- h) Sicut enim sacrificium offerre non debent nisi episcopi et presbyteri, <<quibus clavis regni celestis tradita est (cf. Mt 16: 19), sic nec iudicia ista alii usurpare debent.
- i) Si autem necessitas evenerit et presbyter non fuerit praesens, diaconus suscipiat poenitentem ad {satisfactionem vel} sanctam communionem.

Section 3, *P. Merseburgense a*, Schmitz (1898) 200⁴⁰⁻⁴⁶ (siglum B)

Pastor's humbleness and sense of guilt

- a) Sicut ergo superius diximus, humiliare se debet episcopus sive presbyter et cum tristitia et gemitu lacrymisque orare,
- b) non solum pro suo delicto sed etiam pro omnium christianorum,
- c) ut possint cum B. Paulo dicere: 'Quis infirmatur, et ego non infirmor? Quis scandalizatur, et ego non uror?' (2 Cor 11: 29).

Section 4, *P. pseudo-Romanum*, Schmitz (1883) 472^{10b-14}; II 291^{28b-31}

Rubric preceding Prayer Lk 18: 13

- a) Cum ergo venerit aliquis ad sacerdotem confiteri peccata sua,
- b) mandet ei sacerdos ut expectet modicum,
- c) donec intret in cubiculum suum ad orationem.
- d) Si autem cubiculum non habuerit,
- e) tamen sacerdos in corde suo dicat hanc orationem:

Section 5, P. pseudo-Romanum, Schmitz I 472¹⁵⁻²⁵; II 291³⁶⁻⁴⁴; for BOD see Jacob 324

- | | |
|---|---|
| a) Domine deus omnipotens, propitius esto mihi peccatori, | Κύριε ‘ὁ θεός’, ὁ παντοδύναμος, ‘ἰλάσθητί μοι τῷ ἁμαρτωλῷ’ (Lk 18:13) |
| b) ut condigne possim tibi gratias agere, | ἵνα καταξιωθῶ σοι εὐχαριστεῖν, |
| c) qui me indignum propter tuam misericordiam ministrum fecisti officii sacerdotalis, | ὁ ἐμὲ τὸν ἀνάξιον διὰ τὸ μέγα ἔλεός σου λειτουργὸν ποιήσας τῆς τάξεως τῆς ἱερωσύνης, |
| d) et me exiguum humilemque | καὶ μὲ τὸν ἀνίκανον, τὸν ταπεινὸν καὶ ἄχρειον |
| e) mediatorem constituisti | <μεσότητα καταστήσας> |
| f) ad <ad>orandum et intercedentem ad dominum nostrum Iesum Christum | προσκυνοῦντα καὶ ἰκετεύοντά σε, τὸν κύριον ἡμῶν Ἰησοῦν Χριστόν, |
| g) pro peccantibus et ad poenitentiam revertentibus. | ὑπὲρ τῶν ἁμαρτανόντων καὶ πρὸς μετάνοιαν ἐπιστρέφόντων. |
| h) Ideoque dominator domine, | Διὰ τοῦτο, κύριε κυρίων, θεὲ παντοδύναμε, |
| i) qui omnes homines vis salvos fieri et ad agnitionem veritatis venire (1 Tim 2: 4) | ὁ ‘πάντας ἀνθρώπους’ θέλων ‘σωθῆναι καὶ εἰς ἐπίγνωσιν ἀληθείας ἐλθεῖν’, |
| j) qui non vis mortem peccatoris sed ut convertatur et vivat, | ὁ μὴ βουλόμενος ‘τὸν θάνατον’ τοῦ ἁμαρτωλοῦ, ‘ὡς τὸ ἐπιστρέψαι’ ‘καὶ ζῆν αὐτόν’ (Ez 18: 23; 33:11), |
| k) suscipe orationem meam quam fundo ante conspectum clementiae tuae | πρόσδεξαι τὴν προσευχήν μου, ἣν ἐκχέω ἐνώπιον τῆς ἐπεικίας σου |
| l) <pro peccatis meis et> | ἐνεκα τῶν ἁμαρτιῶν μου καὶ |
| m) pro famulis atque famulabus tuis qui ad poenitentiam venerunt, | ὑπὲρ τοῦ δούλου σου ὁ δεῖνα τοῦ εἰς μετάνοιαν ἐλθόντος, |
| n) | καὶ διορθούμενοι παραπτωμάτων, καθαροὶ διανοίᾳ σοι λατρεύσωμεν καὶ καταξιωθῶμεν εἰς ἀγαλλίασιν αἰώνιον προφθάσαι. |
| o) Per dominum nostrum Iesum Christum. | |

Section 6, *P. pseudo-Romanum*, Schmitz (1883) 472^{26-29a}; II 29046 - 292^{1a}

Priest's weeping

Videns autem ille qui ad poenitentiam venit sacerdotem tristem et lacrymantem pro suis facinoribus, magis ipse {in} timore dei percussus amplius tristatur et exhorrescit peccata sua.

Section 7, *P. pseudo-Romanum*, Schmitz (1883) 472^{29b-30}; II 292^{1b-3a}

Immediate reception of penitent

Et unumquemque hominem accedentem ad poenitentiam, si videris acriter et assidue stare in poenitentia <statim> suscipe illum.

Section 8, *P. pseudo-Romanum*, Schmitz (1883) 472^{31-33a}; II 292^{3b-5}

Speedily fasting allowed

- a) Qui vero potest <festinanter> ieiunare quod impositum est ei, noli prohibere, sed permitte.
- b) Magis enim laudandi sunt hi qui celeriter debitum pondus persolvere festinant, quia ieiunium debitum est.

Section 9, *P. pseudo-Romanum*, Schmitz (1883) 472^{33b-34a}; II 292^{6a}

Imposition of penance

Et sic date mandatum his qui poenitentiam agunt.

Section 10, *P. pseudo-Romanum*, Schmitz (1883) 472^{34b-38a}; II 292^{6b-9a}

Warning for relapse

- a) Quia si ieiunaverit et compleverit quod illi *mandatum* est a sacerdote, <<purificabitur a peccatis (cf. 1 Jn 1: 9).
- b) Quod si iterum ad pristinam consuetudinem vel peccatum reversus fuerit (cf. 2 Pet 2: 20 -21), sic est quomodo canis qui revertitur ad vomitum suum (cf. Prov 26: 11; 2 Pet 2: 22).

Section 11, *P. pseudo-Romanum*, Schmitz (1883) 472^{38b} - 473^{6a}; cf. II 292^{9b-14}

Reward for voluntary fasting

- a) Omnis *itaque* poenitens non solum debet ieiunare quod illi *mandatum* est a sacerdote, verum etiam, postquam compleverit ea quae illi iussa sunt, debet quantum ipsi visum fuerit ieiunare sive tetradas sive parascevas.
- b) Si <enim> egerit ea quae illi sacerdos praeceperit, peccata eius dimittentur; si vero postea ex sua voluntate ieiunaverit, mercedem sibi acquirat et regnum coelorum.

Section 12, *P. pseudo-Romanum*, Schmitz, I 473^{6b-11a}; II 292^{15-19a}

Eating and drinking on the Saturday and Sunday

- a) Qui ergo tota septimana ieiunat pro peccatis suis, sabbato et dominica die manducet et bibat quidquid ei appositum fuerit.
- b) Custodiat tamen se a crapula et ebrietate, quia luxuria de ebrietate nascitur.
- c) Ideo B. Paulus prohibuit dicens: 'Noli inebriari vino, in quo est luxuria' (Eph 5: 18). Non, quia in vino est luxuria sed in ebrietate.

Section 13, *P. pseudo-Romanum*, Schmitz (1883) 473^{11b-20a}; II 292^{19b-27a}

Redemptions

- a) Si quis forte non potuerit ieiunare et habuerit unde dare possit ad redimendum: si dives fuerit, pro septem hebdomadibus det solidos XX. Si autem non habuerit tantum unde dare possit, det solidos X. Si autem multum pauper fuerit, det solidos III.
- b) Neminem vero conturbet quia iussimus XX solidos dare aut minus quia, si dives fuerit, facilius est illi dare solidos XX quam pauperi solidos III.
- c) Sed unusquisque adtendat cui dare debet, sive pro redemptione captivorum, sive super sanctum altare, sive pauperibus christianis erogandum.

Section 14, *P. pseudo-Romanum*, Schmitz (1883) 473^{20b-24}; II 292^{27b-30}

Rule on slaves and female slaves

- a) Et hoc scitote, fratres, ut dum venerint ad vos servi vel ancillae quaerentes poenitentiam, non eos gravetis neque cogatis tantum ieiunare quantum divites,
- b) quia servi et ancillae non sunt in sua potestate.
- c) Ideoque medietatem poenitentiae illis imponite.

Explicit prologus, *P. pseudo-Romanum*, Schmitz (1883) 473²⁵.

7. ANALYSIS OF QUOTIESCUMQUE

7.A. Introduction

Discussing each single section of *Quotiescumque*, I first give a translation. It goes without saying that I avail myself of J. T. McNeil's translation of Q as much as possible.¹ McNeil gives a translation of Schmitz's edition of Q in Schmitz (1898) 290⁴³ - 292³⁰. This text is not always identical with that which I give in section 6 of my book. Where I could not adopt McNeil's translation either because I did not agree with it or follow a different reading, I had to make my own translation, which unavoidably clashes with McNeil's solemn style.

In section 3 - 4 of this book, we have seen that the author of *Quotiescumque*, Sympathicus, was a Greek and that the transmitted version of his text is a translation. The fact that we may consider this as proven should not prevent us from looking for indications in Sympathicus' instructions that confirm the conclusion of section 3 - 4 of this study.

7.B. Title of *Quotiescumque*

The title of Q is not the same in the various penitentials and MSS. This can be seen in Schmitz's critical edition of Q.² A title is missing from from *P. Oxon. II*.³ The title of *P. Merseburgense a* is 'Qualiter suscipi debeant poenitentes'; of *P. Sangal. tripartitum*, 'Qualiter suscipi debeant poenitentiam'; in *P. Casinense 372*, 'Incipit qualiter suscipi debeat poenitentem'. These are the shortest titles of those given by Schmitz. Schmitz harmonized the reading of *P. Sangal. tripartitum* with that of *P. Merseburg. a*, and he believes that this version is undoubtedly the original one.⁵ I take it that *P. Merseb. a* gives the original reading. If we assume that the title was translated from the Greek, the Greek title might have been, Πῶς ἀναδέχεσθαι ὀφείλωσι οἱ μετανοῦντες. However, it is also possible that the singular of the word 'penitentem' of *P. Casinense 372* is correct and that the Greek title was Πῶς ἁ. ὀφείλη ὁ μετανοῶν. In *P. Sangal. tripartitum* the word 'paenitentiam' is an accusative and the same applies to the word 'penitentem' in *P. Casinense 372*. This means that, despite the passive voice 'suscipi', the copyists of the two penitentials supposed that the priests are the subject of the verb 'debeant' or the priest that of the verb 'debeat'.

Whatever may have been the exact wording of the title of Q, it is scarcely suitable for Sympathicus' instructions. It promises that the author of the text following the title, is going to explain how penitents ought to be received. However, Sympathicus does not do this. It is only in section 4, in the rubric introducing Prayer Lk 18: 13, that the promise of the title is fulfilled. Did Sympathicus introduce section 1 - 3 between the title and the rubric on how a priest should receive a penitent (section 4)? We may reject this hypothesis because, if it were true, we would expect Sympathicus to have placed all his instructions in one unbroken text before the rubric preceding Prayer Lk 18: 13. Since he did not do this, it must be Euchetes

¹ McNeil 297 - 299.

² Schmitz (1898) 199.

³ See Kottje (1994) 121.

⁴ See Meens 326 (*P. Sangall. tripart.*) and Gastra (2007) 236 (*P. Casin. 372*).

⁵ Schmitz (1898) 199, note 9.

who copied Sympathicus' text and inserted Prayer Lk 18: 13 and its preceding rubric. Euchetes did this so that the logical continuation of the text is not too conspicuously disrupted. It is even possible that Euchetes did not mind if a contemporaneous priest was aware that an interpolator availed himself of an other author's instructions in order to give a prayer and its preceding rubric. Probably, for Euchetes the only chance of preserving and spreading Prayer Lk 18: 13 and its preceding rubric was their insertion into Sympathicus' text. Euchetes' contemporaries might have had understanding for this fact. Be this as it may, it is hardly thinkable that Sympathicus himself placed the title above his instructions. Either Euchetes or a copyist could have done this.

7.C. Section 1 a - c: priests' fast and sympathy with penitent

As often as we assign fasts to Christians who come to penance, we ourselves ought to unite with them in fasting for one or two weeks, or as long as we are able (a); that there be not said to us that which was said to the priests of the Jews by our Lord and Saviour (b) <<woe unto you, lawyers, who oppress ('adgravatis') men (cf. Lk 11: 46a) and lay upon ('super') their shoulders heavy loads (cf. Mt 23: 4) but you yourselves do not touch these burdens with one of your fingers (cf. Lk 11: 46b) (c).

The temporal adverb 'as often as' means the same as 'when' does. The first part of colon a is in *P. pseudo-Romanum* (and a number of other penitentials), 'Quotiescumque christiani ad paenitentiam accedunt, ieiunia damus'. This text states a fact, which is surprising in a guide that tells priests what they should do. Therefore the following reading must be correct: 'Quotiescumque christianis qui ad paenitentiam accedunt ieiunia damus (et nos ...)'. This is the reading of *P. Sangall. tripartitum*, *P. Merseburgense a* and *P. Oxon. II*.⁶ This reading suggests that priests do not always assign fasts to penitents. In the West, it was so common to impose fasting as penance that, when in the penitentials the expressions 'paenitere' or 'paenitentiam agere' occur, we may translate them with 'to fast'.⁷ For the Greek Church, we cannot take it for granted that confessors always imposed fasts. It is true that John Monk and Deacon, who wrote his part of his *Kanonarion* between 546 and 630, also mentions fasting as penance. He prescribes it in addition to the periods of excommunication that he reports to have imposed on penitents.⁸ However, John imposed very mild penitential excommunications in comparison with those that in his time were inflicted by confessors who applied Basil's penitential canons.⁹ It is possible that it was also fasting that John prescribed as penance because he wanted to compensate the short duration of his excommunications. Be this as it may, in contrast to what we may do for Latin confessors, for their Greek counterparts we cannot assume that it was natural to them to impose fasts as penance. Does it follow that the words 'as often as we impose fasts' confirm that Q was written by a Greek author? In section 8 - 14, Sympathicus takes it for granted that the confessors he addresses impose fasting as

⁶ For *P. Oxon. II* see Kottje (1994) 186²¹.

⁷ Vogel (1969) 41 and Meßner 165.

⁸ Van de Paverd (2006) p. 124 (78, 11), repeated on p. 132 (78, 11) and p. 151 - 167.

⁹ Van de Paverd (2006) 94 - 104.

penance, and in his time this was probably the most common practice even among Greek priests. Therefore I believe that Sympathicus implies: as often as *we hear confessions* and impose fasts on Christians. The noun ‘penance’ in the phrase, ‘Christians who come to penance’ does not refer to a state of mind, but to the outward act of confession. Sympathicus might have used the phrase, οἱ χριστιανοὶ οἱ προσδράμοντες (οἱ προστρέχοντες) εἰς μετάνοιαν.¹⁰

The first part of colon c is, ‘Woe to you, lawyers, who *adgravatis* men (Lk 11: 46a) and lay heavy loads *super* their shoulders’ (cf. Mt 23: 4). For the Latin words, the Vulgate reads, ‘oneratis’ (φορτίζετε) and ‘in’ (ἐπί). The preposition ‘super’ appears in the so-called *Vetus Latina*, but the term ‘adgravatis’ is missing from it.¹¹ Therefore we may suspect that the source of the first part of colon c is a Greek theologian’s quotation of Lk 11: 46a. The first author of *Didascalia Patrum*, Basil the Monk, also compares penances with ‘loads’. He does not speak of φορτία βαρέα (cf. Mt 23: 4) but of βάρη. He writes – according to my conjecture – ‘we have not been ordered to impose burdens, but to alleviate burdens’ (cf. Act 15: 28).¹²

7.D. Section 1 d - i: Priests’ sympathy with sinners

But no one can raise up one who is lying (‘iacentem’) beneath a weight (‘pondus’) unless he bends himself that he may reach out to him his hand (d). And no physician can treat the wounds of the sick, unless he comes in contact with their foulness (e). So also no priest or pontiff can treat the wounds of sinners or (‘aut’) take away the sins from their souls, except by intense solicitude and the prayers of tears (f). Therefore it is needful for us, beloved brethren, to be solicitous on behalf of sinners (g), since we are <<members one of another (‘alterutrum membra’) (cf. Rom 12: 5) and ‘if one member suffers anything, all the members suffer with it’ (1 Cor 12: 26). Therefore, if we see anyone fallen in sin (‘in peccatis iacens’) let us also make hast to call him to repentance by our counsel (‘doctrina’) (i).

The sinner envisaged in this section is different from the confessant in section 1 a - c. The former is in need of repentance, confession presupposes repentance. The second part of colon i is reminiscent of Lk 5: 38, ‘I have not come to call righteous, but sinners to repentance (μετάνοια)’. The author of section 1 d - i emphasizes that, if a priest sees someone suffering in a moral sense, he should go to him, in other words, the priest should not wait till the sinner comes to him. Instead of comparing the priest with a physician, the author could also have compared him with the shepherd who goes after the lost sheep (see Lk 15: 3 - 7; cf. Mt 18: 12). Does the fact that in section 1 d - i a new theme appears show that we are dealing with an interpolation? The sections 1 a - c and 1 d - i have in common that they emphasize the priest’s duty to sympathize with sinners, with the repentant ones and with those in need of repent-

¹⁰ See Van de Pavard (2006) 103.

¹¹ See Jülicher, vol. III.

¹² See Van de Pavard (2006) 244.

ance. Moreover, supporting his statements with biblical evidence, the author of section 1 d - i follows the same way of arguing as Sympathicus does. Therefore we may accept that Sympathicus continues in section 1 d - i. It is the association of the ‘pondus’ of sins (1 d) with the ‘onera gravia’ of penances (1 c) that prompted him to insert section 1 d - i.

Colon d: Some MSS introduce colon d with the conjunction ‘enim’, others with ‘autem’.¹³ Even the reading of *P. pseudo-Romanum* is uncertain. In his critical edition of *Quotiescumque*, Schmitz gives ‘autem’, but in his second edition of the whole of Halitgar’s Book 6 he mentions as variant of *Codex Sangall. 679* ‘enim’.¹⁴ *P. Oxon. II* reads ‘enim’.¹⁵ It is clear that if ‘enim’ is the original reading, it cannot mean ‘because’. However, like γάρ, the word ‘enim’ can be an insignificant transitional conjunction and mean ‘autem’.¹⁶

Colon f: The words ‘vel pontifex’ are missing from *P. Sangall. tripartitum*.¹⁷ Perhaps this penitential gives the correct reading. It is possible that for Sympathicus the term ‘sacerdos’ (ιερεύς) was a common term for bishops and presbyters. The conjunction ‘aut’ in the phrase, ‘So also no priest ... can treat the wounds of sinners aut take away the sins of their souls’ might have been ἕτερον, ‘in other words’.

In line g, ‘Necesse est ergo ... sollicitus esse pro peccantibus’, the adverb ‘ergo’ is used in the same way as ‘autem’ or ‘enim’ in colon d are, as a purely transitional particle. Sympathicus might have used οὖν or τοίνυν.

Colon h: For ‘alterutrum membra’ the Vulgate reads ‘alter alterius membra’ (ἀλλήλων μέλη). Neither P. Sabatier nor Wordsworth-White give the variant ‘alterutrum’.¹⁸ Therefore it seems that the reading ‘alterutrum’ was not found in the Latin translations of the New Testament that were in use in the Middle Ages, and that the adjective is the translation of a Greek quotation of Rom 12: 5. For the words, ‘if one member suffers *anything*, all the members suffer with it’ (1 Cor 12: 26) the Vulgate reads ‘si quid’, whereas the Greek *textus receptus* is (καί) εἴτε (πάσχει ἐν μέλος). However, this does not show that the Vulgate is the direct source of ‘quid’, and not Sympathicus, because Sympathicus might have been familiar with the reading εἴ τι, which appears in many MSS.

Colon i: McNeil translates ‘doctrina’ with ‘teaching’, but this term is too general a notion for calling one tangible sinner to repentance. However, ‘doctrina’ can also mean ‘counsel’ or ‘advice’. The term ‘doctrina’ is probably the translation of διδασκαλία, which we could translate with ‘admonition’.¹⁹

7.E. Section 2: Immediate imposition of penance

And as often as thou givest advice to a sinner, give him likewise at once a penance (a), how much (‘quantum’) he ought to fast and how much (paying) he ought to redeem (his punishment) (b), lest perchance thou forget how much it behooves him to fast for his sins

¹³ Schmitz (1898) 199³¹⁻³².

¹⁴ Schmitz (1898) 291³², note 1.

¹⁵ Kottje (1994) 187²⁸.

¹⁶ See MLW, s. v. IV. For γάρ see Van de Paverd (2006) 31.

¹⁷ Schmitz (1898) 200¹; Meens 326¹⁰.

¹⁸ See Sabatier III; Wordsworth, vol. 2.

¹⁹ For ‘doctrina’ see MLW, s. v. 1 a δ, for διδασκαλία, Dimitriakos, s. v.

(c) and it become necessary to thee to inquire of him regarding his sins for a second time (d); but he maybe will feel ashamed to confess his sins a second time (e) *et inveniatur iam amplius iudicari* (f). But ('enim') not all clerics who come upon this document ought to appropriate it to themselves or read it, but only those to whom it is needful, that is, presbyters (g). For ('enim') just as they who are not bishops and presbyters – <<those on whom the keys of the kingdom of heaven have been bestowed (cf. Mt 16: 19) – ought not to offer the sacrifice, so also others ought not to take to themselves these judgments ('iudicia ista') (h). However, if the need arises, and there is no presbyter at hand, a deacon may admit the penitent to Holy Communion (i).

Section 2 is an interpolation, inserted by the author whom I call 'the Latin Interpolator'. He alludes to the practice of the so-called 'redemptions' or 'commutations' (see 2 b). In the Latin Church, a penitent could commute his penance of fasting in various ways. We can see this in section 10, which is also an interpolation by a Latin author, whom we may assume to be the Latin Interpolator.

Since the Greek Sympathicus was unfamiliar with the system of redemptions, it is obvious that section 2 is an interpolation. However, let us suppose for the sake of argument that he was a Latin theologian. Even in this case it can be shown that section 2 is a later insertion. For this affirmation, I cannot adduce the fact that section 2 envisages a confessant, in contrast to what Sympathicus does in section 1 d - i. As we have seen, Sympathicus himself first speaks about a confessant (1 a - c) and then about a sinner in need of repentance (1 d - i). Section 2 is also different from section 1 through the fact that Sympathicus uses the first person plural and the hortatory subjunctive; the author of section 2, the second person singular and the imperative. But, this is also scarcely a valid argument for my thesis. In section 8, Sympathicus also uses the second person singular of the imperative and in section 9 the second person plural of the same mood. However, section 2 includes two indications that it is not in harmony with section 1. First, the author of section 1 supports his exhortations with biblical texts. He does this in order to incite his readers to adopt a conduct inspired by the teachings of the New Testament, in other words, he exhorts them to behave like Christians. The author of section 2 only refers to Mt 16: 19, and he does this to prove that it is only bishops and presbyters who are competent to offer the sacrifice (2 h). This biblical reference is not meant to infuse a fundamentally Christian spirit into his readers. Second, in section 2 we cannot find a trace of the sympathy with the penitent that the author of section 1 requires from the priest. Even the rule that a confessor should not postpone the imposition of the penance is not prompted by concern for the penitent, but by the fear that the sinner is not explicitly judged at all (see comment on 2 f).

Section 2 a: The words, 'and as often as thou givest advice to a sinner' suggest that the interpolation was provoked by the author's association of 'doctrina' (1 i) with 'consilium'. The term 'consilium' can refer to the penance imposed by a confessor.²⁰ However, writing

²⁰ See my general index, s. v. 'consilium'.

‘and as often as thou givest advice to a sinner, give him likewise at once a penance’ (2 a), the Latin Interpolator shows that for him the term ‘consilium’ refers to that part of the procedure of confession that precedes the imposition of the penance. This can be explained by the fact that, on the one hand, he uses ‘consilium’ in the same sense as Sympathicus uses ‘doctrina’ and that, on the other hand, he disregards the circumstance that Sympathicus does not speak about a confessant, but about a sinner in need of repentance.

The priest who heard St Adomnán’s confession is an example of a Latin confessor who gives a provisional penance, but postpones the imposition of the penance proper. In HE 4, 23 (or 25) 2, Bede relates about Adomnán (627 - 704) that he led a life so devoted to God in prayer and austerity that he took no food or drink except on the Lord’s Day and the Thursday, and often spent the entire night in vigil and prayer.²¹ In HE 4, 23 (or 25), 3, Bede explains why Adomnán fasted so severely. In his youth he had committed a crime, which he confessed to a priest. Bede reports the words that Adomnán’s confessor spoke after he had imposed a penance. They are: ‘Do this until, returning to you after a short time, I will more fully tell you what you ought to do and for how long you must apply yourself to penance’.²²

Line d: The words, ‘(lest ...) it become necessary to thee to inquire of him (the penitent) regarding his sins (a second time)’ suggest that the Latin Interpolator was familiar with a confession by interrogation.

Line f: McNeil translates this line with, ‘and will be judged yet more severely’. This translation is correct, but the Latin text is curious. The Latin Interpolator writes that a confessor should not postpone the imposition of the penance because of the danger that the penitent declines to confess again when this is required because of the confessor’s forgetfulness. According to the text as it stands, if the penitent refuses to confess a second time he risks being ‘judged yet more severely’. It is natural to suppose that the expression ‘to be judged’ means: to receive a penance that the priest judges appropriate. However, the penitent cannot receive a more severe – or milder – penance for two reasons. First, he did not yet receive a penance at all because the confessor suspended its imposition. Second, since the penitent refuses to confess a second time the matter for judging him more severely – or milder – is missing. Does the expression ‘to be judged’ not refer to the confessor’s but to God’s judgment? A more probable solution seems to me this. The phrase ‘to be judged’ refers to the confessor’s judgment. However, the Latin Interpolator wrote ‘(et inveniatur iam) *non* amplius iudicari’. The interpolator takes it that, having heard a penitent’s confession, the confessor forms an opinion about the penance to be imposed. If the confessor does not immediately impose the penance, he mentally judged the penitent but fails to pronounce it and runs the risk to forget it. This means that the penitent has been judged, although only in the confessor’s mind. Therefore the interpolator could write that the penitent is no more judged if he is ashamed to confess a second time. If this theory is correct, a copyist omitted the word ‘non (amplius)’.

²¹ Adomnán disrupted his fast on the Thursday because it was convenient to him to fast from the Monday to the Wednesday and from the Friday to the Saturday, not because he followed the Roman practice of celebrating the Thursday as feast day (see above text 13 and 14).

²² SC 490, 344¹⁹⁻²².

It seems that for the author of *Muratorius's First Ordo of Verona* it was natural that the priest immediately imposed the penance. For the words addressed to the priest, 'et dic ei (the penitent) statim (quantum debet ieiunare ...)' the mentioned author gives 'et iterum dic ei (quantum ...)' (section 2 b). Omitting colon c, the author continues, 'Necesse est tibi (priest) ut (for 'et') iterum inquiras ab eo ne forte erubescat et timeat ad (sic) te amplius iudicare (sic)' (cf. section 2 d).²³ Perhaps the words 'ad (te)' and 'iudicare' are scribal errors for the author's words 'a (te)' and 'iudicari'. The reading of *P. Vaticanum* of the lines d - f of section 2 is, 'et necesse est tibi ut verum inquiras ab eo ne forte erubescat et timeat a te amplius <<ieiunare (sic)>>'.²⁴

Section g - h: This section gives the rule that 'not all clerics who come upon this document ('scripturam') ought to appropriate ('usurpare') or to read it', but that it should be the bishops' and presbyters' exclusive right to appropriate 'these judgments' ('ista iudicia'). Perhaps the association of 'iudicia' with the verb 'iudicari' used in line f caused the insertion of this rule. The expression 'ista iudicia' refers to penitential canons. That makes it likely that this also applies to the phrase 'hanc scripturam'. Perhaps this rule originally preceded the canonical part of a penitential. For 'iudicium', a Greek author would have used the words $\kappa\alpha\lambda\acute{\omega}\nu$, $\delta\rho\omicron\varsigma$ or $\acute{\epsilon}\nu\tau\omicron\lambda\acute{\eta}$ or, as *Propter corundam* shows, the Greek equivalent of 'consilium'.²⁵

Colon i: 'But if the need arises, and there is no presbyter at hand, a deacon may admit the penitent to Holy Communion'.

7.E.1. Deacons' authority to impose a penance or to admit to Communion

There are many minor and major variants of colon i. I only mention two readings, which to me seem to be the most interesting, and I confine myself to considering *P. Oxon. II* and the MSS and penitentials that figure in Schmitz's critical edition of Q.²⁶ The readings concerned are: (1) 'diaconus suscipiat penitentem ad sanctam communionem' and (2) 'suscipiat diaconus penitentem ad satisfactionem vel sanctam communionem'. *P. Sangall. tripartitum* reads 'penitentiam' for 'penitentem' and *P. Oxon. II* 'suscipiant' for 'suscipiat'.²⁷ If we disregard these variants, in addition to the mentioned penitentials, the first reading is given by *P. Mersebergense a*, the MSS *Sancti cruciensis 217* and *clm 3853* of *P. mixtum pseudo-Beda/Egberti* and by the MSS of *P. pseudo-Romanum* used by Schmitz for his second edition of the penitential.²⁸ The second reading is given by *Codex Dusseldorp. B 113* of *P. mixtum pseudo-Beda/Egberti* and *clm 3909* of *P. pseudo-Romanum*.²⁹

²³ Muratori 719B^{12b} - C^{3a}.

²⁴ Gaastra (2007) 250¹⁸⁻¹⁹.

²⁵ For $\kappa\alpha\lambda\acute{\omega}\nu$ and $\delta\rho\omicron\varsigma$ see Van de Pavard (2006), Index of Greek words, s. vv; for $\acute{\epsilon}\nu\tau\omicron\lambda\acute{\eta}$, below section 7.L; for *Propter corundam*, section 10.A.1.

²⁶ Schmitz (1898) 200³⁶⁻⁴⁰.

²⁷ Meens 326²³ (*P. Sangall. tripart.*) and Kottje (1994) 187^{154f}. (*P. Oxon. II*). At first sight, the reading 'penitentiam' of *P. Sangall. tripart.* seems to be a corruption of 'penitentem'. However, the title of *P. Sangall. tripart.* is, 'Qualiter suscipi debeant penitentiam' (Meens 326) and in the work *Collectio IX librorum* the treatise *Provida mente* is headed by the title '(Iohannis Chrysostomi.) De iudicio paenitentiae ...' (see below p. 162). For other examples of this use of 'penitentia' see Du Cange, s. v. 'Poenitentiale'. Therefore, maybe, the term 'penitentia' sometimes means 'a case of penance'.

²⁸ WAS 251²⁶⁻²⁷ (*P. mixtum*) and Schmitz (1898) 291²³⁻²⁴ (*P. pseudo-Romanum*).

²⁹ Schmitz (1898) 200³⁹ (*P. mixtum*) and Schmitz (1883) 472⁵⁻⁶, II 200³⁹ (*P. pseudo-Romanum*).

It is obvious that in the first reading the verb 'suscipere' is used in the sense of 'admittere'. Therefore this reading implies the penitent's excommunication, and the text means that in an emergency a deacon should admit a penitent excommunicated by a priest to Holy Communion if the priest (or a priest) is not at hand. It is interesting to compare the first reading with canon 32 of the canons attributed to a Council of Elvira. This canon is as follows.³⁰

[17]

- a) Apud presbyterem, si quis gravi lapsu in <<ruinam mortis (cf. Prov 13: 14; 14: 27) incidit (cf. 1 Jn 5: 16 - 17) placuit agere poenitentiam non debere, sed potius apud episcopum.
- b) Cogente tamen infirmitate, necesse est presbyterem communionem praestare debere,
- c) et diaconum, si ei iusserit sacerdos.

Section a - b of this canon rules that a penitent who committed a mortal sin should normally receive his penance from a bishop rather than from a presbyter (a). However, if a presbyter is confronted with the circumstance that a penitent is seriously ill, the presbyter should grant the penitent reconciliation with the Church (b). The meaning of line c is unclear. If we take it that the term 'sacerdos' refers to the bishop, line c implies that when a bishop is told by someone that a penitent is seriously ill, the bishop can order a deacon to reconcile him or her. Since a bishop cannot have been always easily available to a simple faithful in an emergency, this interpretation must be wrong. Therefore it seems that for the author of line c the term 'sacerdos' denotes a presbyter who can replace a bishop in an emergency. This means that, when a penitent's illness is reported to a presbyter, he can send a deacon to reconcile him or her.

The expression 'suscipere penitentem ad satisfactionem' of the second reading of section 2 i probably means, 'receive a penitent in order to impose a satisfaction', in other words, a penance.³¹ Imposing a penance presupposes hearing a penitent's confession. It is unclear whether the conjunction 'vel' means 'or' or 'and' in the phrase 'ad satisfactionem vel ad sanctam communionem'. In either case, the words following the conjunction are superfluous because hearing someone's confession and imposing a penance requires a greater authority than admitting a penitent to Holy Communion. I suspect that the second reading originated thus: a copyist mistook the word 'sanctam' for 'satisfactionem', did not erase the latter word and then copied 'sanctam communionem' placing the conjunction 'vel' before it.

According to the first reading, the phrase, 'if the need arises' refers to a circumstance in which a penitent is in danger of dying without being able to be reconciled by a priest. Expanding on colon i of section 2, the compiler of *P. Oxon. II* mentions two circumstances in which a deacon should admit a penitent to Holy Communion: illness and being 'in via

³⁰ Martínez 252 or Lauchert 18. For the council see Villela-Barreda. The authors substantially agree with the thesis of Meigne, but consider the canons attributed to the council to be 'cánones pseudoiliberitanos'.

³¹ For the meaning 'penance' of the term 'satisfactio' see Blaise (1954) s. v. 1. See also ODCC, s.v. 'satisfaction'.

positus'.³² In the second reading, the condition 'if the need arises' might also refer to the circumstance that a parish priest is prohibited from hearing a confession, for instance, by illness. In his article 'Quelques documents relatifs à l'usurpation des fonctions sacerdotales par des diacres au XIVe siècle', G. Mollat mentions a case in which an ill parish priest ordered a deacon to hear the confessions of the priest's parishioners³³

7.E.2. Two Greek texts on the deacon's competence

Pseudo-Eusebius of Alexandria's fifth sermon also includes a text on a deacon's competence in a priest's absence. He explains that, if a presbyter is at hand, a deacon lacks the authority to excommunicate someone or to do anything else that is not commanded by the presbyter. But, in the absence of a priest (ἰερεὺς) a deacon has the power to do the same things that the priest does, with the exception of celebrating the Eucharist. However, continuing his explanation, pseudo-Eusebius only specifies that, when a priest is not available, a deacon may baptize a dying child.³⁴ In his *Pandektes*, Nikon of the Black Mountain quotes a canon attributed to John IV the Faster († 595), which says that in an emergency a deacon can admit to Holy Communion a penitent who has performed his penance.³⁵

At the time that *Quotiescumque* was written, Eastern Christians took it for granted that an unordained monk could hear confessions and impose penances. John Monk and Deacon, who wrote his *Kanonarion* between ca. 546 and 630, reports how many years of excommunication he imposed for various sexual sins.³⁶ Without doubt the fact that he was a deacon was coincidental. Symeon the New Theologian wrote his *Logos de confessione* between 949 and 1022. Discussing the question whether we should confess our sins to monks or priests, he states that the sole quality that is required to make a man a competent confessor is holiness.³⁷ For the author of section 2 of Q priests are the appropriate ministers to hear confessions but in an emergency a deacon should admit a penitent to Holy Communion. Does this confirm the theory that a Latin author wrote section 2? I believe that Sympathicus and Euchetes were Greek, but that they were active in an Italian part of the Byzantine Empire. I think that, in contrast to what was accepted in the Eastern part of this empire, in its Western parts Greek Christians considered bishops or presbyters to be the ordinary ministers of confession. Therefore section 2 g - i does not confirm that a Latin author wrote section 2 of Q.

7.F. Section 3: Pastors' humbleness and sense of guilt

Therefore, as we have said above, the bishops or presbyters ought to humble themselves and pray with moaning and tears of sadness (a) and not only for their own faults but also

³² Kottje (1994), 187^{153f}.

³³ Mollat, example No. 5. Mollat only gives instances showing that deacons were authorized to hear confessions. His article can be added to the two works on hearing confessions by deacons mentioned by Meßner 170, note 224.

³⁴ PG 86/1, 348D - 350A. In his fourth sermon Pseudo-Eusebius speaks about confession, but of an ill Christian's one 'to the presbyters' (PG 86/1, 336B). This text alludes to Jas 5: 14 and refers to what is currently called the unction of the sick.

³⁵ See *Pandektes*, ch. 55 and the observations by De Clercq on the summary of ch. 55, De Clercq 60.

³⁶ Van de Paverd (2006) 106 - 109. 114. 123.

³⁷ See *Logos* 8 - 10. 17, Holl 18 - 119. 127.

for those of all Christians (b) so that they may be able to say with the blessed Paul: ‘who is weak and I am not weak, who is scandalized and I am not on fire?’ (2 Cor 11: 29) (c).

It is evident that this section is in perfect harmony with section 1 and that section 3 originally immediately followed upon the former. Sympathicus wrote it, with the exception of the words ‘as we said above’ inserted by the Latin Interpolator or a copyist.

In section 3, Sympathicus does not incite his fellow priests to be compassionate with a penitent or ‘a lost sheep’, but he points out that priests are responsible for the whole of sinful mankind, to which he also considers himself to belong. Speaking in *De sacerdotio* 6, 4 about a priest’s relations with God, John Chrysostom states that these relations require a more thorough earnestness than a priest’s relations with *his people*. The reason is: ‘For he who acts as an ambassador on behalf of the whole city – but why do I say the city? on behalf of the whole world indeed – prays that God would be merciful to the sins of all, not only of the living but also of the departed’.³⁸ Chrysostom’s text shows that Sympathicus’ view that priests should pray not only for their own faults but also for those of all Christians is in line with a Greek tradition.

7.G. Section 4: rubric preceding Prayer Lk 18: 13

When then (‘ergo’) anyone comes to a priest to confess his sins (a), the priest shall command him to wait a little (b) *donec* he (the priest) enters into his inner chamber (‘cubiculum’) to pray (c). But, if he has not an inner chamber (d), still the priest shall say the prayer in his heart (e).

It is clear that what is said in section 4 does not follow from Sympathicus’ instructions. The author of section 4 uses the adverb ‘ergo’ as a purely transitional particle. This is not an indication that we are dealing with an interpolation. Sympathicus uses the adverb in the same way (see 1 g). However, it is in section 6 that we see the logical continuation of section 3. In section 3 b, Sympathicus writes that priests should not only pray ‘pro suis delictis’ but also for those of all Christians. The author of section 6 observes, ‘But when he who comes to penance (‘ad penitentiam venit’ [cf. 1 a]) sees the priest sad and weeping *pro suis facinoribus*’ (the penitent will the more abhor his sins). Therefore I believe that Sympathicus continues in section 6 and that section 4 and 5 are interpolations.

McNeil translates the conjunction ‘donec’ (c) with ‘while (he enters into his chamber)’, but this makes as little sense as when you translate it with ‘until’, which is the proper meaning of ‘donec’. It is possible that the translator read ἕως for ἄχρις. Be this as it may, it is obvious that Euchetes means that, when a penitent knocks at a priest’s door, he should tell the penitent: Please, wait a moment, so that I can go into my inner room to pray. A similar scene is described by the author of the *Vita et obitus sancti Magni episcopi et confessoris* that is

³⁸ SC 272, 314²²⁻²⁵. Stephens 76. Cf. Van de Paverd (1970) 323. Chrysostom might tangibly refer to the prayer of intercession during the anaphora, see o. c. 345 - 351. 513. See also *De sac.* 6, 6, SC 272, 324³¹⁻³².

found in the MSS *Casinensis 1408* (12th cent.) and 457 (14th cent.). The author of this Life relates that Emperor Valerian († 260) wanted to kill Magnus and sent soldiers to do this. When the soldiers came to the bishop's dwelling and were about to kill him, the saint besought them saying: 'Obsecro, sustinete modicum *ut* intrem in cubiculum meum paululum quiescendi. Et cum ingressus esset, oravit ad dominum ...'. Magnus died praying ('eo orante emisit spiritum').³⁹ Euchetes' use of the noun 'cubiculum' suggests that he implies that the priest should show the penitent in and should not let him staying in the street.

Line d - e is in *Penitentiale Merseburgense a*: 'But if you have not an inner room, you, priest, ought still to say the prayer in your heart'.⁴⁰ The use of the second person singular is also found in *P. Oxon. II*.⁴¹ In the other penitentials and MSS considered by Schmitz (1883) in his critical edition of Q, Euchetes uses the third person singular. This is also the case in the MSS *St Gall 570* and 277.⁴² Both readings, the one in which the second person is used and that in which the third person appears, give the same answer on the question what the priest should do when he has not an inner room and in terms of contents the difference between the two readings is irrelevant.

Euchetes emphasizes a part of line e, but it is unclear which part. It could be the words 'in corde tuo' or the phrase 'hanc orationem'. I believe that he especially stresses that priests should prepare themselves for hearing a confession by saying 'hanc orationem'. In BOD, Prayer Lk 18: 13 is preceded by a rubric that means the same as the words 'in corde tuo' do. This rubric is, 'Ὁ ἱερεὺς (λέγει) τὴν εὐχὴν καθ' ἑαυτόν'.⁴³ The rubric indicates that Prayer Lk 18: 13 is a private prayer, and not a prayer that, acting as spokesman of a congregation, a priest should say aloud so that the assembly can confirm it with an 'Amen'. The words 'in corde tuo' mean the same as the phrase *κατὰ σεαυτόν*. Therefore Euchetes implies that when a priest has an inner room he should say Prayer Lk 18: 13 in this chamber, aloud.⁴⁴ However, if a priest does not have an inner room, he still should say Prayer Lk 18: 13, in his heart.

Euchetes implies that there were priests who had not an inner room, in other words, who lived in an one-room house. Unfortunately, the books that inform us about the living conditions in the early Middle Ages concern non-Italian regions. For this area they show that people often lived in one-room houses. P. Donat's pages devoted to the farmhouses between the Rhine and the Elbe River twice mention one-room houses.⁴⁵ According to H. W. Goetz, a farmhouse often only consisted of one room serving as living-, work- and bedroom, and provided with a hearth.⁴⁶ Likewise J. Chapelot and R. Fossier write: 'Type le plus simple d'habitat, la maison élémentaire est celle qui constitue ... la forme classique sinon peut-être quasi exclusive d'habitat rural dans la première moitié du Moyen Age'.⁴⁷ For the time

³⁹ Simonetti 53⁴⁰⁻⁵⁴.

⁴⁰ Schmitz (1898) 201²⁻³; WAS 389³⁰⁻³⁵.

⁴¹ Kottje (1994), p. 188¹⁶⁹⁻¹⁷¹.

⁴² Schmitz (1898) 291³⁰⁻³¹.

⁴³ Jacob 15.2 (fol. 109^v).

⁴⁴ For the custom of saying even private prayers aloud see Van der Horst 193.

⁴⁵ Donat 10B and 23A.

⁴⁶ Goetz 122.

⁴⁷ Chapelot 222 f.

preceding the 12th century, H. Fuhrmann states that people lived in draughty wooden huts, at first even in the towns.⁴⁸

As a rule, Greek presbyters were married and might have children. We can only imagine what a presbyter who lived in an one-room house did when someone came to confess while the presbyter's wife and children were at home.

7.H. Section 5: Prayer Lk 18: 13

For the indications of the biblical references see above section 6 'Text of *Quotiescumque*'. The words between <> are my translation of the Greek text.

Lord God almighty, be thou propitious unto me a sinner (a), that I may be deemed worthy to give thanks unto Thee (b), who through Thy <great> mercy hast made me, though unworthy, a minister of the sacerdotal office (c), and appointed me, though slight and lowly <and useless>, an intermediary (d - e) to worship and intercede with our Lord Jesus Christ (f) for sinners and for those returning to penance (g). And therefore Lord <of Lords>, <God almighty> (h), who will have all men to be saved and to come to the knowledge of the truth (i), who desirest not the death of the sinner but that he should be converted and live (j), accept my prayer, which I pour forth before the face of Thy clemency (k) <because of my own sins and> (l) for Thy menservants and maidservants who have come to penance (m), <and (that), cured of our transgressions and pure in mind, we may worship You, and we may be considered as worthy to reach (προφθάσαι) eternal rejoicing> (n) through our Lord Jesus Christ (o).

Colon f: The Greek text gives, 'to worship and beseech you (σε), our Lord Jesus Christ'. The Latin text reads, 'to worship and to intercede with ('ad') our Lord Jesus Christ'. The priest addresses the Father, and the Latin text has preserved the correct reading.

Line l: The words ἔνεκα τῶν ἁμαρτιῶν μου καὶ (ὑπὲρ τοῦ δούλου σου) have an equivalent in a number of Italian *ordines*.⁴⁹ They are missing from the version of Prayer Lk 18: 13 of *P. pseudo-Romanum*, but they do appear in the version of Prayer Lk 18: 13 of the *Ritual of Constance* of 1721.⁵⁰ There is not any reason to suppose that this Ritual underwent Italian influences. Therefore we may accept that the translator of Prayer Lk 18: 13 translated them and a copyist or more copyists either by mistake or intentionally omitted them from the versions of the prayer from which they are missing. The correct translation of the phrase ἔνεκα τῶν ἁμαρτιῶν μου is 'propter peccata mea', which words have a slightly different meaning from that implied by the phrase 'pro peccatis meis'.

Colon m: In the Greek version, the priest pours forth his prayer 'for this your servant who has come to μετάνοιαν'. In the Latin version, the priest prays 'pro famulis et famulabus tuis qui ad poenitentiam venerunt'. The plural of the Latin version is in conflict with colon a of

⁴⁸ Fuhrmann 29.

⁴⁹ See my General Index, s. v. Domine ds o. propitius ... pro peccatis meis ...'.

⁵⁰ See below text 24 d.

section 4, ‘If someone comes to a priest to confess his sins’, and with the circumstances in which, according to Euchetes, confessions took place. Therefore the Greek reading must be Euchetes’ text and the Latin version, an adaptation of the priest’s preparatory prayer for the case that several penitents came to confession at the same time and place, the church, not the priest’s home. In the phrases ‘who has come to *μετάνοιαν*’ or ‘who have come to *poenitentiam*’, the two nouns probably refer to the tangible rite of confession.⁵¹ In *Codex Dusseldorpiensis B 113* and *P. Casin. 372*, colon m is followed by the words, ‘(... venerunt) tribue eis remissionem peccatorum omnium suorum (per dnm nostrum)’.⁵² They are missing from Schmitz’s editions of *P. pseudo-Romanum*, from *P. Oxon. II* and from the MSS *Sanctuciensis 217* and *clm 3853*.⁵³

Colon n: The English translation of this colon is mine. Of the Latin versions of the prayer, colon n is only given by the Italian *ordo of Farfa*, written ca. 1100 (see below text 28). Expressing eschatological expectations, colon n concludes the prayer. I believe that colon n of Prayer Lk 18: 13 in the *ordo of Farfa* directly goes back to a Greek version of the prayer. It is possible that the translator of *Quotiescumque* overlooked this part of the prayer, but it can also be surmised that it was already missing from his Greek model. The verb ‘to reach’ in the phrase ‘to reach eternal rejoicing’ is the translation of *προφθάσαι*. A critic could argue that the verb *προφθάνω* means ‘to anticipate’, but in classical and koine Greek the verb is only used in this sense to say that someone does something before someone else does it (cf., e. g., Mt 17: 25). In later and demotic Greek, the verb means, ‘to reach something (in time)’.⁵⁴

Line o: ‘Per dominum nostrum’. A closing formula is missing from the Greek version of the prayer. The author or a copyist might have taken it for granted that priests knew how to conclude prayers. A closing formula is also missing from *P. Oxon. II*.⁵⁵ However, it is possible that a copyist of the Greek version of the prayer omitted a formula referring to Christ’s mediation, because in colon f the prayer addresses the Son.

If a priest had an inner room, after he had finished his preparatory prayer, he was of course supposed to return to the room where the penitent was waiting in order to confess.

Prayer Lk 18: 13 and its preceding rubric are interpolations. Therefore the question can be raised whether, like Sympathicus, Euchetes was also a Greek. Someone might affirm that this happened. An author translated Sympathicus’ instructions into Latin. He or another interpolator inserted Prayer Lk 18: 13 into this Latin version of Sympathicus’ text. A Greek theologian was acquainted with Sympathicus’ Greek text, found Prayer Lk 18: 13 in the Latin translation of Sympathicus’ treatise, took the prayer from it, translated it into Greek and introduced it into Sympathicus’ Greek text. It is obvious that this explanation of the presence of Prayer Lk 18: 13 in Sympathicus’ text is rather far-fetched. It is much more natural to suppose the following. A Greek author was familiar with the Greek version of Sympathicus’

⁵¹ See KAN 66, 8, Van de Paverd (2006) 102.

⁵² See Schmitz’s critical edition of Q (Schmitz [1898] 201¹⁹⁻²⁰); for *P. Casin. 372* see also Gaastra (2007) 2373.

⁵³ See Schmitz (1883) 472²⁵; II 291⁴⁴; for *P. Oxon. II*, Kottje (1994) 128¹⁸⁴; for *clm 3853*, WAS 252⁹. According to Schmitz’s critical ed. of Q, the words concerned are given by *P. pseudo-Romanum*, but this is not the case. I suspect that his indication that they are found in *Dusseld. B 113* is also a mistake.

⁵⁴ See Dimitrakos, s. v. 2.

⁵⁵ Kottje (1994) 188¹⁸⁴.

instructions. Copying Sympathicus' text he enriched it with a prayer and a rubric preceding it. A Latin author found a Greek version of Sympathicus' enlarged text and translated it. A second reason can be added why we may safely assume that Euchetes was a Greek theologian. *Quotiescumque* was written between 730 and 800. It is very unlikely that before 800 a Greek theologian needed a Latin text to create a prayer and a rubric for a confession rite or for any other ceremony.

7.I. Section 6: Priests' weeping

But when he who comes to penance sees the priest sad and weeping for his own evil deeds, (the penitent) being himself the more moved by the fear of God, will be the more grieved and abhor his sins.

It is obvious that in the original version of *Quotiescumque*, this text cannot have followed upon Prayer Lk 18: 13. First, the penitent can only have seen the priest weeping while he said Prayer Lk 18: 13 in the case that a presbyter had not an inner room. Next, Prayer Lk 18: 13 cannot have caused a priest to weep because the prayer is full of hope and joy. Therefore Prayer Lk 18: 13 and its preceding rubric disrupt Sympathicus' text and section 6 was originally linked to section 3. It is Sympathicus who emphasizes that priests should pray for their own faults 'with moaning and tears of sadness' (colon 3 a).

7.J. Section 7: Moment of reception of penitent

And any man who is approaching for penance, if you see him standing while he is fervently and *assidue* repenting, accept ('suscipe') him *statim*.

7.J.I. Meanings of the verb 'suscipere' and the noun 'penance'

The author of this rule speaks about 'suscipere' a penitent. The phrase '*suscipere* a penitent' can mean three acts. It can refer to (1) the priest's reception of the penitent when he presents himself to the priest or (2) to the priest's admission of a penitent to a period of penance or (3) to the priest's readmission of a penitent into the Church. In section 7, the expression '*accedere ad paenitentiam*' has the same meaning as it has in section 1 a, '*Quotiescumque christianis qui ad paenitentiam accedunt*', and it is clear that the author of section 7 refers to what a priest should do as soon as a penitent asks him to hear the penitent's confession. In other words, the author uses 'suscipere' in the first sense. But, Euchetes already explained how a priest should welcome a penitent when he presents himself to the priest (section 4 - 5, Prayer Lk 18: 13 plus preceding rubric). Therefore, after he had written that a penitent who sees a priest weeping for his own faults will the more be grieved and abhor his sins (section 6), it must be Sympathicus who continues in section 7 ruling that, if a priest sees a penitent 'standing while he is fervently and firmly repenting', the priest should hear his confession.

McNeil translates section 7 with: 'And any man who is approaching for penance, if thou

seest him in a state of ardent and constant penitence, receive him forthwith'. The word 'penance' in the phrase 'approaching for penance' has the same meaning as it has in the title and in section 1 a. It refers to the tangible act through which a priest hears a penitent's confession and imposes a penance. It has probably the same meaning in colon l of Prayer Lk 18: 13 (section 5).

7.J.2. Meanings of the words 'acriter', 'assidue', 'stare' and 'statim'

It is likely that the adverb 'acriter' in the phrase 'acriter ... stare in paenitentia' is a translation of ἄκρως, which can be translated with 'extremely' or 'fervently'. The adverb 'assidue' in the phrase 'assidue stare in paenitentia' must be a translation of συνεχῶς. The most common meanings of both 'assidue' and συνεχῶς denote constancy and continuity. However, you cannot *statim* receive a man, if you should only do this when you see the man *constantly* or *continuously* 'stare in penitentia'. As we shortly will see, the Greek adverb of which 'statim' is a translation means 'then' in section 7. However, this does not solve the problem with which the adverb 'assidue' confronts us. We can scarcely imagine Sympathicus to rule this: if a penitent asks a priest to hear his confession, before complying with this request, the priest should observe the penitent for some time to establish whether the penitent is assiduous in his repentance. However, one of the meanings of the adjective συνεχής is 'dense'. It is said, for instance, of air and oil.⁵⁶ Therefore we may accept that Sympathicus uses the adverb in the sense of 'firmly'.⁵⁷ A man's attitude can make it visible that he is determined to do penance. We should take the verb 'stare' in the phrase 'si videris eum ... stare in paenitentia' in its literal meaning. Sympathicus describes the scene that the priest sees the penitent standing before him.

The adverb 'statim' is missing from *clm 3909* of *P. pseudo-Romanum*. In his critical edition of Q, Schmitz fails to indicate that the adverb is given by *P. Vallicellanum E 15*, the *MSS Paris, B. N. ms lat. 8508* and *Sangall. 679* of *P. pseudo-romanum*, and by *clm 3853* of *P. mixtum pseudo-Bedae/Egberti*.⁵⁸ There is not any reason to suppose that the adverb is missing from the *MSS Dusseldorp. B 113* and *Sanctiucensis 217* of *P. mixtum pseudo-Bedae/Egberti*. (*P. Casin. 372* omits section 7). We may take it that a scribal error caused the omission of the adverb 'statim' from *clm 3909* of *P. pseudo-Romanum*. However, reading the rule 'statim suscipe illum', we should place the emphasis on 'suscipe illum', and not on 'statim'. The adverb is the translation of the Greek word εὐθύς or εὐθέως. In the confession rite of the Athonite MS *Lavra 105* (15th cent.), it is the first word of rubrics that introduce a new action. In this akolouthy, it means the same as the following conjunctions do: εἶτα, τότε, μετὰ ταῦτα or μετὰ τοῦτο or μετὰ τὸ (ἐγείραι αὐτόν [the penitent]).⁵⁹ Sympathicus speaks of 'statim suscipe

⁵⁶ Liddel-Scott, s. v. I 4.

⁵⁷ Kykkotis gives συνεχής as one of the meanings of 'intense'.

⁵⁸ For the line concerned in Schmitz's critical edition see Schmitz (1898) 201³⁴; for the adverb *statim* in *P. Vallic. E 15*, the *MSS Paris, B. N. ms lat. 8508* and *Sangall. 679* of *P. pseudo-romanum*, Schmitz (1883) 242¹⁷ and Schmitz (1898) 292²; for *statim* in *clm 3853* of *P. mixtum pseudo-Bedae/Egberti*, WAS 252¹⁵.

⁵⁹ See Dmitrievskij (1901) 637^{10,13,17,38}; for μετὰ τοῦτο see o. c. 636³⁵ and for τότε, 637³¹. Cf. Arranz (1992 - 1993) 357, notes 179 and 180. For εὐθέως see also BOD 15. 8, Jacob 326.

illum' not because he is afraid that a priest might postpone hearing a penitent's confession, but he uses the adverb in the sense it has in *Lavra 105*, and we may translate it with 'then'. Section 7 is Sympathicus' rule to indicate the time when a priest should hear a penitent's confession: as soon as the priest sees that a penitent who approaches him is repentant. Unfortunately, Sympathicus does not indicate the place where confessions should be heard. Since he wrote his instructions before Euchetes interpolated section 4 and 5, we may suppose that it was also in Sympathicus' time that confessions took place in the priests' homes in Italy.

7.J.3. Hand rubric

For 'statim suscipe illum', *P. Oxon. II 7* reads 'statim suscipe eum manu'.⁶⁰ At first I thought that the expression 'with the hand' is a trace of the rubric saying according to, for instance, *P. Casinense 372*: 'Postea, si videris eum ex toto corde conversum, apprehende manum eius dextera<m> et promittat emendatione<m> vitiorum suorum et duc eum ante altare'.⁶¹ However, studying the reception of Q in the Italian *ordines*, I changed my mind. I believe that the author of *P. Oxon. II* of his own accord enriched the phrase 'suscipe eum' with the word 'manu' and that it is unrelated to what we may call the 'hand rubric'. The rubric has a parallel in the Italo-Byzantine confession rite of BOD. It is: καὶ κρατῶν ὁ ἱερεὺς τῆς δεξιᾶς χειρὸς αὐτοῦ φέρει αὐτὸν ἐνώπιον τοῦ θυσιαστηρίου.⁶² Slightly differently worded, this rubric also appears in the confession rite of the Athonite MS *Lavra 105* (15th cent.).⁶³ This rite belongs to the group of Italo-Byzantine confession rites and might be a simplification of the Italo-Byzantine rite of BOD. I believe that the hand rubric is one of several texts found in Latin Italian *ordines* that are borrowed from Greek confession acolouthies during the time from the end of the ninth to the 12th centuries. Column n of Prayer 18: 13 in the *ordo of Farfa* is an example of such a text. The discussion of these texts requires a special study and is beyond the scope of the present one. I make an exception for the priest's apology *Non sum dignus* (see below text 27) and the sermon *Omnis penitens* (see below p. 163-165). For *Omnis penitens* there is internal evidence that it is translated from the Greek. For the hand rubric and *Non sum dignus* such evidence is missing and it could be maintained that a Greek author took rubric and apology from an Italian Latin *ordo*. However, considering the fact that the authors of Latin Italian *ordines* copy texts rather than that they create new ones, I believe that we may accept that a Greek theologian wrote the original versions of the hand rubric and the apology *Non sum dignus*.

7.K. Section 8: Speedily fasting is allowed

Him who is able speedily ('festinanter') to carry out the fast that is imposed upon him, do not forbid but allow him to do it (a). For they are rather to be praised who make haste quickly to pay the indebted weigh ('pondus debitum') because fasting is a debt (b).

⁶⁰ Kottje (1994)192³³⁴.

⁶¹ Gaastra (2007) 286²⁹⁻³¹. Cf. Schmitz (1883) 398¹⁹⁻²¹; Schmitz (1898) 201^{29-31a}. Schmitz twice gives the reading 'et duc eum amoto altare', but Gaastra assured me that this text, which does not make sense, is a mistake.

⁶² Jacob 325^{1-2a}.

⁶³ Dmitrievskij (1901) 636³⁴⁻³⁶; Arranz (1992 -1993) 374, note 175.

7.K.1. The adverb 'festinanter'

It is obvious that without the adverb 'festinanter', only preserved by *P. Casinense* 372, section 8 does not make sense. Schmitz does not mention this variant in his critical edition of *Q*, but it is given by Schmitz (1883) 398¹⁹⁻²¹.⁶⁴ The phrase 'festinanter ieunare' can be explained to the effect that it refers to a short severe penance that is equivalent to a long mild one. Under the heading 'Of penitents after fall', canon 3 of the *Alleged Second Synod of St Patrick* states this (in Bieler's translation): 'It is determined that the abbot should take care, he to whom the Lord assigns the power of binding and loosing. But more fitting (for) pardon, according to the examples of the Scripture, is a short penance with weeping and lamentation and a garment of grief, under control, than a long and lax one with a lukewarm mind'.⁶⁵ Canon 47 of the *Collectio canonum Hibernensis* (CPL 1794) gives a very similar text, quoted by Bieler in a note at the Latin text of canon 3 of *Patrick's Alleged Second Synod*. Speaking about the commutations in penitential texts in Old Irish, A. Binchy writes that 'one is tempted to infer that the earliest type of *arreum* was designed to replace a protracted period of penance by a shorter and more intensive discipline'.⁶⁶

7.K.2. A canon of the *nomokanon Panteleimonos 311* (15th /16th cent.)

A canon in the Athonite MS *Panteleimonos 311* gives us an idea of how a penitent could chose a shorter, more severe fast for a longer, milder one. Therefore I quote the canon although it is written in demotic Greek and dates from a much later period than that in which *Quotiescumque* was written. *Pantel. 311* gives a confession rite (f. 1 - 7) and a few, unnumbered penitential canons (f. 7 - 12).⁶⁷ A Slavonic translation of the rite and the canonical part is found in the *nomokanon* that was published at Kiev in 1620 and Almazov gives the Greek and Slavonic texts in parallel columns. The canon that interests us is the second canon in the mentioned MS.⁶⁸ Before giving its text, I should note this. In his first canon, the author states that a sinner does not receive a penance (καυνοίκεται) before he has abandoned his sin, and that as long as he is living in sin, even if he is refraining from receiving Communion, this kind of what we may call 'self-excommunication' is not reckoned to be a partial anticipation of the excommunication to be imposed after his repentance. As evidence for the truth of his statement, the author cites canon 39 of 'the Great Basil', which says: 'The woman who is living with an adulterer is an adulteress for the whole time that she is living with the adulterer'.⁶⁹ I believe that the author uses the verb καυνοίκειω in the sense that those excommunications should be imposed that Basil prescribes in his *Canonical Letters*, Ep. 188, 199 and

⁶⁴ See also Gaastra (2007) 236^{31b}.

⁶⁵ Bieler 184. PL 53, 819 gives a corrupt version of this text: 'Si vero' for 'sivera' (= 'severa') and 'cum temperamentis' for 'cum teborem mentis'.

⁶⁶ In Bieler 51. In a note Binchy points out that Bieler refers him to canon 3 of the *Alleged Second Synod of St Patrick*.

⁶⁷ Almazov 29 - 36. For the rite see also Arranz (1992 - 1993) 83 - 86. Arranz gives a French trans. of the akolouthy and reproduces its Greek text in footnotes. The author of the rite adopted the preparatory prayers of the rite of DID (an Eastern-Byzantine rite), the admonition beginning with the word *Idou* of the Italo-Byzantine rites, and the confessor's interrogation reminds us of that of the Eastern-Byzantine rite of DID. For the interrogation see Almazov 29²⁹ - 31³⁷.

⁶⁸ Almazov 33³⁹ - 34¹⁸.

⁶⁹ Courtonne II 162; Almazov 33¹⁷⁻²².

217.⁷⁰ The author of the canons of *Pantel. 311* does not quote Basil's canon 39 but simply mentions its number. Therefore he assumes that his readers either knew Basil's penances by heart or could easily consult them. In my somewhat free translation, the author's second canon is:

[18] *Nomokanon Panteleimonos* 311, canon 2, Almazov 33³⁹ - 34¹⁸

- a) Pay also attention to this.
- b) When you meet a pious man who wishes to perform day and night as many metanies as he can, you remit, in other words, you reduce the time of the (canonical) excommunication for him with one year.
- c) But if he wishes to give an amount of alms, you remit another year of the (canonical) penalty.
- d) But if he fasts on the Wednesday and Friday according to the divine canons, you again deduce another year for him.
- e) But if he also wants to abstain from meat on the Monday, you again deduce another year;
- f) or from cheese or eggs, again (deduce) another year.
- g) Similarly, if he performs some other virtuous practice, you again deduce another year for him.
- h) But if the man is (younger) than (ἀπὸ) 30 years of age, you again deduce another year for him.
- i) But if he is (younger) than (ἀπὸ) 20 years of age, he receives a time of penance that is a little shorter.

Sympathicus writes that a priest should not forbid a penitent 'to fast speedily'. KAN and DID also attest to the fact that, to a large extent, it is up to the penitent to decide what kind of penance he performs.⁷²

Colon b: 'For they are rather to be praised who make hast quickly to pay ('persolvere') the indebted weight, because fasting is a debt'. I suspect that this observation is a later addition, and that Sympathicus continued in section 10 a. It is in this section, I believe, that he justifies his rule that a penitent should be allowed 'to fast speedily'. If the author of colon b was a Greek, the expression 'debitum pondus' might be a translation of τὸ βάρος τὸ ὀφειλόμενον. He compares the penance with a debt due to God. He does not simply speak of debt (ὀφειλήμα, cf. Mt 6: 12) because, as is also done in DID, he considers the penance to be a burden.⁷³ The words 'because a fast (imposed as penance) is a debt' might be a copyist's explanation.

⁷⁰ For these letters see CPG, No. 2900, p. 162.

⁷¹ The Slavonic transl. gives нѣжае (*nizhae*), 'under', 'below' for ἀπό. After a comparative, ἀπό means 'than' in later Greek. For sinners younger than 30 years of age see also Van de Pavverd (2006), General index, s. v. 'thirty'.

⁷² See Van de Pavverd (2006) p. 170, 112, 6; p. 171, 112, 13; p. 172, 112, 21 ff.; p. 180, 118, 4 - 6; p. 239, doc. 28; p. 241, doc. 29; p. 243, doc. 31.

⁷³ For DID see Van de Pavverd (2006) 244, doc. 33.

7.L. Section 9: Imposition of the penance

Et sic date mandatum his qui poenitentiam agunt.

The word ‘mandatum’ is the translation of the Greek expression τὴν ἐντολήν, which is used for the penance in KAN and DID.⁷⁴ It also appears in this meaning in *Codex Vaticanus Graecus 1554* (written at the earliest in the 12th cent.). The confession akolouthy of this MS (f. 123v - 129) is followed by penitential canons (f. 129 - 134). Canon 11 speaks about a priest’s command (ἐντολή) that a penitent should carry out lest he be condemned on the day of the Last Judgment.⁷⁵ I suspect that the words ‘his qui poenitentiam agunt’ are a translation of τοῖς μετανοοῦσιν. If this is correct, Sympathicus writes: ‘And so’ – that is, aware that speedily fasting is allowed – ‘impose the penance on those who repent’.

7.M. Section 10: Warning for relapse

Quia si<quis> (?) ieunaverit what is commanded him by the priest, he will be cleansed from his sins (cf. 1 Jn 1: 9) (a). *Quod*, if he turns back again to his former habit or sin, he is like a dog that returns to his own vomit (b) (cf. Prov 26: 11; 2 Pet 2: 22).

McNeil translates the first words of colon a with (my italics): ‘(And so give commandment to those who do penance) since if *one* fasts ...’. The indefinite pronoun ‘(ali)quis’ is missing from the colon, but it indeed seems that it has disappeared because in section 9 Sympathicus uses the dative of the third person *plural* and we would expect him to continue the use of the plural in section 10. However, the verbal form ‘ieunaverit’ implies the third person *singular*. McNeil translates the relative pronoun ‘quod’ of colon b with, ‘But (if he returns ... to his sin)’, which would be correct if *quod* were an adversative. I suggest that Sympathicus wrote Ὅς δὲ and that a copyist changed these words into Ὅν.

7.N. Section 11: Reward for voluntary fasting

Every penitent *itaque* ought not only to fast what is commanded (*mandatum*) him by the priest but also, after he has completed those things that were commanded him, he ought to fast either on the Wednesdays or on the Fridays as much as seems best to him (a). If he does those things that the priest prescribed him, his sins will be remitted; if, however, he afterward fasts of his own volition, he shall obtain to himself a reward (‘mercedem’) and the kingdom of heaven (b).

Colon a: The conjunction ‘itaque’ might be a translation of the particle οὖν, which can already have a purely transitional meaning in koine Greek.⁷⁶ For the phrase ‘(he ought to fast) quantum ipsi visum fuerit ieunare’, the MSS of *P. pseudo-Romanum Paris, B. N. ms. lat.*

⁷⁴ O. c. p. 142, 94, 14; p. 239, doc. 28, 174, 2b-3; p. 269, doc. 59, 194, 17 - 18.

⁷⁵ Almazov 70. For the date of the MS see De Meester 138, note 1. The confession akolouthy of this MS includes elements both of the family of the Eastern-Byzantine confession rites and of the branch of the Italo-Byzantine ones.

⁷⁶ Baur-Arndt, s. v. οὖν 3 and 4.

8508 and *St Gall* 570 and 277 read, ‘quantum ipsi *iussum* fuerit ieiunare’.⁷⁷ Perhaps in the – handwritten – source of the mentioned MSS the word ‘*iussum*’ was very similar to that of ‘*visum*’ and, since in the preceding part of the sentence a verb is used that means ‘to command’, a copyist could easily mistake the word ‘*visum*’ for that of ‘*iussum*’. The reading ‘*visum*’ is more in harmony with section 8 a. Sympathicus takes it for granted that the penitent was excommunicated during the time of the imposed fast. However, since his sins are forgiven as soon as he has completed the imposed fast (b and section 10 a), we may suppose that the penitent could again partake of Communion during the time of his voluntary fast on the Wednesdays (‘*tetras*’) or Fridays (‘*parascevas*’) (b). The Grecism ‘*parasceve*’ (παρασκευή) occurs frequently, but that of ‘*tetras*’ (τετράς) is not so common. Therefore we may see the use of the word ‘*tetras*’ as a slight confirmation of the thesis that *Quotiescumque* is a translation from the Greek.

Colon b: Sympathicus states that when a penitent completes the imposed fast, his sins are forgiven, but that he will obtain a reward and the kingdom of heaven if he afterward voluntarily fasts (on the Wednesday or Friday). In the version of Pseudo-Athanasius’ *Syntagma doctrinae* of the MS *Marcianus gr. II 42* it is said that a great reward will be granted to him who voluntarily fasts on the Monday, Wednesday and Friday (above p. 49). There are also Latin theologians who declare that voluntary fasting is remunerated by a reward.

7.N.I. Latin texts promising a reward for voluntary fasting

St Maximus of Turin († 415) states in *Sermo 50*, 1 that, just as fasting during the rest of the year is (worthy of) a reward (‘*praemium*’), non-fasting during Lent is a sin’.⁷⁸ In his Lenten *Sermo 199*, 1 Caesarius of Arles († 542) strongly inculcates the obligation on the healthy members of his congregation to fast daily during Lent, excepting the Lord’s Days. He explains, ‘*quia aliis diebus ieiunare aut remedium aut praemium est, in quadragesima non ieiunare peccatum est*’.⁷⁹ Bede, HE 4, 23 (or 25) 3 concludes his above mentioned story about Adomnán’s confession and the provisional penance he received with the words: ‘and what he had once begun repentant of his wrongdoing and out of fear of God, he carried on enticed by the rewards (‘*praemiis*’) and now out of love of God’.⁸⁰ In *De institutione clericorum* 2, 25, Hrabanus Maurus († 856) writes, ‘*qui constituta atque demandata ieiunia servare neglexerit peccat, qui autem expletis legitimis (ieiuniis) privata superexponderit propriam mercedem habebit*’.⁸¹ Finally, in the treatise *Diversitas culparum*, it is said, ‘*Qui plus laborat (i.e., “fasts”) plus mercedem accipiet*’.⁸²

Sympathicus writes that a penitent who performs the imposed fast will receive forgiveness of sins, but voluntarily continuing his fast will obtain not only a reward but also the

⁷⁷ Schmitz (1898) 292¹².

⁷⁸ CCSL 23, 198⁴⁶⁻⁴⁷.

⁷⁹ CCSL 104, 803¹⁸⁻²⁰.

⁸⁰ SC 490, 344³²⁻³⁴; for the trans. see Shirley-Price.

⁸¹ Zimpel 369⁶⁻¹⁰.

⁸² Schmitz (1883) 615⁴⁻⁵; WAS 465⁶.

kingdom of heaven. This statement is theologically dubious, because a penitent (or a *baptizandus*) whose sins are forgiven may be supposed to be worthy of the kingdom of heaven. As far as I know, there is not any Latin theologian who states that a voluntary faster earns the kingdom of heaven in addition to a reward.

7.N.2. Greek texts promising an eschatological reward for voluntary fasting

There are three Greek texts including statements that are similar to that in colon b. One of the authors of KAN, the Confessor, states this. It sometimes happens that an ὀλιγοαμάρτητος but zealous penitent receives a more severe penance than a πολυμαρτήτος but indolent penitent. The former not only receives forgiveness of sins but also a reward (μισθός) from God. One of the authors of DID, whom I call ‘the Adaptor’, writes that it is possible that the *oligoamartetos* who is prepared to accept it, receives a severe penance in order that he not only obtains forgiveness of his evils but also a crown (στέφανος) from God.⁸³ The Confessor does not necessarily use μισθός in an eschatological sense.⁸⁴ By contrast, the Adaptor’s term στέφανος has undoubtedly the same eschatological meaning as it has in the writings of the New Testament, with the exception of the Apocalypse.⁸⁵ The third Greek text is the confession akolouthy of BOD. This rite includes a section – which I call the ‘Question Theleis’ – in which the priest asks the penitent after he has received the penance, ‘Do you want (Θέλεις), child (τέκνον), to mourn and to do penance for what you have perpetrated ...?’. This question is also found in the Italo-Byzantine confession akolouthies of the MS *Grottaferrata Gb 14* (13th cent.), and of the Athonite MSS *Lavra 105* (15th cent.) and *Kostamonitou 60* (16th cent.).⁸⁶ After the penitent has answered the question with the words, Ναί, διὰ τοῦ Θεοῦ, τίμη πατήρ, the priest guarantees this: ‘If from now on you keep the Lord’s commands and will walk in his ways (cf. Dt 8: 6), you will not only obtain forgiveness (συγχωρεθῆσι [*Kostam. 60*]), but also be deemed worthy (ἄξιωθῆσι) <<of glory in Jesus Christ our Lord (‘of his kingdom’ *Grottaf. Gb 14*)’.⁸⁷ The penitent’s worthiness of the glory means the same as his worthiness of the kingdom of heaven. Since, as I said, this worthiness is the effect of the forgiveness of sins, the priest’s guarantee in the *Question Theleis* is as problematic as the Adaptor’s and Sympathicus’ statements are.

It is certain that the Adaptor’s statement is an adaptation of that made by the Confessor.⁸⁸ We can rule out that the Confessor’s statement was inspired by Sympathicus’ declaration in

⁸³ For KAN see Van de Pavard (2006) p. 171, 112, 15 - 16, for DID, o.c., p. 243, doc. 32, 174, 18 - 21.

⁸⁴ For the view in the New Testament that God rewards good behaviour see W. Pesch, μισθός 2 (‘Jesusüberlieferung’) and 3 (Paul), EWNT. Pesch writes, ‘Jesus vereinigt innerzeitliche und endzeitliche Vergeltung’ and concerning Paul, ‘es wird niemals wie in der Lehre Jesu als Bezeichnung für das ewige Leben gebraucht’ and ‘Die Vorkommen in 1 Kor 3, 8. 14f. stehen mit ihrer Bedeutung “ewiger Sonderlohn für den Prediger” unter den paulinischen μ.-Stellen allein’.

⁸⁵ See H. Kraft, στέφανος, EWNT.

⁸⁶ The logical place of the question is that before the imposition of the penance, which the three MSS fail to mention.

⁸⁷ See Jacob 327²¹⁻²⁵ (BOD), Arranz (1992 - 1993) 370 (*Grottaf. Gb 14*), Dmitrievskij (1901) 637³⁴⁻³⁸ (*Lavra 105* [mutilated text] and 850¹²⁻¹⁶ [*Kostam. 60*]). BOD and *Grottaf. Gb 14* give συγχωρεθῆσι, *Lavra 105*. .ρηθείσι. Arranz wrongly emends the verbal forms συγχωρεθῆσι and ἄξιωθῆσι by adding a final sigma. The ending ῆσι is one of the two forms of the second person singular of the passive voice of the future tense. The other form is ῆσει.

⁸⁸ See Van de Pavard (2006) 292.

section 11 b of *Quotiescumque*. The Confessor needed his explanation in KAN, p. 171, 112, 15 - 16 to justify his paradox that a *polyamartetos* penitent sometimes receives a milder penance than the *oligoamartetos* one does. For Sympathicus it was not so natural to insert colon b and, if he had omitted it, his readers would not have noticed the omission. Since the Adaptor's statement directly goes back to the Confessor's, we can also rule out that the Adaptor's statement derives from section 11 b of Q. Considering these facts, I suggest this theory. Since he needed the explanation to justify his paradox, the Confessor's statement in KAN, p. 171, 112, 15 - 16 is the source of the view that a penitent not only obtains forgiveness of sins but also a reward if he voluntarily performs a more severe penance. Sympathicus was familiar with the compilation DID plus KAN. It was the Adaptor's theologically dubious statement in DID, doc. 32, 174, 18 - 21 that caused Sympathicus to insert colon b of section 11 of Q, but he adopted the expression *μισθός* from KAN, p. 171, 112, 15 - 16. The source of the priest's guarantee in the *Question Theleis* is either the Adaptor's statement or Sympathicus' declaration.

Sympathicus somewhat paradoxically commands that a penitent should voluntarily continue to fast on the Wednesday or Friday when he has completed the imposed fast. As we have seen above, Adomnán to a certain extent practised what Sympathicus prescribes. Adomnán's confessor imposed a provisional penance, which Adomnán should perform until his confessor, who went away for a while, had returned and imposed the definitive penance. However, as Bede reports, an urgent matter called Adomnán's confessor back to Ireland, where he died. Having heard this, Adomnán went on to observe the austerity the confessor had imposed on him, but Adomnán did so no longer through fear of God in remorse for his sin, but now enticed by the rewards and out of love of God.⁸⁹ Bede does not tell us how and when Adomnán, whose confession was not followed by an absolution – his entire confession was non-liturgical – became aware that God had forgiven his sin and Adomnán's ascetic life began to be motivated by the love of God.

7.O. Section 12: Eating and drinking on the Saturday and Lord's Day

Moreover ('ergo') he who fasts for a whole week for his sins, that on the Saturday and Lord's Day he may eat and drink whatever is set before him ('ei appositum fuerit') (a). However, let him guard himself against excess and drunkenness, because luxury is born of drunkenness (b). Therefore the blessed Paul forbids it saying: 'Be not drunk with wine, wherein is luxury' (Eph 5: 18). Not that there is luxury in wine, but in drunkenness (c).

Colon a: Section 3 - 4 of this book is devoted to the demonstration that a Latin author cannot have written this rule. It is obvious that the adverb 'ergo' does not make sense. Sympathicus may have used *τοίνυν* which, in addition to 'hence' and 'therefore', can also mean 'further' and 'moreover'.⁹⁰ Although Sympathicus undoubtedly especially refers to penitents who received a penance, his rule applies to all Christians who fast for a whole

⁸⁹ Bede, HE 4, 23 (or 25) 3, SC 490, 344¹⁹⁻³⁴.

⁹⁰ Liddel-Scott, s. v. 3 c: 'adding or passing to a fresh item or point, *further, moreover, again*'.

week. It is possible that he contrasts fasting ‘for a whole week’ to fasting on the Wednesday or Friday, which practice he mentions in section 11 a. As I say in the Introduction of this book, the hortatory subjunctive is a periphrasis of the imperative. The Greek original of the words ‘manducet et bibat’ might have been, ἵνα ἐσθίῃ καὶ πίνη.⁹¹ The relative pronoun ‘quidquid’ could be a translation of ὅ τι δήποτε or of τι (καὶ) ἂν (αὐτῷ παρατιθέμενον γεγένηται).

For the reading ‘sabbato et dominica die manducet et bibat quidquid ei appositum fuerit’, *Codex Sanctuensis 217* of *P. mixtum pseudo-Beda/Egberti*, *P. Vallic. E. 15* and *Paris, B. N., ms. Lat. 8508* of *P. pseudo-Romanum* give ‘ei aptum fuerit’.⁹² For a Latin author, the reading ‘quidquid ei appositum fuerit’ was the more difficult one, and we may take it that it is the original reading. The phrase ‘what is fitting to him’ could be interpreted to the effect that the penitent should fast on the Saturday. Such a rule was acceptable to Latin theologians, and ‘aptum’ is probably not a mistake, but an intentional alteration.

The predicate ‘appositum’ must be a translation of παρατιθέμενον. Jesus incites his disciples, ‘Whenever you enter a town and they receive you, ἐσθίετε τὰ παρατιθέμενα ὑμῶν’ (Lk 10: 8). Paul writes to the Corinthians πᾶν τὸ παρατιθέμενον ἐσθίετε (1 Cor 10: 27). In canon 1 of his *Canonical Letter*, Gregory Thaumaturgus (ca. 213 - ca. 270) speaks about Christians who were captured during an invasion of pagan barbarians and ate what their captors set before them (ἄπερ παρετίθεσαν αὐτοῖς οἱ κροατοῦντες αὐτῶν).⁹³ In the alphabetic collection of the *Apophthegmata Patrum*, the narrator reports about the presbyter Eulogius that Abbot Joseph taught him that, being in company, he should eat πάντα τὰ παρατιθέμενα and to practise asceticism in secrecy.⁹⁴

Symphaticus envisages a male penitent and takes it for granted that it is not the penitent who prepares a meal for himself. When the penitent took his meal in the family circle, on week days it must have been clear to the other members of the family that he was doing penance. Since Greek Christians took two meals on the Saturday and Lord’s Day even in times of fasting, the command that a penitent should eat and drink all what is set before him on these two days implies that he should have normal midday and evening meals during the weekends.

Section b - c: This section confirms that on the Saturday and Sunday the penitent should eat and drink whatever is set before him, because the section shows that he even should drink wine on these days. A penitent should not excessively eat and drink during the weekends. It is understandable that after five days of fasting, a penitent is inclined to indulge in excess. At the beginning of his 15th *Homily on the Statues*, delivered on a Lenten Saturday, John Chrysostom states that it is opportune that he speaks about fasting, and should also have done

⁹¹ Cf., e. g., Van de Pavard (2006) p.108, 118, 17- 18, where I translate the reading of the MS *Munchen 498*, ἔλαου μὲν (for δὲ) ἵνα ἐσθίωσιν οἱ μοναχοί, οἱ δὲ κοσμοκοί ὀψάριον (‘fish’).

⁹² For *Sanctuensis 217* see Schmitz’s critical edition of Q (Schmitz [1898] 202¹⁵), for *P. Vallic. E 15*, Schmitz (1883) 242³³ and for *Paris, B. N., ms. lat. 8508*, Schmitz (1898) 292¹⁶.

⁹³ Joannou II 20¹⁻².

⁹⁴ PG 65, 172A¹²⁻¹³; Paschos p. 32, 2nd column, line 47 - 48. Guy (1993), ch. 8, saying 4³². For similar expressions see also ch., saying and line (in superscript) of SC 387 and 474: 4, 76³; 4, 103³⁵; 8, 27⁴; 10, 150¹⁸; 15, 12³²; 15, 60²⁷; 20, 3⁴⁰.

so on the former Lenten Saturday, although the Saturdays of Lent are exempt from fasting. The reason why it is suitable on the Lenten Saturdays to preach on fasting is that on these days people run to the table with unseemly greediness as if, on being set at liberty, they are going forth as from a long famine and a grievous prison.⁹⁵ In his homily ‘On the beginning of Lent’, Asterius of Amasea warns his audience not to be continuously on the look-out for the weekend (τῆς ἑβδομάδος τὸ τέλος) as for the coming of springtime after a bitter winter, and not to long for the Saturday in order to get drunk like a Jew⁹⁶

7.P. Section 13: Redemptions

If anyone perchance is not able to fast and has the means of redeeming (the deserved fast), if he is rich, for seven weeks (of fasting) he shall give twenty *solidi*. But if he has not sufficient means, he shall give ten *solidi*. But if he is very poor, he shall give three *solidi* (a). Now let no one be startled because we have commanded to give twenty *solidi* or a smaller amount; since if he is rich, it is easier for him to give twenty *solidi* than for a poor man to give three *solidi* (b). But let everyone give attention to the cause to which (the penitent) must give (‘cui dare debet’), whether it is to be spent for the redemption of captives, or upon the sacred altar, or for poor Christians.

This section on the so-called redemptions or commutations can only be attributed to a Latin author. According to KAN and DID, the penitent’s willingness to give alms should be one of the matters that the confessor should take into account when he imposes the penance.⁹⁷ We have seen that the second canon of the *nomokanon* of the MS *Panteleimonos 311* rules that, when a penitent is prepared to give a great amount of alms, a year of the deserved penance should be remitted (text 18). However, first, in KAN, DID and *Nomokanon Pantel. 311*, a penitent’s almsgiving can abbreviate his time of excommunication. According to section 13 of Q, if a penitent is unable to fast and has the means of giving alms, he should redeem the indebted amount of *fasting* by alms. Second, in KAN and DID, for the determination of the time of penance, it is the confessor himself who decides to what degree he takes into account a penitent’s willingness to give alms. In section 13 of Q, it is indicated which amount of money is the exact equivalent of how many weeks of fasting. It is true that *Nomokanon Pantel. 311* mentions an exact time, a year, that should be remitted when a penitent is prepared to give alms, but the MS does not give exact amounts of money. In addition, the penitential canons of this MS, written in demotic Greek, are of a much later date than *Quotiescumque* is. Third, in KAN, DID and *Nomokanon Pantel. 311*, a penitent is free to give alms, in section 13 of Q a penitent who is unable to fast should (‘debet’) buy off the indebted period of fasting by almsgiving. Therefore we cannot but attribute section 13 to a Latin interpolator, whom we may identify with the interpolator of section 2.

C. Vogel distinguishes between two kinds of redemptions or commutations: (I) the Celtic

⁹⁵ PG 49, 153. Cf. Van de Pavard (1991) 315.

⁹⁶ *Hom. 14*, 8, 4. Does Asterius allude to the Jews’ celebration of the Sabbath?

⁹⁷ See Van de Pavard (2006) p. 141, 94, 11b - 12; p. 262, doc. 54.

and Irish commutations and (2) the Anglo-Saxon and Continental ones. He divides the second category into (a) commutations in the shape of donations in money and (b) redemptions in the shape of ‘donations’ of Masses.⁹⁸ The redemptions of section 13 of Q belong to category 2 a. However, it seems that this section is exceptional through the fact that its author only allows a penitent to redeem the indebted time of fasting if he is unable to fast. The single commutations of section 13 are clear and do not need any comment.

7.Q. Section 14: Rule on slaves and female slaves

And know this, brethren, that when men or women slaves come to you seeking penance, you should not burden (ἐπιβαρεῖν [?]) them nor compel them to fast as much as the rich (a), since men or women slaves are not in their own power. Therefore lay upon them half the penance (b).

For the Latin translator, section 14 means that slaves and female slaves should receive half the time of fasting to be imposed by the priest on rich men and women. For him, this does not necessarily imply the exclusion from the Eucharist.⁹⁹ The rule on slaves and female slaves is not entirely in harmony with the Latin Interpolator’s section 13 (see below). Therefore it is not he, but Sympathicus who wrote section 14, and who did this immediately after he had written section 12. For him the words ‘half the penance’ also refer to a period of fasting, but he certainly meant a time of excommunication as well.

Opposing the rich to slaves, Sympathicus suggests that being rich is the same as being free. This implies that for him all poor people are slaves. By contrast, the Latin Interpolator distinguishes between a rich, a poor and a very poor man (section 13). As we shortly will see, for an author of KAN – who, like Sympathicus, was a Greek – poverty implies lack of freedom. Therefore for this author poverty is, maybe, not identical, but in any case comparable with servitude.

Taking it for granted that the Latin Interpolator wrote section 14, Jungmann reads in the phrase ‘not being in one’s own power’ that, being unable to redeem their penances of fasting by donating a certain amount of money, slaves and female slaves should only receive half the penance.¹⁰⁰ It is possible that for the Latin Interpolator the reason for the rule of section 14 was indeed the slaves’ poverty. However, the rule is taken from the *Kanonarion by John Monk and Deacon* (see below). Therefore it is in the canons of Greek synods and Fathers that we must look for the meaning of the rule of section 14.

In KAN 98, 22 - 25, the third author of KAN, the Canonist, gives the same rule as Sympathicus does. The Canonist’s rule is preceded by the Confessor’s statement that women and men, secular Christians and monks should all receive the same kind of penance. To this the Canonist adds, ‘except slaves and female slaves, because slaves and female slaves have

⁹⁸ Vogel (1978) 47 - 53; Vogel (1969) 121 - 128; Vogel (1963), Körntgen (1994).

⁹⁹ See Meßner 165: ‘Der Ausschluß von der eucharistischen Kommunion erscheint’ (im Irischen Bußsystem) ‘als eine Bußaufgabe neben anderen. Die Wiederzulassung kann vor der vollständigen Ableistung der Buße erfolgen’.

¹⁰⁰ Jungmann 146.

been authorized (ἐκανονίσθησαν) by the divine canons themselves to receive not more than half the punishment (τὸ ἥμισυ τῆς ἐπιτιμήσεως) because, it says (φησὶν), ‘they are not in their own power’ (διὰ τὸ μὴ εἶναι ἐν τῇ ἰδίᾳ ἐξουσίᾳ).¹⁰¹ In section 11, Sympathicus writes that a penitent’s sins are forgiven through the performance of an imposed penance and that he obtains to himself a reward and the kingdom of heaven through a self-chosen fast. It can be argued that the compilation DID plus KAN is the source of Sympathicus’ statement. Section 98, 22 - 25 of KAN and Sympathicus have identical phrases in common. It cannot be coincidental that a statement of Sympathicus strongly reminds us of similar statements in the compilation DID plus KAN and that in section 14 Sympathicus uses words that also appear in KAN. Therefore we may conclude that Sympathicus was familiar with the compilation DID plus KAN. The fact that his section goes back to the Canonist’s rule on slaves and female slaves explains why it is only in section 14 that Sympathicus envisages more than one penitent and female penitents in addition to male ones.

Meaning of the phrase ‘not being in one’s own power’

In KAN 80, 5 - 8.12 - 16, the Canonist shows what he means writing that slaves and female slaves are not ἐν τῇ ἰδίᾳ ἐξουσίᾳ.¹⁰² KAN 80, 5 - 8.12 - 16 is:

[19]

- a) Εἰ μὲν ἀνάγκης χωρὶς, τουτέστιν φόβου ἀνθρωπίνου ἢ πτωχείας, ἐν ἐθνικοῖς ἐμολύθησαν σώμασιν ἄνδρες ἢ γυναῖκες ἄνευ ἀνδρῶν νομίμων,
- b) τριετίαν μενέτωσαν ἀκοινωνήτοι ...
- c) Εἰ δὲ νομίμως γυναῖκας ἄνδρας ὧσιν ἔχοντες
- d) καὶ ἐν τέσσαρσιν < ἢ > πέντε ἔτεσιν ἐπιτιμάσθωσαν,
- e) καὶ μάλιστα εἰ τύχοιεν ἐν ἐτέροις περιπεσεῖν ἁμαρτήμασιν,
- f) Εἰ δὲ καὶ μετὰ φόβου καὶ ἐξουσίας ἢ καὶ διὰ πτωχείαν,
- g) χρόνον ἓνα ἢ τὸ πολὺ δύο.

If without compulsion, that is (without) human fear or poverty, men and women without legal husbands, were defiled by pagan bodies¹⁰³ (a), they should remain deprived of Communion for three years (b). But they should receive a penance of four or five years if the men are legally having wives, (the) women, husbands (c - d), and especially if they also fell into other sins (e). But if (they were defiled) with fear and authority or because of poverty (f), (they should remain deprived of Communion) for one year or at the most two (g).¹⁰⁴

¹⁰¹ Van de Paverd (2006) 149 - 150.

¹⁰² KAN 80, 9 - 11 is an interpolation by a copyist.

¹⁰³ The Canonist uses the aorist ἐμολύθησαν because for the confessor the confessed sin belongs to the past. Basil also uses the aorist when he describes a sin in his penitential canons. For instance, in canon 82 (see below) he speaks about those who ‘broke their oaths’ (παρέβησαν τοὺς ὄρκους). However, since penitential canons are general rules, we may also use the present tense to translate these aorists. Therefore we can also translate the Canonist’s line a with, ‘(If they) are defiled’.

¹⁰⁴ Van de Paverd (2006) 126 - 127.

The Canonist contrasts the words ‘with fear and authority’ (f) to ‘without compulsion’ (a). This shows that the words μετὰ ἐξουσίας imply coercion by an authority. Therefore, when in KAN 98, 25 he speaks about people who are not ἐν τῇ ἰδίᾳ ἐξουσίᾳ, he means people who are unfree to act of their own accord and can be forced to commit unlawful things by another man’s authority.¹⁰⁵ The penance for married men and women who are raped by pagans is not exactly half the penance for men and women who are defiled without any coercion. Therefore the Canonist is not entirely consistent when he says that unfree people should only receive half the penance that free people deserve for the same unlawful deeds. However, we should probably not take τὸ ἥμισυ (τῆς ἐπιτιμῆσεως) in a mathematical sense. In KAN 98, 24, the Canonist gives a round figure.

In the second part of canon 1 of his *Canonical Letter*, Gregory Thaumaturgus (ca. 213 - ca. 270) discusses the case of women whose bodies were treated with insolence during an invasion of barbarians. He rules that those women whose conduct was reprehensible prior to the invasion may be suspected to have also committed fornication when they were in the hands of the barbarians, and that they should not easily be admitted to the prayers (οὐ προχείρωσ δεῖ ταῖς τοιαύταις κοινωνεῖν τῶν εὐχῶν).¹⁰⁶ In Gregory’s letter the phrase ‘the prayers’ refers to that part of the Mass that follows upon the liturgy of the word. Therefore Gregory means that the women concerned should not easily be admitted to the penitential degree that is later called the ὑπόπτωσις. By contrast to the mentioned women, those women whose behaviour was blameless before the invasion may be presumed to have suffered the barbarians’ insolence ἐκ βίας καὶ ἀνάγκης. Gregory’s addressee, a ἱερός πάπα, should not punish them at all. Gregory’s evidence is Dt 22: 26 - 27.¹⁰⁷

In canon 3 - 6, the Council of Ancyra (314) discusses the cases of those Christians who during Diocletian’s persecution, which lasted from 303 - 313, performed pagan rites. In canon 3 the council states that Christians who did this πρὸς βίαν or πρὸς ἀνάγκην, while proclaiming to be Christians, are innocent and should immediately be admitted to the κοινωνία. In canon 4 - 6, the council distinguishes three groups of lapsi: (1) those who partook of the sacrifices in festive dress, (2) those who went to the sacrificial ceremonies in mourning clothes and wept during the sacrificial meals and (3) those who did not eat the sacrifices. The first group should receive six years of penance: one year of ἀκρόασις, three years of ὑπόπτωσις and two years of σύστασις. The second group should receive three years of ὑπόπτωσις and an unspecified time of σύστασις. The third group, who seems to have only sacrificed, should receive two years of ὑπόπτωσις and one year of σύστασις.¹⁰⁸

Referring to Licinius’ persecution, canon 11 of the Council of Nicaea of AD 325 rules that lay Christians who renounced the faith without coercion (χωρὶς ἀνάγκης), and without

¹⁰⁵ This is the definition of Sextus Pomponius (fl. 2nd C.) of servitude: ‘Servitutum non ea natura est, ut aliquid faciat quis, sed ut aliquid patiat, aut non faciat’. See De Mauri s. v. ‘Servitus’ (p. 205).

¹⁰⁶ The verb κοινωνέω means here, ‘communicate one with (followed by the *genitivus rei*)’, PGL, s. v. C 4.

¹⁰⁷ Joannou II 20¹²⁻¹⁴; for the term of address for Gregory’s addressee see o. c. 19¹⁹⁻²⁰. Gregory’s reading of Dt 22: 26 f. is slightly different from the *textus receptus* of the LXX. It is misleading when in his excellent Index, referring to Gregory’s text, Joannou, s. v. ΑΝΑΓΚΗ writes (my italics), ‘voluntarium *minuens vel tollens*’ and, s. v. ‘coactio’, ‘voluntarium *minuit vel adimit*’.

¹⁰⁸ Joannou I/2, 58 - 62.

confiscation of property or some other danger, should receive three years of ἀκρόασις, seven years of ὑπόπτωσις and two years of σύστασις. The council only speaks about apostates who renounced the faith in order to prevent their arrest. Unlike the Council of Ancyra, the Council of Nicaea does not mention *lapsi* who yielded to pressure. Perhaps it considered their conduct as excusable.

In canon 81, found in his *Canonical Letter 217*, Basil of Caesarea speaks about Christians who renounced the faith, swore pagan oaths and ate sacrifices during an invasion of barbarians. He distinguishes between those who committed these deeds undergoing harsh pressure (ἀνάγκην χαλεπήν) and tortures and those who committed them without great pressure (ἄνευ ἀνάγκης μεγάλης). The first group should receive eight years of penance – two years of being unwelcome, two years of ἀκρόασις and three years of ὑπόπτωσις – the second group, 11 years, that is, three years of ἀποβολή, three years of ὑπόπτωσις and three years of σύστασις.¹⁰⁹ In canon 82, Basil gives this penance for those who break their oaths (παρέβησαν τοὺς ὄρκους). If they do so ἐκ βίας καὶ ἀνάγκης this is a mitigating circumstance and they should receive a penance of six years of which Basil does not specify the various degrees. If the perjury is committed ἄνευ ἀνάγκης, the perpetrators receive two years of πρόσκλαυσις, two years of ἀκρόασις, five years of ὑπόπτωσις and two years of σύστασις, that is 11 years of penance, almost double the penance of that for the first category of perjurers.¹¹⁰ In canon 49, Basil states that defilements undergone πρὸς ἀνάγκην are unpunishably (ἀνεύθυνοι). As a result, the female slave who is violated (ἐβιάσθη) by her master is innocent (ἀνεύθυνος).¹¹¹

Gregory of Nyssa writes in canon 2 of his *Canonical Letter* that Christians who voluntarily abandon the faith to embrace Judaism, idolatry or Manichaeism deserve a lifelong penance of total exclusion. Christians who apostate succumbing to tortures and harsh punishments receive the penance for fornication, that is, according to canon 4, three years of total exclusion, three years of ἀκρόασις and three years of ὑπόπτωσις.¹¹²

None of these texts justifies the Canonist's claim that according to the divine canons unfree people should only receive half the normal penance because they are not in their own power. It is only Basil's canon 82, on perjury, that almost gives half of the prescribed penance for this sin when it is coercively committed. I believe that, inferring from the canons of the Fathers that lack of freedom is an attenuating circumstance, the Canonist himself created the rule that slaves and female slaves should only receive half the penance for free penitents. It must have been as clear to the Canonist's and Sympathicus' contemporaries as it is to us that slaves and female slaves did not necessarily always sin unfreely. Creating this rule, the Canonist introduced it in another author's text, which says that men and women, secular Christians and monks should all receive the same penance. It is feasible that the Canonist

¹⁰⁹ Courtonne II 215; Joannou II 154 - 155. For the first grade of penance, Basil uses the expressions ἀδέκτος εἶναι and ἐξβάλλεσθαι (cf. 3 Jn 10). In other canons he uses the terms πρόσκλαίω (see Joannou, Index, s.v.) and πρόσκλαυσις, see PGL, s. vv.

¹¹⁰ Courtonne II 215 - 216; Joannou II 156.

¹¹¹ Courtonne II 164; Joannou II 139.

¹¹² Joannou II 209 - 210. 215. Gregory calls the first degree of penance παντελῆς ἀφορισμός, see canon 5, Joannou II 218¹⁶.

inserted his observation at the spur of the moment, as a kind of gloss, to put the Confessor's statement into perspective. Perhaps the Canonist's only purpose was to draw the confessors' attention to the fact that slaves and female slaves might unfreely have committed certain sins. He can scarcely have suspected that his rule would assume a life of its own and would be placed in another context than that in which he uses it.

It goes against our sense of justice if someone is punished although he or she was compelled to do something wrong. However, Regino of Prüm, *Visitation Manual 2*, ch. 134 rules that a married man who keeps his maidservant (as concubine), should do penance for three years and for a fourth year should fast during the three 40-day fasts (Advent, Lent, and the fast following Pentecost) and on the prescribed fast days (Wednesday and Friday). For three months he should abstain from sexual intercourse with his wife. But, the maidservant should do penance for 40 days, *si vim passa est*, and as regards fasting perform her master's penance if she consented to the relationship.

8. PLACE AND TIME OF ORIGIN OF QUOTIESCUMQUE

8.A. Place of origin of *Quotiescumque*

It is natural to suppose that *Quotiescumque* was written in an area in which Greek was a current language: the Eastern part of the Byzantine Empire and the southern parts of the mainland of Italy, and Sicily. In the East, from the sixth century onwards people especially, if not already exclusively, confessed to monks and at a certain moment following the year 630 they began certainly exclusively to confess to monks, which custom at least continued till the 10th century.¹ Sympathicus and Euchetes take it for granted that bishops and presbyters are the ordinary ministers of confession. Therefore the Greek version of the confessor's guide must have been written in Italy, and not in Byzantium. It is likely that Sympathicus and Euchetes were influenced by the Latin practice, which confirms that they were active in Italy. We have no means of finding out in which part of Italy the Greek text of *Quotiescumque* was written. The Italo-Byzantine confession rite of BOD was written at Messina in the 13th century.² Since it is part of this confession rite, it is clear that Prayer Lk 18: 13 was known at Messina in the 13th century. It is probable that the confessor's guide was written in southern Italy, but even if it was produced in North Italy, a copy of it could certainly have reached Messina by the 13th century.

Since it was especially in Italy that people were living who knew Greek as well as Latin, it is reasonable to assume that *Quotiescumque* was translated into Latin in this country. There is no evidence that the interpolated Latin sections of Q (section 2 and 13) were introduced in the confessor's guide outside Italy. Therefore we may accept that this took place in Italy as well.

8.B. Time of origin of *Quotiescumque*

DID was written after 730.³ In my comment on section 11 b and section 14 of *Quotiescumque*, we have seen that Sympathicus was familiar with the compilation DID plus KAN. Therefore the *terminus post quem* of *Quotiescumque* is 730. The author of *P. Oxoniense II*, written in the eighth century, was acquainted with Q because he gives a version of it. Therefore *Quotiescumque* was written before 800. The fact that Sympathicus was familiar with DID plus KAN is not of any help to establish a more precise date before which *Quotiescumque* must have been written. Here it is the other way round. The *terminus ante quem* of *Quotiescumque* determines that of the compilation DID plus KAN. Now we can, with greater certainty than I do in my book on the *Kanonarion by John Monk and Deacon* and *Didascalía Patrum*, define the date before which the Confessor and the Canonist wrote their parts of KAN and before which DID was produced.⁴ This must have happened prior to 800 because Sympathicus presupposes the existence of the compilation DID plus KAN.

¹ See above section 1.C.I.

² Jacob 124 - 128.

³ Van de Paverd (2006) 200 - 201.

⁴ For the dates of KAN and DID in my book see Van de Paverd (2006) 191 - 194. 200 - 201.

9. FIVE WORKS THAT RECEIVED THE FULL OR ALMOST FULL TEXT OF *QUOTIESCUMQUE*

There are four works that include the complete version of *Quotiescumque* and one work that gives this version only omitting section 13 - 14. In these works Q is called a 'prologus', that is, a prologue preceding a confession rite. When Q is a prologue of an order of confession, we may speak of a 'prologus version' of the confessor's guide. One of the works that give the full text of Q and in which it is a prologue is *P. pseudo-Romanum* or Halitgar († 830/831), *Paenitentiale, Liber VI*, which I discuss in section 5.D. The other works are:

9.A. *Paenitentiale Vallicellianum E 15*

For *P. Vallicellianum E 15* see Vogel (1978) 77 - 78; Frantzen 32. The penitential was written in North Italy. It dates from the end of the ninth or the first half of the 10th century.¹ Among several other MSS, this penitential is found in *Codex Vallic. E 15* (end of 10th cent.). For the other MSS that include this penitential see Körntgen (1993)122 and especially Meens 240 - 242. Körntgen discusses three, Meens eight codices. After a long introduction, Schmitz gives the text of the penitential amply commenting on each single canon or chapter.² He calls it 'Poenitentiale Valicellianum I'.

As we have seen in section 8, we may take it that *Quotiescumque* was written and translated in Italy. Its text became known in Gaul at a certain moment before 800. Did this happen through the fact that there was only one copy of Q and this copy was brought to Gaul? We can also imagine that several copies of the confessor's guide circulated in Italy and one of them reached Gaul. Therefore it may be hypothesized that an author of an Italian *ordo* who adopted parts of Q had a domestic copy at his disposal. However, *P. Vallic. E 15* was written in North Italy. Therefore for the author of *P. Vallic. E 15* it can be maintained that a copy of Q reached him from Gaul.

The text on confession of *P. Vallic. E 15* is a special case. The text is headed by the title, 'In Christi nomine incipit ordo ad dandam poenitentiam'.³ The first two parts of this 'ordo' are a version of the rubric preceding Prayer Lk 18: 13 (section 4 of Q) and the prayer itself. Prayer Lk 18: 13 is followed by a third part of the text on confession of the penitential.⁴ Next the author of the penitential gives the full text of Q, including the title, 'Incipit qualiter suscipere debent penitentes episcopi vel presbyteri'. He indicates Prayer Lk 18: 13 by the words, '(in corde suo dicat hanc orationem) ut supra'. Between Prayer Lk 18: 13 (section 5 of Q) and section 6 of Q, he inserted the rubric ordering the pre-preliminary question, 'Deinde interroget sacerdos penitentem et dicat: *Vis accipere penitentiam. Ille R(espondeat): Volo*'.⁵ The last section of Q, section 14, is followed by the words, 'Item ordo ad dandam peniten-

¹ Hägele 93. Schmitz writes that the MS is lost (Schmitz [1883] 229, footnote) but the librarian Valentina d'Ursu wrote me by email that the MS is available in the Biblioteca Vallicelliana and Hägele examined it.

² Schmitz (1883) 227 - 239 (introduction) and Schmitz (1883) 239 - 342 (text and comment).

³ Schmitz (1883) 239.

⁴ Schmitz (1883) 239²⁵ - 241¹⁷

⁵ I call pre-preliminary questions the questions that precede the preliminary question on the penitent's faith and willingness to forgive others.

tiam'.⁶ Using his sources in this way, in the author's text on confession, on the one hand, *Quotiescumque* is a prologue preceding an order of confession; on the other hand, the confessor's guide is an integrated part of a confession rite, albeit a rather unsuccessfully integrated part.

9.B. Heiligenkreuz, Stiftsbibliothek 217 (= HK₁)

This MS (10th/11th cent.) belongs to the *Stiftsbibliothek* of the Monastery of the Holy Cross (*Heiligenkreuz*) which gave its name to the village of Heiligenkreuz in the district of Baden (Austria). The MS is one of the 10 codices that include *P. mixtum Bedae/Egberti*.⁷ In contrast to the other nine MSS of *P. mixtum Bedae/Egberti*, HK₁ gives the full text of Q. This can be seen in Schmitz's critical edition of Q, in which it has the siglum F.⁸ Section 14 of Q is followed by an *Ordo ad dandam paenitentiam*.⁹ This means that section 14 of Q is the last section of a prologue preceding a confession rite.

9.C. Pontifical of Jumièges (= PontJum)

According to E. Martène, PontJum was written about 900, but W. G. Henderson shows that it should be assigned to the first half of the 10th century.¹⁰ For the text see Martène, column 768 f. The pontifical gives all sections of Q. Section 12 (eating and drinking on the Saturday and Lord's Day) is separated from section 13 (redemptions) by the words 'Explicit prologus'. The heading above Q is, 'Incipit qualiter suscipere debeant poenitentes episcopi vel presbyteri'.

9.D. Pontifical of Noyon (= PontNoy)

According to Martène, this pontifical was written 'circiter 800', that is, according to the current way of dating MSS, ca. AD 900. Jungmann argues that the confession rite of PontNoy is younger than that of PontJum.¹¹ The text of Q of PontNoy is Martène, column 798 f. Like in PontJum, section 12 is followed by the words, 'Explicit prologus'. Perhaps it is because of these words that a copyist omitted section 13 and 14. The reading of PontJum is better than that of PontNoy, which is slightly corrupt or intentionally adapted. PontNoy reads, for instance, 'Quotiescumque christiani qui ad paenitentiam accedunt, ieiunia damus, et nos *non* communicare cum eis debemus'. The heading above Q in PontNoy is the same as that in PontJum.

⁶ Schmitz (1883) 242¹¹⁻¹² (pre-preliminary question) and Schmitz (1883) 243¹⁶ ('Item ordo ...').

⁷ Schmitz (1898) 199 - 202³⁵. See Haggemüller 63. 247. 249. On p. 249, the author gives the contents of the MS in the 3rd column. The heading above the 4th column 'Heiligenkreuz 217' is a mistake.

⁸ Referring to HK₁, among two other MSS of *P. mixtum*, Haggemüller writes on p. 254: 'Vgl. Schmitz, Bußbücher II, S. 201 (bis ... statim suscipe eum)'. However, Schmitz also gives section 8 - 14 of HK₁, see Schmitz (1898) 201⁴⁶ - 202³⁵.

⁹ Haggemüller 63. 249. 254.

¹⁰ Martène 797; Jungmann 92, note 322.

¹¹ Jungmann 184, note 68.

10. NON-ITALIAN WORKS THAT RECEIVED QUOTIESCUMQUE

10.A. Penitentials and manuscripts of penitentials

10.A.I. Reception of *Quotiescumque* in *Paenitentiale Oxoniense II*

P. Oxon. II (8th cent.) is found in four MSS, of which the main one is *Oxford, Bodleian Library, Bodl. 311 (2122)*.¹ Fragments of this penitential are found in a number of other MSS. In his book on the early medieval penitentials, L. Körntgen devotes a large section to *P. Oxon. II*.² Kottje gives its text.³ In *P. Oxon. II*, *Quotiescumque* is preceded by another set of instructions for the confessor, which opens with the words, ‘Propter corundam vero rusticitate’.⁴ I first discuss *Propter corundam* and then the reception of *Quotiescumque* in *P. Oxon. II*.

The confessor’s guide Propter corundam

L. Körntgen calls the combination of *Propter corundam* and *Quotiescumque* ‘the prologue’ of the canonical part of *P. Oxon. II*. He considers *Propter corundam* as the first part of the prologue and *Quotiescumque* as the second part. In a section entitled, ‘Zur Einheit des Prologs’, he discusses the question whether the two parts are a unit. He proposes various theories to explain the many points that the two parts have in common.⁵ However, in his section on the ‘Gestalt und Funktion des Schriftzitates’ in the prologue, he establishes that in both parts equal importance is attached to the Scriptures. He regards this fact as evidence, ‘daß der Prolog von einem Verfasser stammt’.⁶ If we are indeed dealing with one and the same author, we should consider the two texts as a whole and I should have analyzed them in equally great detail. However, we may rule out that the two parts of the prologue are written by the same author. My main argument is that, in terms of grammar, the Latin of *Propter corundam* strongly differs from that of Q. The grammar of the former continuously violates the classical rules, that of Q respects them.⁷ It could be objected that Schmitz tacitly emended the readings of the MSS he used for his critical edition of Q, but we can compare Kottje’s text of *Propter corundam* with three modern editions of versions of Q: Gaastra 236 f. (*P. Casin.* 372), Meens 326 - 328 (*P. Sangall. tripartitum*) and Kottje (1994) 186¹²¹ - 188 (*P. Oxon. II*). Doing this, it becomes clear that the grammar of the author of Q is more in accordance with classical Latin than that of the author of *Propter corundam*. From this we may infer that the compiler of *P. Oxon. II* copied *Propter corundam* from one source and Q from another. This conclusion is confirmed by the fact that Q follows *Propter corundam* without a transitional conjunction, whereas in both guides each single instruction is linked to the preceding one by such a nexus. Incidentally, the first words of *Propter corundam* are, ‘Propter corundam vero

¹ Kottje (1994) 180.

² Körntgen (1993) 90 - 130.

³ Kottje (1994) 181 - 191.

⁴ O. c. 118¹².

⁵ Körntgen (1993) 140 - 143.

⁶ O. c. 146.

⁷ L. Bieler’s remarks on the Latin of the Irish penitentials are also interesting for the Latin of the penitentials in general. See Bieler 27 - 47.

rusticitate praeconsuetae'. The transitional conjunction 'vero' implies that the first part of the prologue was preceded by a piece of text that the compiler of *P. Oxon. II* did not adopt.

Körntgen is right when he writes that the two parts of the prologue are very similar. Both the author of *Propter corundam* and Sympathicus emphasize that the confessor should be compassionate with the penitent and that priests are responsible for sinners. They also prove themselves very familiar with the Bible. These similarities are not surprising, because the author of *Propter corundam* was also a Greek. His favourite word for the penance is 'consilium' (συμβουλή [?]) and we may call him 'Symbouleutes'. The term *consilium* for the penance to be imposed appears in many Latin works on penance, and it is quite possible that the use of the term in this sense is Symbouleutes' legacy. There is a striking piece of evidence for the thesis that Symbouleutes was a Greek. Before giving it, I should note that he takes it for granted that it is presbyters who usually hear confessions, not bishops. He only mentions 'sacerdotes vel pontifices' in a phrase in which he states that they are the Christians' mediators with God.⁸ The evidence that he is a Greek is this. At a certain moment he speaks about the advice that a presbyter gives to a penitent after he has confessed. Symbouleutes stresses that the presbyter should not reveal this advice to a brother, a friend or to the presbyter's wife. The reason for this prohibition is, 'quia qui dixerit haec amicis suis aut uxore suae, manifestaverit peccata eorum qui eo in occulto confessi sunt'.⁹ This implies that Symbouleutes assumes that he addresses married priests.

The thesis that Symbouleutes was a Greek is confirmed by another piece of evidence. According to the text of *P. Oxon. II*, Symbouleutes writes, 'Melius est enim nunc, karissimi fratres, <quod> propter misericordiam iudicemur aut propter utilitatem damnetur'.¹⁰ For the readings 'aut' 'utilitatem' and 'damnetur', other MSS give these variants 'quam', 'crudelitatem' and 'damnemur' ('dampnemur'). The variant 'aut' is given by: the MSS *Merseburgensis 103* (first half of 9th cent.) (= *Me*₁) and *Biblioteca Apostolica Vaticana, Vat. Lat. 5751* (9th or 10th cent.) (= *V*₂₃); the variant 'utilitatem', by the MSS *Me*₁ and *Vercelli, Biblioteca capitularis, codex 179 (152)* (12th/13th cent.) (= *Vc*₂) and the variant 'damnemur', by *Me*₁, *V*₂₃ ('dampnemur' *Vc*₂). *Propter corundam* is also found in the ninth Book of the *Collectio IX librorum* (= *Coll9libr.*).¹¹ It gives the readings 'quam', 'crudelitatem', 'nobis' for the adverb 'nunc' of *P. Oxon. II*, and 'damnemur'. The reading 'aut' is the more difficult one and it can be explained if we assume that it is the translation of the particle ἤ, which the translator should have rendered by 'quam'. Therefore I believe that 'aut' is the original Latin reading. It is natural that a copyist spontaneously changed it into 'quam'. If this theory is correct, it confirms that *Propter corundam* was translated from the Greek. Supposing that the Greek text was, κρείττον ... ἔστι ... κατακρίνεσθαι, it is thinkable that this infinitive was translated by 'damnetur' and that copyists again introduced a correction. The word 'utilitatem' is also the more difficult reading, but it cannot be explained, and it is unlikely that it occurred to a

⁸ Kottje (1994) 186^{166f}.

⁹ Kottje (1994) 184⁶⁹⁻⁷⁰.

¹⁰ O. c. (1994) 182⁴⁶⁻⁴⁷.

¹¹ For this work see below section 11.L.

copyist that it should be ‘crudelitatem’. Therefore ‘crudelitatem’, which is contrasted to ‘misericordia’, must be the correct reading. From this we may infer that the original Latin text of *Propter corundam* gave the readings ‘aut’, ‘damnetur’ and ‘crudelitatem’. The Latin text also gave the reading ‘nobis’ of Coll9libr. for the adverb ‘nunc’ of *P. Oxon. II*, because the personal pronoun ‘nobis’ is in accordance with that of μοι that appears in a similar context in KAN.

A parallel of Symbouleutes’ statement is found in KAN 108, 19 - 110, 2. Referring to some of his very mild epitimies, John Monk and Deacon writes, ‘But I know that, because of those very compassionate dispensations, I will be condemned (μέλλω κατακρίνεσθαι) before the common judge and God. Nevertheless, κρείτόν μοι οὕτως ἐν τοῖς τοιοῦτοις κρίνεσθαι ἢ ὡς ἀσυμπαθῆς ἐπαινεθῆναι’.¹² It is true that, in contrast to what to John’s declaration applies, Symbouleutes’ statement does not cause the reader to read it twice. John’s declaration is much more paradoxical. For John it is possible that someone is condemned because of mercifulness and is praised because of cruelty. Nevertheless, we may accept that Symbouleutes’ statement was inspired by John’s declaration.

I believe that, before he wrote *Propter corundam*, Symbouleutes had read *Quotiescumque* and that he was familiar with KAN. There is another parallel with KAN in addition to that with KAN 108, 19 - 110, 2. Symbouleutes’ opening words are, ‘Propter corundam vero rusticitate praeconsuetae’. John Monk and Deacon also complains about the rusticity of certain confessors.¹³ Since Symbouleutes and Sympathicus are two different authors, I justifiably analyze *Quotiescumque* in section 7 disregarding *Propter corundam*.

Reception of Quotiescumque in P. Oxoniense II

P. Oxon. II gives section 1 - 5 (section 5 is Prayer Lk 18: 13) and section 6 (priest’s weeping). In this penitential, *Quotiescumque* is not followed by a confession rite, but by the command that confessors should remind penitents of the Last Judgment.¹⁴ Considering the other penitentials, we may take it that the author did not find it worthwhile to copy the liturgical part of his model, with the exception of the rubric preceding Prayer Lk 18: 13 and the prayer itself. If this is true, in his model Prayer Lk 18: 13 and the order of confession were only separated from each other by section 6.

Incidentally, the version of Q in *P. Oxon. II* clearly demonstrates that the author did not consider the writing to be a sacred text, which should exactly be copied by skilled scribes, and which may only be explained in a separate comment. The author clarifies the text of Q by changing and elaborating its wording. To him and other authors this set of instructions was an alterable text. It was also a text that could be plundered to extract separate rules from it.

The author of *P. Oxon. II* also gives sections, or rather versions of sections of Q in the canonical part of his penitential, viz., section 13 (on redemptions), section 7 (on the immediate reception of the penitent), section 8 (speedily fasting allowed), section 9 (on the

¹² Van de Pavard (2006) 167.

¹³ Van de Pavard (2006), p. 64 (40, 15).

¹⁴ Kottje (1994)188^{187b-192}.

imposition of the penance), section 10 (warning for relapse) and section 14 (on slaves and female slaves). These sections appear as separate rules among the other canons of the author's canonical part. The canons concerned are: canon 1 (section 13) and canon 7, which includes: section 7, section 8, section 9 and section 10. In canon 63, the author gives section 14.¹⁵

Although in *P. Oxon. II* the confessor's guide *Quotiescumque* is not followed by an *ordo*, we can suppose that this was the case in the source of the penitential, just as Q is followed by an *ordo* in *P. pseudo-Romanum, Codex Sanruciensis 217*, the pontificals of Jumiéges and Noyon and, albeit in a special way, *P. Vallicellianum E 15*. We may surmise that the model of *P. Oxon. II* also gave a *prologus* version of *Quotiescumque*.

10.A.2. P. Sangallense tripartitum and Pontificale Romanum Germanicum, No. 136

Although PRG is not a penitential, I discuss the reception of Q in PRG, No. 136 in the present section 10, on penitentials and MSS of penitentials, because the authors of the *ordines* of PRG, No. 136 and *P. Sangall. tripartitum* used the same source. The confession form of *P. Sangall. tripartitum* is easier to understand in the light of the *ordo* of PRG, No. 136 and I begin with the latter.

Pontificale Romano-Germanicum, No. 136

In addition to a first *ordo* of confession in PRG, No. 99 § 44 - 73, which I discuss below in section 10.B.3, the pontifical gives a second *ordo*, PRG, No. 136.¹⁶ A 'missa post confessionem' is part of this *ordo* (PRG, No. 137). Only giving the first words of the prayers, Schmitz edited the second *ordo* of PRG from two MSS.¹⁷ His first MS is *Codex Monte Cassino 451* (11th cent.). He reproduces f. 189^r - 192^v.¹⁸ Schmitz's second MS is *Codex Barberini XIV 93*, a ritual of the 16th century, of which folio 41 ff give the order of confession.¹⁹

The title above the *ordo* of PRG, No. 136 is, 'Qualiter sacerdotes suscipere debeant poenitentes more solito'. The words 'more solito' contrast the second *ordo* of the *Romano-German Pontifical* to that of PRG, No. 99 § 44 - 73, which is meant for penitents who had to perform public penance. The title is followed by the rubric preceding Prayer Lk 18: 13 (section 4 of Q). The last words of the rubric in PRG are: '(Si autem non habuerit cubiculum prius (sacerdos) in secreto cordis sui dicat hanc orationem' (PRG, No. 136 § 1; cf. section 4 e of Q). The phrase 'secretum cordis' is the equivalent of the Greek expression ὁ καρπὸς τῆς καρδίας (1 Pe 3: 4). In the general confession of the rite of DID, the penitent says, 'I confess to all matters that (are) ἐν τῷ καρπῷ τῆς καρδίας μου'.²⁰ In his fifth sermon, Pseudo-Euse-

¹⁵ Kottje (1994) 191^{280b-290} (section 13), 192³³²⁻³³⁵ (section 7), 192^{342-344a} (section 8), 192^{344b} (section 9), 192³⁴⁶ - 193³⁴⁹ (section 10) and 203^{675b-785a} (section 14).

¹⁶ Vogel (1963 - 1972) II 234 - 245.

¹⁷ Schmitz (1883) 746 - 751. For this and other editions see Vogel, o. c. 234, first footnote.

¹⁸ See Andrieu (1931 - 1961) I 176 - 211. For f. 189^r - 192^v see o. c. 206. Cf. Vogel, o. c. III 9. 33.

¹⁹ For the date and nature of the MS see Schmitz (1883) p. XIV, No. 70.

²⁰ Van de Pavard (2006) 226.

bius of Alexandria speaks of ‘the inner room of the heart’ (τὸ ταμειὸν τῆς καρδίας).²¹ The rubric of PRG, No. 136 § 1 introduces two prayers. The first prayer is an abbreviated version of Prayer Lk 18: 13 and the second one is Prayer Lk 18: 13 itself. The short version of Prayer Lk 18: 13 is:

[20] Short version of Prayer Lk 18: 13 (PRG, No. 136 § 2)

- a) Domine deus omnipotens,
- b) propitius esto michi peccatori (Lk 18:13),
- c) ut me pro peccantibus et peccata sua confitentibus dignum inter te et ipsos mediatorem constituas (cf. section 5 d - e of Q),
- d) quique mortem peccatorum non vis, sed ut convertantur et vivant (cf. colon 5 j of Q),
- e) suscipe orationem servi tui, quam pro famulis famulabusque tuis <<ante conspectum gloriae tuae (cf. Tob 3: 24) poenitere cupientibus effundo (cf. colons 5 k and m of Q),
- f) ut pariter eos et peccatis exuas
- g) et in futuro ab omni crimine illesos custodias. Per.

Since in almost the same words the original version of Prayer Lk 18: 13 includes all what is asked for in the short version, I suspect that the latter is the result of a copyist’s mistake. The scribe omitted section 5 c - d of the original prayer and adapted colon m. This short version of the prayer is also found in *P. Sangall. tripartitum* (see below) and in the *Pontifical of Bishop Egilbert of Freising* (see below section 10.E.5). Among other *ordines*, versions of this prayer appear in those of the *MSS Paris, B. N., ms. lat. 8505, Berlin, Hamilton 290* and *Pontificale Romanae Curiae*, No. 46 § 1.²² The MS *Paris, B. N. 8505* is a manuscript of Halitgar, *Paenitentiale*, Book I - VI. The MS was written in South-east France towards the end of the ninth century.²³ I give its text of the short version of Prayer Lk 18: 13 because of the text of the Parisian MS there are two variants, one in the MS *Berlin, Hamilton 290* and another in the 13th-century *Pontifical of the Roman Curia*. Schmitz (1898) 270²⁶⁻³² gives the text of the short version of Prayer Lk 18: 13 in *Paris, B. N. ms. lat. 8505*.²⁴ The text is:

[21]

- a) Domine deus omnipotens,
- b) qui non vis mortem peccatoris, sed ut convertatur et vivat (cf. Ez 18: 23; 33: 11),
- c) propitius esto mihi peccatori (Lk 18: 13)
- d) et suscipe orationem meam quam fundo pro famulis et famulabus tuis peccata sua confiteri cupientibus ante conspectum clementie tue,
- e) qua et me pariter et hunc a peccatis eruas
- f) et ut peccare de cetero caveamus efficias. per.

²¹ PG 86/1, 345A.

²² For the MS *Berlin, Hamilton 290* see section 11.A and for the *Pontifical of the Roman Curia* section 11.Q. See also my General Index, s. v., ‘Prayer Lk 18: 13, short version of’.

²³ Kottje (1980) 54 - 55.

²⁴ For this fact see Schmitz (1898) 266⁴⁴⁻⁴⁵.

This text differs from text 20 through the fact that the words ‘propitius esto mihi peccatori’ follow upon the references to Ezekiel, section d - e is a different wording of the contents of text 20, e - f, and the explicit of prayer 21 (f) is a different wording of the explicit of prayer 20 (g).

The full version of Prayer Lk 18: 13 in the *Romano-German Pontifical*, No. 136 is § 3. The last words of this prayer are, ‘(suscipe orationem...) pro famulo tuo N., qui ad penitentiam venit’ (cf. colon 5 m of Q). These words are in accordance with the Greek text of BOD, καὶ ὑπὲρ τοῦ δούλου σου ὁ δεῖνα τοῦ εἰς μετάνοιαν ἐλθόντος. The abbreviation ‘(pro famulo tuo) N’ and the expression ὁ δεῖνα presuppose that, as soon as he came to the priest, the penitent introduced himself to his confessor.

Prayer Lk 18: 13 is followed by the rubric, ‘Cum autem (poenitens) accesserit ad te, dic super eum hanc orationem (“Deus, qui confitentium tibi corda purificas ... da (illis) ... indulgentiam ... ut ... tibi ... famulentur”)’ (PRG, No. 136 § 4).²⁵ This rubric on the penitent’s approach is superfluous considering the rubric preceding Prayer Lk 18: 13 of PRG, No. 136 § 1. The rubric of PRG, No. 136 § 4 marks the beginning of a confession *ordo* proper. Therefore the sections of *Quotiescumque* of PRG, No. 136 § 1 -3 are a *prologus* version of Q. The order of confession of the *Romano-German Pontifical*, No. 136 is § 4 - § 38 plus No. 137. This means that Prayer Lk 18: 13 immediately precedes the confession rite in PRG, No. 136.

Paenitentiale Sangallense tripartitum

For this penitential see Vogel (1978) 77; Frantzen 31 - 32. R. Meens gives a detailed description of the MS *St Gall 150* (8th cent.), the only MS including *P. Sangall. tripartitum*. He also discusses the sources of the penitential and its confession rite.²⁶ In addition, he edited the text of the penitential providing it with a Dutch translation.²⁷ For the text of *Quotiescumque* see Meens 326 - 328⁵; cf. Schmitz (1898) 177⁴⁰ - 178³⁷.

The penitential gives section 1 - 4 of Q and the same abbreviated version of Prayer Lk 18: 13 that is given by the *Romano-German Pontifical*, No. 136 § 2 (text 21). The version of Q of the penitential is headed by the text, ‘Qualiter suscipi debeant penitentiam’. The short version of Prayer Lk 18: 13 is introduced by this version of the rubric preceding Prayer Lk 18: 13, ‘Cum ergo venerit aliquis ad sacerdotem confiteri peccata, prius in <<secreto (for “.ta”) cordis sui haec apud se debet orare ‘.²⁸ Therefore the mention of the priest’s inner room is missing from the rubric. Perhaps the author of the penitential intentionally omitted it. The (emended) words ‘in secreto cordis tui’ indicate that the rubric stems from the same source as PRG, No. 136 § 1 does. The short version of Prayer Lk 18: 13 is followed by the same – superfluous – rubric that in PRG, No. 136 § 4 is the borderline between its prologue and the order of confession.

²⁵ For this Gelasian prayer see Jungmann 76, No. 19 and 77, No. 23 and 28.

²⁶ Meens 73 - 104.

²⁷ Meens 326 - 353.

²⁸ Meens 326²⁸⁻²⁹; Schmitz (1898) 178²⁹⁻³⁰.

In *P. Sangall. tripartitum*, the rubric on the penitent's approach introduces two prayers.²⁹ They are followed by the canonical parts of the penitential. It is clear that the two prayers are the first parts of a confession rite. The fact that they are its only parts shows that, like that of *P. Oxon. II*, the compiler of *P. Sangall. tripartitum* attached little importance to the liturgical section of his source. The first of the two prayers is almost identical with that following the rubric on the penitent's approach in PRG, No. 136 (§ 4). The only variant of the prayer in *P. Sangall. tripartitum* is that it gives the reading 'da indulgentiam captivis' for 'da indulgentiam reis' of PRG, No. 136 § 4. The meaning of the noun 'captivus' can be inferred from 2 Tim 2: 26, where the author speaks of those who 'a diaboli laqueis ... captivi tenentur'.

It is clear that the texts on confession of *P. Sangall. tripartitum* and the *Romano-German Pontifical*, No. 136 § 1 - 4 derive from a common source and that in *P. Sangall. tripart.* the short version of Prayer Lk 18: 13 immediately precedes – a part – of a confession *ordo*.

10.A.3. Reception of *Quotiescumque* in *Paenitentiale Merseburgense a*

I mention *P. Merseburgense a* above in section 5.B. Its version of *Quotiescumque* has the siglum B in Schmitz's critical edition of Q.³⁰ This version of Q of *P. Merseburg. a* is more easily readable in WAS 388³¹ - 390⁸, but Schmitz's text is more trustworthy, as I explain above in section 5.B. According to Körntgen, *P. Merseburg. a* was certainly written in North Italy.³¹ Accepting this, Kottje specifies that the sources used in *P. Merseburg. a* point to a Frankish provenience. He proposes this theory: 'Vielleicht handelt es sich um eine ursprüngliche fränkische, d. h. nördlich der Alpen entstandene Kompilation, die im Gefolge der karolingischen Herrschaft in Oberitalien hierher gelangte und hier redigiert worden ist'.³² I take it that *P. Merseburg. a* is a ninth-century copy of a Frankish penitential. Therefore I number it among the non-Italian works.

The first part of *P. Merseburg. a* is a treatise on the eight capital vices, its second part the treatise *Diversitas culparum*.³³ Next the penitential gives section 1 - 5 and section 14 of Q. It is important to know that these sections are preceded by *Diversitas culparum*, otherwise the heading above them is unintelligible. The heading is: '(1) De capitalibus primum criminibus, qui et in legis animadversione plectentur, sciendum est, (2) qualiter suscipi debeant poenitentes'.³⁴ The first part of the heading is the last words of *Diversitas culparum*.³⁵ The compiler of *P. Merseburg. a* introduced its sections of Q, including its title, and the *ordo ad dandam poenitentiam* of the penitential (see below) between the last words of *Diversitas culparum* and canon 1 of its canonical part. The text of his source was, 'De capitalibus ... criminibus ... sciendum est: Si quis clericus homicidium fecerit...'.³⁶ This is shown by *P. S. Columbani*, in

²⁹ Meens 32⁸⁶⁻¹³; Schmitz (1898) 178.

³⁰ Schmitz (1898) 199 - 201²⁵; WAS 388²⁹⁻³⁰.

³¹ Körntgen (1993) 121.

³² Kottje (1994) p. XXVI f.

³³ O. c., p. XLII, f. 67^r - 68^r and 68^v - 69^r; WAS 387 - 388^{18a} and 388^{18b} 28.

³⁴ Schmitz (1883) 701^{23f}; (Schmitz (1898) 358^{26f}; WAS 390.

³⁵ See Kottje (1994) 126, 2nd column; WAS 355¹²⁻¹³.

³⁶ See Kottje (1994) 127; WAS 391.

which *Diversitas culparum* is immediately followed by canon 1.³⁷ Section 14 of Q is followed by a confession rite entitled, ‘Incipit <ordo> ad dandam poenitentiam’.³⁸ Therefore it is only section 14 that separates Prayer Lk 18: 13 (section 5) from the confession rite. Although the word ‘prologus’ is missing from *P. Merseburg. a*, its version of Q is a prologue preceding a confession rite.³⁹

10.A.4. *Paenitentiale pseudo-Romanum in the MSS St Gall 277 and 570*

The MS *St Gall 277* was written between 850 and 875 and the MS *St Gall 570*, in the ninth century.⁴⁰ In contrast to the MSS *clm 3909* and *Paris, B. N., ms. lat. 8508* of *P. pseudo-Romanum*, the codices *St Gall 570* and *277* only give section 1 - 5 of Q, whereas section 6 - 14 is missing. This means that the priest’s preparatory prayer immediately precedes the confession rite.⁴¹ The version of Q of the MSS *St Gall 277 and 570* is a *prologus* version of Q.

10.A.5. *Reception of Quotiescumque in Paenitentiale mixtum pseudo-Bedae/Egberti*

For this penitential see Vogel (1978) 71 f.; Frantzen 38; Meens, 58 f. It was written between 870 and 880.⁴² In his edition of this penitential from *clm 3853* (second half of 10th cent.), Schmitz only points out that it includes *Quotiescumque*.⁴³ In his critical edition of Q, in which he calls the work ‘Poenitentiale Pseudo-Bedae’, Wasserschleben’s name for it, Schmitz indicates it by the siglum D.⁴⁴ He uses the siglum C for *Düsseldorf, Universitätsbibliothek, Hs. B. 113* (between 875 and 900). This codex is one of the 10 MSS that include *P. mixtum pseudo-Bedae/Egberti*.⁴⁵ Therefore it is not surprising that the versions of *Quotiescumque* of C and D only show the usual minor variants. The text of this version of Q is more easily readable in WAS 250³⁵ - 251¹⁵.

As we have seen, the MS *Heiligenkreuz, Stiftsbibliothek, Hs 217* gives the full text of Q (see above section 5.B). The other nine MSS of *P. mixtum pseudo-Bedae/Egberti* give section 1 - 5 of Q and the – short – sections 6 (priest’s weeping) and 7 (immediate reception of penitent).⁴⁶ Section 7 is immediately followed by the ‘Ordo ad dandam poenitentiam’.⁴⁷ The version of Q of *P. mixtum pseudo-Bedae/Egberti* is a *prologus* version of *Quotiescumque*.

³⁷ See Bieler (1963) 98²⁴⁻²⁶ or WAS 355¹²⁻¹⁶.

³⁸ Schmitz (1898) 358³¹; WAS 390.

³⁹ Körntgen discusses two unedited versions of Q (Körntgen [1993]121 - 128). They are found in the MSS *Barcelona, Bibliotheca universitaria 228* (10th cent.) and *Vercelli, Biblioteca capitulare CLXXIX (152)* (12th/13th cent.). The versions of Q in these MSS are the same as that of *P. Merseburg. a*, see Körntgen (1993) 122 f. and I take it that the former are copies of *P. Merseburg. a* as far as Q is concerned.

⁴⁰ For the *ordo* of the penitential see Schmitz (1898) 290⁴³ - 291⁴⁴.

⁴¹ See Schmitz (1898) 292³¹: ‘Das Folgende’, i. e., section 6 - 14 of Q, ‘fehlt in α β’. The sigla α and β stand for the MSS *St Gall 570* and *277*.

⁴² Haggemüller 297, cf. 298.

⁴³ Schmitz (1898) 680⁵⁶. For *clm 3853* see Haggemüller 76 - 77. 249 - 266.

⁴⁴ Schmitz (1898) 199.

⁴⁵ Haggemüller 247. For *Düsseld., Universitätsbibl., B. 113* see o. c. 59 - 60. 253 - 259.

⁴⁶ WAS 252¹¹⁻¹⁵.

⁴⁷ Schmitz (1898) 680⁷; WAS 262¹⁶.

10.B. Works associating confession with Ash Wednesday

10.B.1. Ordinary penitents and a special category of penitents

The pontifical to which its editor A. Martini assigns the name ‘The *So-Called Pontifical of Poitiers*’ (= PontPoi) includes a rubric commanding this:

[22] PontPoi § 72

- a) Si vero causa paenitentis talis fuerit ut ab episcopo vel, ipso iubente, a praesbitero a liminibus ecclesiae arceri debeat,
- b) adducatur in ecclesiam ante episcopum vel praesbiterum indutus cilicio,
- c) atque peractis primum omnibus quae supra taxato paenitentium ordine expressa sunt,
- d) his verbis instruat.

However, if the penitent’s case is such that he should be kept off from the threshold of the church by the bishop or on his command by a presbyter (a), wearing sackcloth, he ought to be led to the church to before the bishop or the presbyter (b) and after all that has been performed what is explained in the above formulated order for (ordinary) penitents (c), he ought to be taught in these words.

This rubric implies that for each group of two categories of penitents there was the same order of confession (c), although the rite for the second group was preceded and followed by a special ritual (b. d). The *So-Called Pontifical of Poitiers* first gives an order of confession for ordinary penitents.⁴⁸ This section is followed by the ritual for a special category of penitents (PontPoi § 73 - 76). The special ritual precedes a section that gives a ‘missa pro paenitentibus et confitentibus sive unus sive plures fuerint’ (o. c. § 77 - 90), which Mass is an optional part of the confession rite for ordinary penitents. As far as confession is concerned, the characteristic feature of the special ritual is that the penitent confesses to the bishop or his delegate (c). The confession rite for a special category of penitents culminates in the expulsion of the penitents from the church.⁴⁹ Therefore, using the term ‘expulsion’ as *pars pro toto*, we can speak of ‘the expulsion ritual’.

10.B.2. Ordines of the *So-Called Pontifical of Poitiers* and related orders of confession

Introduction

In the present section 10.B.2, I consider the confession rites of the following works: the *So-Called Pontifical of Poitiers*, the *Gregorian Sacramentary of Fulda* (= GrF), No. 55, the

⁴⁸ PontPoi § 30, p. 12^{18b} - § 71. The beginning of the *ordo*, for which a title is missing, is found in the middle of § 30 (‘Cum autem accesserit penitens ad sacerdotem ... [the penitent] suppliciter se inclinet ante sacerdotem’). It is unfortunate that A. Martini failed to distinguish more sections than he does and to assign numbers to them. However, such a more detailed division of the pontifical presupposes a thorough analysis of the work.

⁴⁹ PontPoi § 74.

confession form of a *Sacramentary of St Gatian of Tours* (= SacGat I) and the confession rite of a second *Sacramentary of St Gatian of Tours* (= SacGat II).

According to A. Martini, two parts of the *So-Called Pontifical of Poitiers* were written in the ninth century and one, the last part, by the end of the ninth or the beginning of the 10th century.⁵⁰ The editors of the *Gregorian Sacramentary of Fulda*, G. Richter and A. Schönfelder, call their work ‘Sacramentarium Fuldense saeculi X’. GrF includes two orders of confession. The first one is GrF, No. 55, the second one, GrF, No. 437. GrF, No. 55 is comparable with PontPoi § 29 - 90. I believe that the authors of PontPoi and GrF, No. 55 used a common source, and that the author of GrF, No. 55 strongly simplified the rite of his model by omitting large sections from it. I discuss GrF, No. 437 below in section 10.B.3.

The confession rite of SacGat I is given by Martène 774 - 780A (*Ordo III*). Martène writes that he took it from a MS that was produced ‘ante annos 800’. This means that he believes it to have been written in the ninth century according to the current way of dating MSS. Martène reproduces a section of *Paris, B. N., ms. lat. 9430*.⁵¹ The author of SacGat I does not associate his *ordo* with Ash Wednesday. Nevertheless, I discuss it in the current section B, because the rite is comparable with a large part of the *ordines* of PontPoi and GrF, No. 55. SacGat II is Martène 782 - 784 (*Ordo IV*). Martène states that he copied it from two MSS of Tours that were produced ‘ante annos 800’. The title of the *ordo* is: ‘Ordo privatae seu annualis poenitentiae ita prosequendus est’. The *ordo* of the *Gregorian Sacramentary of Fulda*, No 55 has exactly the same title. Therefore it is not surprising that the *ordo* of SacGat II gives the same text as GrF, No. 55 does. We may regard the MSS used by Martène for his *Ordo IV* as codices that include the order of confession for ordinary penitents of which GrF, No. 55 is another representative. You can refer to this *ordo* either by mentioning GrF, No. 55 or Martène’s *Ordo IV*. I prefer the former and only indicate Martène’s page for the section of *Quotiescumque* received in the common *ordo* of GrF, No. 55 and Martène’s *Ordo IV*.

Ash Wednesday is a special day of confession

The second part of the *So-Called Pontifical of Poitiers* is devoted to the rites of Ash Wednesday.⁵² The title of this part is: ‘Incipit ordo qualiter publice vel specialiter agitur modus poenitentiae secundum censuram ecclesiasticam quod quarta feria quingagesimae inchoatur’. Freely rendered, this means: Order explaining how the procedure of public or special penance is performed that is inflicted by an ecclesiastical sentence and that begins on Ash Wednesday. This title does not reflect the contents of the rite that immediately follows it. It is the *ordo* for ordinary penitents that follows the title, PontPoi § 30, p. 12^{18b} - § 71. The title refers to PontPoi § 72 - 76, which gives the expulsion ritual.

The *ordo* for ordinary penitents is preceded by three rules. First, by the prescription that at some time before Ash Wednesday every priest ought to admonish the faithful who are used to

⁵⁰ Martini (1979) p. 50* - 54*.

⁵¹ Leroquais 43. 52; cf. Jungmann 73 and 188, note 6.

⁵² PontPoi § 29 - 90. I speak of Ash Wednesday although this term is younger than most texts discussed in this study, see Blaise (1998) s. v. ‘cinis’.

confess, to assemble on Ash Wednesday in order to renew their confession.⁵³ Second, by the rule that, having taken their confession according to the procedure ('ratio') described by the pontifical, the priest should impose a suitable penance on each single penitent. This penance is meant for the time between Ash Wednesday and Maundy Thursday. The third rule orders that the priest should urge the penitents to be mindful that they ought to return on Maundy Thursday in order to be reconciled.⁵⁴

The title of No. 55 of the *Gregorian Sacramentary of Fulda*, is preceded by a section with the heading 'Dominica in Quinquagesima' (GrF, No. 54). GrF, No. 56 gives the 'ordo agentis publicam paenitentiam'. Next, in No. 57, entitled 'Feria IIII', the prayers for Ash Wednesday are found. However, it is clear that the first confession rite for ordinary penitents of the *Sacramentary of Fulda* (GrF, No. 55) is placed between the rites of Quinquagesima and the prayers for Ash Wednesday because people were expected to confess on Ash Wednesday. The title of GrF, No. 55 is, 'Ordo privatae seu annualis poenitentiae ita prosequendus est'. This title seems to be a correction of the title that in the *So-Called Pontifical of Poitiers* is heading the rites of Ash Wednesday. The title of GrF, No. 55 is followed by the same three rules that are given by PontPoit § 29, p. 12^{18-33a}.

The *ordo* of SacGat I is very similar to those of the *So-Called Pontifical of Poitiers* § 29, p. 1233b - 71 and the *Gregorian Sacramentary of Fulda*, No. 55. The title of the *ordo* of SacGat I is the simple one, 'Incipit ordo qualiter confiteri debet homo reatum suum'. This title is not followed by the three rules that in PontPoit and GrF, No. 55 precede their rites of confession, but by the preliminary questions about the penitent's faith and willingness to forgive others. Therefore the *ordo* of SacGat I is not in any way linked to Ash Wednesday. The fact that it nevertheless is very similar to the parts of the *ordines* of PontPoit and GrF, No. 55 that go from the preliminary questions to the final prayers of these *ordines* shows that the latter also could be followed whenever a believer wanted to confess.⁵⁵

The rubric preceding Prayer Lk 18: 13 of *Quotiescumque* implies that confession takes place at the priest's home. The rubric commands that a confession should be heard as soon as a penitent presents himself to a priest in order to confess (section 4 of Q). It was the Greek Euchetes who wrote this rubric between 730 and 800. There is not any preserved text created by a Latin author before the ninth century telling us where and when a healthy penitent confessed sins that were not so serious that they should be declared to the bishop. A Christian who was living close to a monastery could go to an ordained monk. If such a monk was not at hand, he or she could not but turn to the parish priest. It goes without saying that it is not the home of even a celibate priest that is the best place for hearing confessions, but the church. Ecclesiastical authorities must have been aware of this. The common source of the *So-Called Pontifical of Poitiers* and the *Gregorian Sacramentary of Fulda*, No. 55 shows that in a certain region at a certain moment it was considered as convenient that penitents came to their church at a fixed hour of a fixed day, and that this day was Ash Wednesday. It is

⁵³ I believe that the rule refers to faithful of a certain age and that these faithful should renew the confession that they made on the Ash Wednesday of the previous year. ⁵⁴ PontPoit § 30, p. 12^{18-33a}.

⁵⁵ The preliminary questions are in PontPoit § 31, p. 12²⁴ - § 32, in GrF, No. 55, p. 42¹⁷⁻²⁶.

uncertain when this practice was abandoned, because compilers might have copied rules that no longer applied. We may assume that the custom of confessing on Ash Wednesday did not mean that a penitent could not confess on some other day of the calendar. It is true that a priest who hears a confession on some other day than Ash Wednesday cannot impose a Lenten penance. However, he could use the part of the rite given by PontPoit § 30, p. 1218b - § 71 or the parallel text of the *Gregorian Sacramentary of Fulda*, and impose a different kind of penance.⁵⁶ It is natural to suppose that Ash Wednesday was chosen as day *par excellence* for confession because of the day's penitential character.

It could be argued that Ash Wednesday was chosen not because of its penitential character, but for the following reason. The authors of *So-Called Pontifical of Poitiers* and the *Gregorian Sacramentary of Fulda*, No. 55 order priests to impose a penance that their confessants should perform during Lent, with the exception of the penitents who cannot be convinced to accept such a penance because of a voyage or some other business or on account of obtuseness; they should immediately be reconciled. Confessors of penitents who can perform their penance during Lent should tell them not to fail to return on Maundy Thursday in order to be reconciled.⁵⁷ Therefore it could be affirmed that Ash Wednesday was chosen as day of the yearly confession because this day enables priests to impose a Lenten penance. I believe that the following theory is more likely. The author of the common source of PontPoit and GrF, No. 55 used the fact that Ash Wednesday was the day of the yearly confession to prescribe a Lenten penance. He was inspired by the rites of the expulsion ritual. The penitents who underwent this ritual were driven out from the cathedral on Ash Wednesday and returned on a or the following Maundy Thursday so that the bishop could reconcile them.⁵⁸ The author of the common source of PontPoit and GrF, No. 55 wished this practice for public penitents to be imitated by parish priests for their ordinary penitents, although the latter were certainly supposed to return on the Maundy Thursday immediately following the Ash Wednesday on which they received their penance.

Whatever theory is preferred, PontPoit § 30, p. 12^{18b} - § 71 and GrF, No 55 give confession rites that could also be followed on an ordinary day of the calendar.

The phrase 'private or annual penance' in the title of GrF, No. 55

As we have seen, the title of the *Gregorian Sacramentary of Fulda*, No. 55 is: 'Ordo privatae seu annualis poenitentiae ita prosequendus est'. No. 56 is, 'Incipit ordo agentis publicam paenitentiam'. The adverb 'seu' in the first title means 'in other words', and does not indicate the possibility of an alternative use of the *ordo*. The annual confession should

⁵⁶ For the parallel text of GrF, No 55 see GrF, p. 42¹² - p. 46¹³. The imposition of the penance is mentioned in PontPoit in § 37, p. 16^{21b} - 17^{1a}: 'Et indicat ei sacerdos abstinentiam sive observantiam, perpendens suptiliter personae qualitatem, modum culpae, intentionem animi et corporis valitudinem vel inbellicitatem'. The literal parallel text of GrF, No. 55 is GrF, p. 43^{9a-14}.

⁵⁷ PontPoit § 29; GrF, No. 55, p. 42^{4-9a}.

⁵⁸ Perhaps this hypothesis deserves consideration. Originally, penitents guilty of serious crimes were only excluded from the church – and confined in a place of detention – for the period of one Lent. However, at a certain moment the influence of Oriental penitential canons caused that penitential excommunications of many years were also prescribed in the West, which conflicted with the original Western disciplinarian and liturgical practice.

take place on Ash Wednesday. Therefore the adjective ‘private’ of the expression ‘private penance’ is strange. When a certain number of faithful confessed on Ash Wednesday, their going to confession cannot have been private, but must have been visible to other confessants. The adjective ‘private’ can be explained as follows. The title of GrF, No 55 opposes the *ordo* to be followed for an ordinary penitent to the expulsion ritual, which is entitled ‘Order of the penitent who performs public penance’ (GrF, No. 56). Being public is an essential feature of the expulsion ritual, the visibility of an ordinary penitent’s confession is accidental.

The author of a *capitulum* attributed to Theodulf of Orleans (ca. 750 - 820) uses the phrase ‘publice ad confessionem venire’ to indicate the coming to the cathedral of a penitent who is about to undergo the expulsion ritual on Ash Wednesday. The phrase is contrasted to the expression ‘occulte ad confessionem venire’, which refers to an ordinary penitent’s confession on a random day of the year.⁵⁹ The expression ‘private penance’ of the title of GrF, No. 55 means the same kind of confession as the phrase ‘secretly coming to confession’ of the *capitulum* does, and the ‘private penance’ of GrF, No. 55 is contrasted to the ‘public penance’ of GrF, No. 56, which the author of the *capitulum* calls ‘publicly coming to confession’. However, strictly speaking, the term ‘private penance’ for the confession of an ordinary penitent on Ash Wednesday is hardly appropriate. I should note that the author of the *capitulum* does not speak of ‘ad publicam confessionem venire’ and there is not any reason to suppose that the contents of a confession preceding a penitent’s expulsion was public. The title of GrF, No. 55 mentions ‘the private, in other words, the yearly penance’ because a sinner could undergo the expulsion ritual only once in his lifetime.⁶⁰

Reception of Q in PontPoit, SacGat I, and the common ordo of GrF, No. 55 and SacGat II

The *ordines* of the *So-Called Pontifical of Poitiers* and SacGat I and the common *ordo* of *Gregorian Sacramentary of Fulda* (No. 55) and SacGat II only adopted section 5 of Q, Prayer Lk 18: 13. They even do not give the whole prayer, but a part of it, section 5 a - g, which is the anamnetic or commemorative part of the prayer. This part of Prayer Lk 18: 13 appears towards the end of the rites of the mentioned works, as the first one of a series of prayers of forgiveness.⁶¹ In *Quotiescumque* Prayer Lk 18: 13 is a preparatory prayer. It is clear that this does not apply to the part of Prayer Lk 18: 13 received in PontPoit and related documents.

10.B.3 Pseudo-Alcuin, *Liber de divinis officiis* 13, PRG, No. 99 § 44 - 45 and GrF, No. 437

Introduction

For pseudo-Alcuin, *Liber de divinis officiis* (= DivOff) see Jullien 133 -134. Pseudo-Alcuin’s work was compiled by the end of the ninth or the beginning of the 10th century. Ch.

⁵⁹ Brommer, *Capitularium* II 7, *capitulum* 8 (p. 166). For the question of the authenticity of the *capitulum* see o. c. 142. For the *capitulum* see also Jungmann 269.

⁶⁰ See, for instance, Meßner 117 and ODCC, s. v. ‘Penance’.

⁶¹ PontPoit § 49 - 55; Martène 779D (the *ordo* of SacGat I) and GrF, No. 55 § 347 - 353 or Martène 783AD (the *ordo* of SacGat II).

13 is devoted to an order of confession, which follows the same scheme as the *Romano-German Pontifical*, No 99 § 44 - 45 and the *Gregorian Sacramentary of Fulda*, No 437 do.⁶²

As we have seen, the *Romano-German Pontifical* includes two confession rites, the second one of which, PRG, No. 136, we have considered above in section 10.A.2. The first *ordo* is PRG, No. 99 § 44, p. 14^{23b} - § 70.⁶³ In this part of the pontifical, an order of confession is part of the rites of Ash Wednesday. *Ordo Romanus 50* also gives this rite and it too gives it within the framework of the rites of Ash Wednesday. In his edition of the *Romano-German Pontifical*, C. Vogel indicates the variants of OR 50.⁶⁴ Andrieu (1931 – 1961) V 108 – 124 gives the rites of Ash Wednesday of OR 50. The text of OR 50 is also found in Schmitz (1883) 85 - 95, where Schmitz gives the text of *Codex Vallicellanus D 5* (11th cent.).⁶⁵ For a description of this MS see Andrieu, o.c., I 177 - 204.

The *Gregorian Sacramentary of Fulda* does not give its second confession rite within the framework of the liturgical year, but in the second part of the sacramentary, which no longer gives the rites for the days of the calendar. In this part, in addition to the order of confession, the sacramentary provides the reader with many other *ordines*, which can be celebrated at any time of the year (see GrF, No. 301 - 530). The confession rite of GrF, No. 437 is found between the ‘oratio in introitu visitationis infirmorum’ (No. 436) and the ‘ordo ad visitandum et unguendum infirmum’ (No. 438). However, the title of the confession rite of GrF 437 is, ‘Incipit ordo ad dandam penitentiam more solito feria IIII infra quinquagesimam’. It is obvious that the confession rite of the *Gregorian Sacramentary of Fulda*, No. 437 is meant for ordinary penitents and could be performed at any day of the year. Therefore the words ‘more solito’, which indicate that the rite is intended for ordinary penitents, are superfluous. The phrase ‘feria IIII infra quingagesimam’ shows that the *ordo* is taken from a source in which it was given within the framework of the rites of Ash Wednesday. Since the *Gregorian Sacramentary of Fulda* describes it in its second part, of which the liturgical year is no longer the guiding principle, the words ‘(order for imposing a penance in the usual way) feria IIII infra quinquagesimam’ no longer apply and are misleading.

Incidentally, as we have seen above in section 10.A.2, the second confession *ordo* of the *Romano-German Pontifical* (PRG, No. 136) is also found in a part of the pontifical that no longer follows the days of the calendar. The title of this rite likewise gives the words, ‘(How priests should receive penitents) more solito’. However, although its context is comparable with that of GrF, No. 437 and the titles of both *ordines* give the phrase ‘more solito’, the *ordo* of PRG, No. 136 and that of GrF, No. 437 considerably differ from each other.

⁶² See PL 101, 1192 - 1199C¹⁴.

⁶³ C. Vogel gives the beginning of the *ordo* proper at the end of § 44. The first rubric is PRG, No. 99 § 44, p. 14^{23b-26}: ‘Denique cum sacerdos susceperit penitentem ..., (the penitent) suppliciter inclinet se ante sacerdotem ...’ (cf. PontPoi § 30, p. 12^{18b-30}). ‘(Tunc sacerdos dicit hanc orationem, i. e., Prayer Lk 18: 13)’. Unfortunately, Vogel failed to assign a special number to this rubric.

⁶⁴ See Vogel (1963 – 1972) II, p. 2. Andrieu discusses the relation between OR 50 and PRG in Andrieu (1931 – 1961) V 72 - 79. See also Vogel, o. c., III, p. 11 - 14.

⁶⁵ Cf. Vogel, o.c., II, p. 14, note 2.

The confession ordo of Pontificale Romano-Germanicum, No. 99 § 44 - 70

We have seen that the *So-Called Pontifical of Poitiers* § 30, p. 12^{33b} - § 71 gives a confession rite for ordinary penitents. However, in *PontPoi* § 72 it is stated that the same *ordo* should be followed for a penitent whose case is such that he should be kept off from the threshold of the church by the bishop or his delegate (text 22). The *ordo* of the *Romano-German Pontifical* is a confession rite for a penitent who should be expelled from the church. This *ordo* is PRG, No. 99, § 44, p. 14^{23b} - § 73. That this *ordo* is meant for a penitent who should be expelled from the church is shown by the rubric in PRG, No. 99 § 71, 'hic mittendus est cinis super caput penitentis' and the rest of the expulsion ritual, PRG, No. 99 § 71 - 73.

From the *Romano-German Pontifical* a rubric is missing that is analogous to the above mentioned rubric of the *So-Called Pontifical of Poitiers* (text 22). If the *Romano-German Pontifical* had included such a rubric, it should have told the reader that the part of the rite preceding the expulsion ritual should also be used for an ordinary penitent.⁶⁶ However, that this is the case is shown by the *ordo* of the *Gregorian Sacramentary of Fulda*, No. 437. The part of the *Romano-German Pontifical* concerned is PRG, No. 99 § 44, p. 14^{23b} - § 70. The *ordo* of GrF, No. 437 follows the same scheme as PRG, No. 99 § 44, p. 14^{23b} - § 70 does. However, as we have seen, the *ordo* of the *Gregorian Sacramentary of Fulda*, No. 437, is clearly intended for ordinary penitents and for all days of the calendar.⁶⁷ This proves that it is also true for the *ordo* given by PRG, No. 99 § 44, p. 14^{23b} - § 70 that it could be followed for an ordinary penitent and at any time of the year.

In contrast to what applies to works that are called 'pontificalia', for pseudo-Alcuin's *De divinis officiis* there is not any reason to suppose that it is especially meant for bishops. The expulsion ritual is missing from it. We may assume that its confession rite is meant for ordinary penitents. However, pseudo-Alcuin's *ordo* includes a statement that contradicts this assumption. The text says that the canons leave it to the bishop's judgment ('arbitrium antistitis') to determine the penance for each single sin.⁶⁸ This presupposes that the penitent confesses to the bishop. I believe that we may explain the presence of this statement in pseudo-Alcuin's *ordo* by the theory that the compiler of the *Divine Services* took his confession rite from a source in which it was in the first place prescribed for a special category of penitents and that he failed to adapt the statement.

Reception of Q in pseudo-Alcuin, DivOff 13, PRG, No. 99 § 44 - 70 and GrF, No 437

The *Romano-German Pontifical*, No. 99 first states that on Ash Wednesday people assemble, the deacon says 'Flectamus genua' and the '<oratio> super populum' is said as

⁶⁶ I believe that in both cases the prescribed rite could only be followed in theory. It is scarcely thinkable that such long *ordines* as those of *PontPoi*, pseudo-Alcuin, *DivOff 13* and PRG, No. 99 were ever performed in practice. A structural analysis of these *ordines*, which have many sections in common, proves that they are made up of various layers, which might have been introduced at different times into an originally shorter text. It is possible that some of these sections were only inserted in order to ensure their preservation.

⁶⁷ For pseudo-Alcuin see PL 101, 1192B - 1199C^{14a}.

⁶⁸ PL 101, 1199A¹⁰⁻¹³. As reason for this statement is given: 'quia apud deum non tantum valet mensura temporis quam doloris, nec abstinentia ciborum quam mortificatio vitiorum'.

well. Next the pontifical gives the rules that ‘in the first place, citing sacred testimonies of the Scriptures, the priest should beforehand admonish all Christians that on the first day of Lent they should rather hastily approach for a true confession and a true penance’.⁶⁹ Thereupon, the priest should admonish them that they should return on Maundy Thursday for their reconciliation.⁷⁰ Pseudo-Alcuin begins with these rules giving his own version of them. In pseudo-Alcuin, the rules are followed by the instruction that priests should carefully study the eight capital vices and the vices deriving from them so that they can teach the faithful about these vices. A long treatise on them is attached to this instruction.⁷¹ This part is missing from the *ordo* of PRG, No. 99, but the compiler of the pontifical refers to it in PRG, No. 99 § 46. Therefore it must have been part of his model.

Reception of section 1 -2 of Quotiescumque

In pseudo-Alcuin, the treatise on the vices is followed by a version of section 1 - 2 of Q (priest’s fast and sympathy with penitent, the rules on the immediate imposition of the penance, and the priests’ and deacon’s competence). Pseudo-Alcuin introduces section 1 of Q writing, ‘De caetero sciant sacerdotes Christi quia (quotiescumque ad paenitentiam christiani accedunt)’.⁷² The *Romano-German Pontifical*, No. 99 only gives the rule on the priests’ and deacon’s competence (section 2 g - i of Q). Next, pseudo-Alcuin and PRG, No. 99 describe the penitent’s reception by the priest or the penitent’s approach.⁷³

Prayer Lk: 18: 13 (section 5 of Q)

In the continuation of their description of the *ordo*, pseudo-Alcuin and the *Romano-German Pontifical*, No. 99 prescribe the saying of Prayer Lk 18: 13, of which pseudo-Alcuin only gives the incipit. Prayer Lk 18: 13 is the first and only section of Q in GrF, No. 437. The rubric introducing Prayer Lk 18: 13 is in pseudo-Alcuin and PRG, No. 99 § 45: ‘Tunc sacerdos dicit (‘dicat’ PRG) hanc orationem’, in the *Gregorian Sacramentary of Fulda*, No. 437: ‘Primitus dicit sacerdos hanc orationem’. The explicit of Prayer Lk 18: 13 of PRG, No. 99 § 45 is special, viz., ‘qui ad penitentiam <<et misericordiam tuam (ad PRG) <<confugerunt (‘venerunt’ Q)’ (cf. section 5 m of Q).

Section 14 of Q: rule on slaves and female slaves

Pseudo-Alcuin and the *Romano-German Pontifical*, No. 99 also adopted section 14 of *Quotiescumque*. In PRG, No. 99 it is § 55. It appears after its author has mentioned the imposition of the penance and the penitent’s request for the priest’s prayer that God may give the penitent the strength to observe the imposed penance (§ 54).⁷⁴ Having given the parallel

⁶⁹ ‘Inprimis (for “inprimis”) premonere debet sacerdos omnes christianos ex sacris scripturarum testimoniis, quatenus in capite ieiunii ad veram confessionem veramque penitentiam festinantius accedant’. It is obvious that the prescribed premonition, which should be addressed to ‘all Christians’, envisages sinners who on Ash Wednesday will be ordinary penitents.

⁷⁰ PRG, No. 99 § 44, p. 14^{10-19a}. Cf. PontPoi 29 and GrF, No. 55, p. 42^{4-9a}.

⁷¹ PL 101, 1192B - 1196D³ (the rules), o. c. 1192D⁴ - 1196B⁵ (the treatise).

⁷² PL 101, 1196B⁶ - D¹.

⁷³ Pseudo-Alcuin, DivOff 13, PL 101, 1196D^{3-6a}, PRG, No. 99 § 44, p. 14^{23b-26a}. Cf. PontPoi § 30, p. 12^{18b-21}; GrF, No. 55, p. 42¹³⁻¹⁶.

⁷⁴ Cf. PontPoi § 37, p. 16^{13b-17b}; GrF, No. 55, p. 43^{6b-14}.

texts of these parts of PRG, pseudo-Alcuin explains that the penitent should be confident that his sins can be effaced ('aboleri posse') by the performance of the penance and by almsgiving. The author further states that the canons do not exactly indicate the period of penance for each single sin but, as we have seen, rather leave it to the bishop's judgment. Then pseudo-Alcuin quotes section 14 of Q.⁷⁵ Since section 14 of Q orders that the priest should impose half the penance of rich penitents on slaves and female slaves, it is natural that pseudo-Alcuin and PRG, No. 99 quote this rule in the context of their rubrics on the imposition of the penance.

10.B.4. The handbooks of canon law by Regino of Prüm and Burchard of Worms

In the handbooks of canon law by Regino of Prüm and Burchard of Worms, the rites of Ash Wednesday, sections of *Quotiescumque*, and a confession rite are separate *capitula* among other chapters on penitential practices.

Regino of Prüm († 915), Visitation Manual (Libri duo de synodalibus causis)

For Regino's handbook see Hartmann. For his almost complete edition of Regino's work, Hartmann used F. W. H. Wasserschleben's edition (Leipzig 1840) but also an important MS unknown to the latter. Hartmann specifies Regino's sources. His edition includes all Regino's sections of *Quotiescumque*. Stephanus Baluzius (or Étienne Baluze) († 1718) also published the two books of Regino's manual (PL 132, 186 - 370) but this edition is only based on one MS. Baluze's division of Regino's work in chapters is different from Hartmann's.

A section of Regino's Visitation Manual quoted by Jean Morin

Jean Morin 40 (1st column) - 42B (2nd column) gives a confession rite which he took from an unspecified MS of Regino's handbook. According to Morin, the MS was written ca. AD 950, about 40 years after Regino's death. Morin calls the section of the MS that is devoted to the confession rite, 'Excerpta a Reginone ante annos 750, ex Poenitentiale Romano & Poenentialibus Theodori Archiepiscopi Cantuariensis, & Bedae'. In Morin's text various sections of *Quotiescumque* are found, among which its title, section 1 a - c (priests' fast and sympathy with penitent) and section 2 a - f (immediate imposition of the penance). However, it is clear that the text of Morin's *Excerpta* is almost the same as that of a part of É. Baluze's edition of Regino's work, viz., ch. 293 - 300 in Baluze's edition, i. e., PL 132, 240B ('Qualiter suscipere debent') - 252D8 ('debent pendere iudicis'). It is only the first part of ch. 295 in Baluze's edition that is missing from Morin's *Excerpta*, that is, from the words 'Exsurge qui dormis' to the phrase 'ut merearis habere vitam aeternam per eum qui vivit, etc.'⁷⁶ I dismiss Morin's *Excerpta* and Baluze's edition of Regino's handbook, and only consider Hartmann's edition, from which the title of *Quotiescumque* and the sections 1 a - c and 2 a - f are missing.

⁷⁵ PL 101, 1198C^{15b} - 1199B^{4a}.

⁷⁶ PL 132, 264D - 247A. For the formula *Exurge* see Jungmann 96; for the prayer of forgiveness that follows it see o. c. 217 (without the term of address 'Frater' that appears in Regino's text).

Regino's chapters on Ash Wednesday

In Book I, ch. 296, Regino speaks about Ash Wednesday. Presbyters ought to admonish 'the people subject to them' that they should confess and receive a penance on that day.⁷⁷ Regino further states that the obligation to confess on Ash Wednesday applies to two kinds of Christians: (1) those who feel wounded by a mortal sin and (2) to any Christian who committed some offence. The second kind of penitents should go to their 'own priest' and observe the received penance as if pronounced by the mouth itself of the almighty God.⁷⁸

Regino's sections of Quotiescumque

Finally, Regino gives sections of *Quotiescumque*. In ch. 299 he rules, 'Ut nullus alius praesumat poenitentiam dare vel confessionem audire nisi episcopus aut presbyter'. This rule reminds us of section 2 g of Q. In fact, in ch. 300 Regino quotes section 2 h - i of Q (priests' and deacon's competence). In ch. 302, which immediately follows upon ch. 300, he reproduces the rubric preceding Prayer Lk 18: 13 (section 4 of Q). In ch. 303, he gives Prayer Lk 18: 13 itself (section 5 of Q).⁷⁹ Regino's text of Prayer Lk 18: 13 is:

[23] Regino's text of Prayer Lk 18, PL 132, 247C - D³

- a) Domine deus omnipotens, propitius esto mihi peccatori,
- b) section b - k (line l ['pro peccatis meis'] is missing from Regino's version),
- c) pro famulis et famulabus tuis, qui ad poenitentiam venerunt (colon m)
- d) ut des illis spiritum compunctionis, ut resipiscant a diaboli laqueis, a quo adstricti tenentur, et ad te per condignam satisfactionem revertantur per eundem dominum.

In the same ch. 303, Prayer Lk 18: 13 is followed by section 6 of Q (priest's weeping) which precedes an order of confession. The *ordo* is set apart from the quoted sections of Q by the title, 'Ordo ad dandam poenitentiam'. Therefore Regino's sections of Q are a *prologus* version of *Quotiescumque*. Regino describes his confession rite shortly after he has given his chapters on Ash Wednesday. However, this is the only link of his *ordo* with Ash Wednesday. The *ordo* could also be used at any time of the year, although in the case of only one penitent the priest may be supposed to have replaced the plural 'thy menservants and maidservants' by the singular (see text 23 c).

Burchard of Worms, Decretum, Book 19

There are two early editions of the so-called *Decretum* by Burchard († 1025). B. Quistenburch edited the first edition at Cologne in 1548. G. Fransen and TH. Kölzer edited an

⁷⁷ The parallels of this admonition are PontPoi § 30, p. 12^{18b-21}; GrF, No. 55, p. 42¹³⁻¹⁶; pseudo-Alcuin, DivOff 13, PL 101, 1192B¹² - D³ and PRG, No. 99 § 44, p. 12^{12b-19a}.

⁷⁸ The way in which the second type of penitents should accept their penance is similar to that prescribed by these texts: PointPoi § 37, p. 16^{1b-c}; GrF, No. 55, p. 43^{9a-14}; pseudo-Alcuin, DivOff 13, PL 101, 1198D^{4b-10} and of PRG, No. § 54, p. 18^{9b-13}.

⁷⁹ In Baluze's ed., his ch. 296 (= section 2 h - i of Q) is followed by section 3 (pastors' humbleness and sense of guilt), which is ch. 297 in Baluze's ed. Section 4 of Q is Baluze's ch. 298, see PL 132, 247AB.

‘ergänzter Neudruck’ of this work. The second early edition is the reprint at Paris in 1540 of Questenburgh’s edition. J. P. Migne gives the Parisian edition in PL.⁸⁰ I follow the text of PL. For a recent monograph on Burchard’s *Decretum* see Austin.

It is Book 19 of Burchard’s *Decretum*, the *liber* that ‘Corrector vocatur et Medicus’ that interests us.⁸¹ Editing this material from *Codex Vallicellanus F 8* (14th cent.), Wasserschleben gives a table of contents and a part of the penitential canons of Book 19.⁸² According to Wasserschleben, the other canons are a compilation by a different author. H. J. Schmitz discusses *Codex Vallicellanus. F. 8* in a chapter on 16 MSS of Book 19 of Burchard’s *Decretum*.⁸³

Burchard’s first chapter of Book 19 states that in the week before the beginning of Lent parish priests (‘presbyteri plebium’) should convene the people (‘populum’) and with canonical authority should reconcile enemies and settle all disputes. Next, the priests should give a penance to the *confitentes* so that all *confessi* who received a penance freely can say, ‘forgive us our debts, as we also forgive our debtors’ (cf. Mt 6: 12).⁸⁴ The source of this chapter is probably Theodulf of Orleans, *Capitularium I*, c. 36.⁸⁵

The title of Burchard’s ch. 2 is: ‘Qualiter sacerdotes plebem sibi commissam tempore poenitudinis admonere et instruere debeant’. The phrase ‘time of penance’ refers to Lent. The title heads Burchard’s quotation of Regino, *Visitation Manual*, ch. 295 and section 3 - 4 of Q. Regino, *Visitation Manual*, ch. 295 gives the rule that presbyters should admonish their parishioners to confess on Ash Wednesday, section 3 of Q is about the pastors’ humbleness and sense of guilt, and section 4 is the rubric preceding Prayer Lk 18: 13.

In ch. 3, Burchard quotes Regino’s version of Prayer Lk 18: 13 (section 5 of Q, see text 23) but Burchard omits section 6 (priests’ weeping). Since in Burchard Prayer Lk 18: 13 is immediately followed by an order for giving penitents a penance (‘ordo ad paenitentiam eis dandam’ (ch. 4), the priest’s preparatory prayer directly precedes the rite of confession. Therefore Burchard probably omitted section 6 of Q intentionally.

In ch. 4 - 7, Burchard describes a confession rite, which is similar to Regino’s *ordo*.⁸⁶ In both *ordines*, the penitent confesses through the priest’s interrogation, and Regino and Burchard devote a large part of their confession forms to listing the sins that a confessant might have committed. In Burchard, this part is even more elaborate than it is in Regino.⁸⁷ Just as is true for Regino’s *Visitation Manual*, it also applies to Burchard, *Decretum*, Book 19 that the only relationship of its *ordo* with Ash Wednesday is that Burchard describes this rite shortly after he has given the rules on what priests should do on the first day of Lent.

⁸⁰ PL 140, 951 - 1014. For Burchard see ODCC, s. v. ‘Burchard of Worms’. The dictionary does not mention the modern repr. of the *editio princeps*, but ODCC does give the bibliography on the *Decretum*.

⁸¹ For the quoted words see PL 140, 949.

⁸² WAS 624 - 676; PL 140, 951 - 987.

⁸³ Schmitz (1898) 393 - 402, see 399 - 400 (No. 11). Hoffmann (1991) does not discuss the MS *Vallie. F. 8*. An article specially devoted to Book 19 is L. Körntgen (2000).

⁸⁴ PL 140, 949AB.

⁸⁵ Brommer, *Capitularium I* 133⁹⁻¹². In note 127, the editor gives the bibliography ‘zur Buße vor Fastenbeginn’ and the parallels of Theodulf’s text.

⁸⁶ Burchard’s *ordo* is PL 140, 950 - 978.

⁸⁷ Compare Burchard’s ch. 5 (PL 140, 951C - 976D) with Regino’s ch. 304.

After having given many other penitential canons (ch. 8 - 31) in ch. 32, Burchard quotes section 7 of Q (immediate reception of penitent). Burchard's version of section 7 is, '(Unumquemque hominem ...) statim remissius age adversus eum'. Next, Burchard quotes section 8 (speedily fasting allowed) and section 9 (imposition of the penance). Burchard's or a copyist's reading of section 9 is, 'et sic amandum his qui poenitentiam agunt', which is a corruption of, 'Et sic da mandatum his qui poenitentiam agunt'.⁸⁸ Thereupon Burchard gives section 10 of Q (warning for relapse), section 11 (reward for voluntary fasting) and section 12 (eating and drinking on the Saturday and Lord's Day). Burchard's version of section 12 a is, '... sabbato et dominica die manducet et bibat quidquid ei *aptum* fuerit'.⁸⁹ In ch. 33, Burchard quotes section 1 of Q (priests' fast and sympathy with penitent) and section 2 a - f (immediate imposition of the penance).⁹⁰

The above mentioned sections of *Quotiescumque* are followed by 129 other penitential canons (ch. 34 - 153).⁹¹ Then, in ch. 154 - 155, Burchard quotes section 2 g - i of Q (priests' and deacon's competence). Burchard's version of section 2 i is: 'Si autem necessitas evenerit, et presbyter non fuerit praesens, diaconus suscipiat poenitentem ad sanctam communionem'.⁹² As regards the deacon's competence Burchard also states: 'Non licet diaconus alicui dare poenitentiam, sed episcopus aut presbyter dare debet' (ch. 128).⁹³

10.B.5. Codex latinus Monacensis 6425 or Pontifical of Bishop Egilbert of Freising

Clm 6425 (Codex Frisingensis 225) was written between 1023 and 1039.⁹⁴ For its text on penitential practices see M. Andrieu (1931 - 1961) V 367 - 381 ('Appendice I à l'ordo L'). For a summary of and comment on this text see Mattes. Mattes writes that the order of confession of the *Pontifical of Bishop Egilbert* († 1039) is the oldest preserved *ordo* of the diocese of Freising. I call the various sections of *clm 6425* 'chapters'.

The setting in which the compiler of the *Pontifical of Bishop Egilbert* gives his confession form is the same as those of Regino of Prüm and Burchard of Worms. The confession rite is one of the rules on penitential practices just as, for instance, the expulsion of certain penitents on Ash Wednesday is (see below). However, adopting only section 5 of Q (Prayer Lk 18: 13), the author of the *Pontifical of Bishop Egilbert* integrated it in the order of confession, in contrast to what Regino and Burchard do with their sections of Q. Before describing the confession rite, the compiler of the *Pontifical of Bishop Egilbert* gives the following chapters on penitential practices:

(1) Imposition of the Ashes.⁹⁵

⁸⁸ The words 'et sic amandum ...' are also found in the editio princeps of Cologne 1548. Therefore we are not dealing with a typing error of a typographer of the Parisian ed. or of Migne.

⁸⁹ PL 140, 986.

⁹⁰ PL 140, 886 - 887.

⁹¹ PL 140, 987 - 1014

⁹² PL 140, 1013.

⁹³ PL 140, 1007.

⁹⁴ See M. Andrieu (1931 - 1961) I 220 - 232.

⁹⁵ That is OR 50, No. 19 § 1, Andrieu (1931 - 1961) V 127, cf. Andrieu, o. c. 367.

- (2) The rule: ‘Ut in capite quadragesimae omnes publice penitentes in civitate veniant et ante fores aecclesiae nudis pedibus et cilicio induti episcopo suo se representent’.⁹⁶
- 3) Ascribing it to the Council of Agde of AD 506, canon 9, the author of the *Pontifical of Bishop Egilbert* quotes a canon that in terms of contents is comparable with canon 15 of that council, but in terms of wording strongly differs from it.⁹⁷
- (4) The expulsion ritual (*Pontifical of Bishop Egilbert*, ch. I § 3 - 7, Andrieu, o. c., p. 367 - 368).
- (5) Regino, *Visitation Manual*, ch. 292 or Burchard, *Decretum*, Book 19, ch. 2 (*Pontifical of Bishop Egilbert*, ch. II).⁹⁸
- (6) Pseudo-Beda, *De remissione peccatorum, Praefatio* (*Pontifical of Bishop Egilbert*, ch. III).⁹⁹

Sections of *Quotiescumque* of the *Pontifical of Bishop Egilbert of Freising*

Ch. IV § 1 - 42 of the *Pontifical of Bishop Egilbert* is a confession form.¹⁰⁰ Its title is, ‘Incipit ordo qualiter sacerdotes plebem sibi commissam tempore penitudinis suscipere debeant et reconciliari (sic)’. The words ‘the time of penance’ are a term for Lent. The phrase ‘et reconciliari’, which only appears in the title of the *ordo* of the *Pontifical of Bishop Egilbert*, means that the same *ordo* is meant for confession, the imposition of the penance and the penitent’s reconciliation, so that the penitent did not need to return for reconciliation. I should note that this interpretation of the title is in contradiction with ch. IV § 50. In this section, it is stated that the custom of the Roman Church demonstrates that penitents, whether they do penance for more or for less serious sins, should be forgiven on the Thursday before Easter, unless illness makes it necessary to reconcile them before that day.¹⁰¹ However, it is obvious that the source of ch. IV § 50 is not the same as that of ch. IV § 1 - 42.

The first rubric of the order of confession of the *Pontifical of Bishop Egilbert* is a version of section 4 of Q (rubric preceding Prayer Lk 18: 13) (ch. IV § 1). This version only slightly differs from the text of *P. pseudo-Romanum* and mentions the priest’s inner room. The version of section 4 of Q precedes the two kinds of Prayer Lk 18: 13: the short version given in text 20 and the complete version of the prayer.¹⁰² The last words of the full text of Prayer Lk 18: 13 are in the *Pontifical of Bishop Egilbert*, ‘(suscipe orationem meam ...) pro famulis tuis N., qui ad poenitentiam venerunt. Per.’ The abbreviation of ‘nomen’ means the same as the expression ὁ δέϊνα of the Greek text of Prayer Lk 18: 13 does. As I say in my comment on text 20, these expressions presuppose that a confessant introduces him- or herself to the confessor. Prayer Lk 18: 13 is the priest’s preparatory prayer for the rest of the *ordo*, in which no other sections of Q are received.

⁹⁶ Cf. Regino, *Visitation Manual*, ch. 295; Burchard, *Decretum* 19, ch. 26, PL 140, 984BD; Andrieu (1940) No. I § 1, p. 552.

⁹⁷ Compare *clm* 6425, ch. I § 2 -3 with Munier 201.

⁹⁸ For Burchard, *Decretum*, Book 19, ch. 2 see PL 140, 949.

⁹⁹ For pseudo-Bede’s work see PL 94, 567.

¹⁰⁰ Andrieu (1931 - 1961) V 369 - 379.

¹⁰¹ Andrieu, o. c. 381.

¹⁰² See above p. 121 and 79.

10.B.6. Reception of Quotiescumque in Sacramentarium Dionysianum Thuanum

For an introduction to *Sacramentarium Dionysianum Thuanum* (= SacDioThu) see Jean Morin 72B¹⁰ - C⁵ (1st column). According to Morin's dating, the 12th century is the *terminus ante quem* of the MS of SacDioThu. Jacques-August Thou (in Latin 'Thuanus') († 1617) owned the MS.¹⁰³ Morin believes that the work was either written by a Dionysian monk or that it was at any rate produced for the Parisian diocese. His evidence is the fact that the sacramentary includes a Mass for the octave of the feast of St Dionysius of Paris.

Morin reproduces that part of the MS that is a compilation of various texts on penitential liturgy.¹⁰⁴ The compilation appears towards the end of SacDioThu, 'inter missae communes'. The first parts of Morin's section of SacDioThu are a version of the rubric preceding Prayer Lk 18: 13 and the prayer itself (section 4 - 5 of Q). The rubric preceding Prayer Lk 18: 13 is in SacDioThu, 'Cum ergo venerit aliquis ad sacerdotem confiteri peccata sua, sacerdos primum in secreto cordis sui haec apud se debet orare'.¹⁰⁵ This rubric does not mention the priest's inner room (cf. section 4 c - d of Q). Therefore it seems that the priest, that is, the bishop ('pontifex') should say Prayer Lk 18: 13 in the cathedral (see below). The omission of the mention of the priest's 'cubiculum' and the phrase 'in secreto cordis sui' remind us of the version of the rubric preceding Prayer Lk 18: 13 of the *Romano-German Pontifical*, No. 136 § 1 and *P. Sangallense tripartitum* (see above section 10.A.2).

J. Morin only gives the first words of Prayer Lk 18: 13. About its full text, he says, 'In Poenitentiale Romano, & Siculo supra et alibi habetur'.¹⁰⁶ Morin's text of *P. pseudo-Romanum* is Morin 6 - 10B⁹ (2nd column), his text of 'Poenitentiale Siculum', o. c. 22E (2nd column) - 31B (2nd column). It is taken from a MS from Catania and it gives PRG, Nos 136. 138. 143 - 148.¹⁰⁷ PRG, No. 136 is the second *ordo* of the *Romano-German Pontifical*. In SacDioThu, Prayer Lk 18: 13 is followed by the title, 'Ratio (for 'oratio') agentibus publicam poenitentiam'.¹⁰⁸ The procedure which follows is that of the penitents' expulsion on Ash Wednesday and their reconciliation on Maundy Thursday.¹⁰⁹ The rubric prescribing the expulsion ritual is, 'Suscipis eum quarta feria quod est caput ieiunii ante quadragesimam et cooperis eum cilicio orans pro eo, et includis usque ad coenam domini'. Since it does not mention the imposition of the ashes and the expulsion of the penitent from the church, this rubric is comparable with the 'Ordo agentis publicam paenitentiam' of the *Gregorian Sacramentary of Fulda*, No. 56, p. 46¹⁵⁻¹⁶. However, the rubric in SacDioThu also differs from that in GrF, No. 56. The latter does not say, '(et recludis) usque ad coenam domini' but, 'et recludis has orationes dicens', which rubric is followed by four prayers. The rubric of SacDioThu continues saying, 'Qui eadem die (Maundy Thursday) in gremio praesentetur

¹⁰³ For J.-A. Thou, see LThK, s. v. 'Thou'.

¹⁰⁴ J. Morin, App., 73C⁶ - 74, 2nd column.

¹⁰⁵ O. c. 73C⁶⁻⁸, 1st column.

¹⁰⁶ O. c. 73C⁹⁻¹⁰, 1st column.

¹⁰⁷ The MS from Catania is not mentioned by Kottje (1980).

¹⁰⁸ J. Morin, App., p. 73C¹², 1st column. Compare the dative of the word 'agentibus' with that in the title 'Incipit ordo agentis publicam paenitentiam' in the 'Sacramentaire de Saint-Denis' of Paris, B. N., ms. lat. 2290 (9th C.), f. 156. See Leroquais 21. The *ordo* concerned is not printed. It seems that SacDioThu escaped Leroquais' notice.

¹⁰⁹ O. c. 73C¹³, 1st column -74, 1st column.

ecclesiae et prostrato eo omni corpore in terram, dat orationem pontifex super eum his verbis'.¹¹⁰ The author gives nine prayers.¹¹¹

This summary of the section on the expulsion ritual of SacDioThu shows that the compiler of the sacramentary believes that a bishop should say Prayer Lk 18: 13 before confining a penitent on Ash Wednesday.

10.C. Three Rituals from Germany of the 16th, 18th and 19th centuries

For this section see Dold 49 - 52¹¹² and Reifenberg (1971/1972) I 320 - 330 and II 151 - 163.

Versions of Prayer Lk 18: 13 still appear in the *Ritual of Constance* (or Konstanz) of 1721 (= RConst 1721) and the *Rituals of Mainz* of 1599 (= RMog 1599) and Würzburg of 1838 (= RHerb 1836). For our purpose A. Dold gives a more detailed description of the confession rite of RConst 1721 than Reifenberg does of the *ordines* of RMog 1599 and RHerb 1836. In addition, there existed a close relationship between the archbishopric of Mainz and the neighbouring diocese of Würzburg. Therefore it is convenient first to discuss the reception of Prayer Lk 18: 13 in RConst 1721 and then that in RMog 1599 and RHerb 1836.

10.C.I. Prayer Lk 18: 13 in the *Ritual of Constance of 1721*

The order of confession of RConst 1721 is entitled, 'Ordo Adminstrandis Sacramentum Poenitentiae Tum Aegrotis domi, quam Sanis in Ecclesia'.¹¹³ The version of Prayer Lk 18: 13 is preceded by the rubric, 'Antequam confessionem excipiat Confessarius, duo sunt ei agenda: Primo cum ad confitendum homines accedunt, ipse cum detestatione suorum peccatorum in templo veste choralis et stola indutus, excitet in se desiderium, et zelum salutis animarum, per huiusmodi aut similem orationem vocalem vel mentalem'.¹¹⁴ The prayer is preceded by two couples of versicles. The last words of the prayer are similar to colon c of text 23, Burchard of Worms' version of Prayer Lk 18: 13, whose source is Regino of Prüm. I compare the ending of Prayer Lk 18: 13 of RConst 1721 with that of the Regino-Burchard prayer (second column). The text of RConst 1721 that interests us is:

[24]

V. Adiutorium nostrum in nomine Domine (sic) (Ps 123 [124] 8a).

R. Qui fecit coelum et terram (Ps 123, 8b).

V. Domine exaudi orationem meam. R. Et clamor meus ad te veniat (Ps 101 [102] 2 and 3).

¹¹⁰ O. c. p. 73D¹⁻³, 1st column. For the phrase 'do orationem' see Blaise (1954) s. v. 'do' 6.

¹¹¹ O. c. 73D⁴, 1st column - 74B⁶, 2nd column.

¹¹² Cf. Jungmann 234 - 237.

¹¹³ Of the rituals of Constance, RConst 1721 is the first one in which the rubrics and instructions preceding the 'Ordo ministrandi Sacramentum Poenitentiae' of the *Roman Ritual* are given. In RConst 1721, they follow the title of the *ordo*. Dold omits them (see Dold 49, note*).

¹¹⁴ For the *vestis choralis* see LitWo, s. v. 'Koorgewaad' or LThK, s. v. 'Chorkleidung'.

- (3) Ps 123 (124) 8a and 8b, and Ps 101 (102) 2 and 3.
- (4) **Prayer Lk 18: 13.** ('Domine deus [omnipotens ad Q], propitius esto mihi, {et} qui me indignum' (Reifenberg, o. c. 323, note 1867).
- (5) The formula 'Deus propitius esto mihi peccatori' (Lk 18: 13).
- (6) A second prayer: 'Deus sub cuius oculis ... nemo sit alienus a venia' (i. e., the *So-Called Pontifical of Poitiers*, No 298 [with variants]).
- (7) Confession and the rest of the rite.

No. 4: Reifenberg only gives the incipit of Prayer Lk 18: 13. For the complete text, he refers to Jungmann 145, where Jungmann reproduces the text of the prayer of Schmitz's critical edition of *Quotiescumque*.¹¹⁶ Reifenberg points out that there are various versions of the prayer. Comparing the version of RMog 1599 with those of Jungmann and of the *Romano-German Pontifical*, No. 136 § 2, he writes between brackets, 'mit Variationen'. Comparing the version of RMog 1599 with that of RConst 1721, he observes that the latter includes 'kleinere Variationen'.¹¹⁷ Therefore we may assume that the version of the priest's first preparatory prayer of RMog 1599 is very similar to the text of Prayer Lk 18: 13 of RConst 1721. This is also suggested by the fact that the prayer is preceded by the same versicles and followed by the same short formula.

Prayer Lk 18: 13 is missing from RMog 1513 and RMog 1551.¹¹⁸ The author of RMog 1599 cannot have adopted it from RConst 1721. Therefore the version of Prayer Lk 18: 13 of RMog 1599 and that of RConst 1721 go back to a common source. Writing that the priest should say 'aliqua ex sequentibus (orationibus)' (No. 2), the author of RMog 1599 indicates that the priest is allowed to pray according to the spirit of the given preparatory prayers, and was not bound to their literal texts.

Prayer Lk 18: 13 in the Ritual of Würzburg of 1836

The full title of RHerb 1836 is, 'Rituale Romano-Herbipolense, sive congeries rituum ecclesiasticorum, tripartita in Sacramentale, Benedictionale et Processionale', Würzburg 1836 (in private ownership).¹¹⁹

The title of the confession rite of RHerb 1836 is, 'Sacramentum poenitentiae sive Ordo ministrandi sacramentum poenitentiae'. Before giving the order of confession proper, the author of RHerb 1836 writes that matters ('notanda') regarding the sacrament of penance are explained in a work he calls 'Instructionale'. He refers to the work *Instructionale Romano-Herbipolense*. Reifenberg mentions the copy of 1839 of this work (in private ownership) immediately after he has given the full title of RHerb 1836.¹²⁰

The sequence of the *ordo* itself of RHerb 1836 is this:

¹¹⁶ Schmitz (1898) 20¹⁷⁻¹⁸.

¹¹⁷ Reifenberg, o. c. I 323, note 1867.

¹¹⁸ O. c. 324.

¹¹⁹ For the *ordo* see Reifenberg II 158 - 159; for its title o. c. I, p. XVI.

¹²⁰ O. c. I, p. XVI.

- (1) A rubric saying that, being about to hear a confession, the priest should implore God's help, and that to this purpose the following prayers are adjoined.¹²¹
- (2) The heading: 'Preces ante ministrationem poenitentiae sacramenti a sacerdote dicendae'.
- (3) 'Antiph.: *Veni sancte spiritus*' (see sequence of Pentecost).
- (4) 'V. Emitte spiritum tuum et creabuntur (Ps 103 [104] 30a ["Emittes spiritum ..."]); R. Et renovabis faciem terrae (Ps 103, 30b)'.¹²²
- (5) **Prayer Lk 18: 13** ('Domine deus [omnipotens add Q], propitius esto mihi, {et} qui me indignum ... Per Christum'.
- (6) A second prayer (different from the second prayer of the *ordo* of RMog 1599).
- (7) A benediction.¹²³
- (8) A great number of directions for priest and penitent specifying practical matters (for instance, place of confession) and ordering benedictions, acts of crossing oneself and formulae.
- (9) Confession, imposition of the penance and final prayers.

No. 5: Reifenberg only gives the first words of Prayer Lk 18: 13. The version of RHerb 1836 must be very similar to those of RMog 1599 and RConst 1721, if we consider these facts: (1) the epithet 'omnipotens' is missing from the address of the prayer of RHerb 1836, which also applies to the versions of the prayer of RConst 1721 and RMog 1599, (2) the prayers of RMog 1599 and RConst 1721 give the same variant of colon c of section 5 of Q, viz., 'propitius esto mihi, *et* qui me indignum'.

¹²¹ O. c. II 158, note 839.

¹²² Ibid.

¹²³ See o. c. II 152, note 810.

11. ITALIAN WORKS THAT RECEIVED *QUOTIESCUMQUE*

As I say in section 9.A, it may be hypothesized that authors of Italian *ordines* who adopted sections of Q had a domestic copy at their disposal. With one exception – the text on confession of *P. Vallicellanum E 15* (see below section 11.A) – none of the *ordines* of the Italian works that received *Quotiescumque* gives a clear-cut *prologus* version of the confessor's guide. Even when instructions of Q and Prayer Lk 18: 13 precede the confession rite proper, readers of an Italian text on confession must have considered these instructions and the priest's preparatory prayer as parts of the description of an *ordo*. It is true that sections of Q of some Italian *ordines* are headed by a title that includes the word *prologus*, but in these cases the term *prologus* has not the same meaning as it has in the *prologus* versions of Q. The creators of Italian confession forms more or less successfully tried to integrate sections of Q in their *ordines*. This even applies to the author of *P. Vallic. E 15*.

There are only two Italian texts on confession that give section 7 of Q (immediate reception of penitent) and colon a of section 12. These texts are *P. Vallic. E 15* and the *Nine-Book Collection* (see below section J). Colon a of section 12 of Q is on eating and drinking on the Saturday and the Lord's Day. Considering Innocent I, *Ep. 25*, 4 and the *Acts of Silvester* (text 13 and 14), it is not surprising that the rule on eating and drinking on the Saturday and Sunday is missing from all Italian *ordines*, with the exception of the mentioned texts.

11.A. Paenitentiale Vallicellanum E 15 and the MS Berlin, Hamilton 290

11.A.I. Introduction

I discuss the text on confession of *P. Vallic. E 15* above in section 9.A because it belongs to the group of five works that give the full text of *Quotiescumque*. However, since the penitential was written in Italy, I also mention it in the present chapter. The text on confession of *P. Vallic. E 15* was written in the ninth century and it is the oldest one of the Italian works on confession. As for its version of *Quotiescumque*, the text on confession of *P. Vallic. E 15* shares a feature with the Italian *ordines*, despite the fact that this text gives a clear *prologus* version of Q. The reason is that in the text on confession of the penitential the prologue and the 'ordo ad dandam penitentiam' following the prologue are embedded in an *ordo* whose title is, 'In Christi nomine incipit ordo ad dandam penitentiam'. Therefore the embedded *ordo* is an integral part of a main *ordo*.¹

For the MS *Hamilton 290* see Kottje (1980) 155 - 157 and Meens 99. 255; cf. Jungmann 146 - 152. In this MS, the second book of Halitgar's collection of canonical material is followed by a confession *ordo*. It is an interpolation, according to Kottje certainly written before ca. 950, most probably in North Italy. The text of the *ordo* is given by Schmitz (1898) 270¹³ - 275¹⁰. The *ordo* is so similar to the text on confession of *P. Vallic. E 15* that in his

¹ For the embedded *ordo* see Schmitz (1883) 241 - 243; for the title of the main *ordo*, o. c. 239.

edition of the Hamilton *ordo* Schmitz (1883) inserts the variants of the main *ordo* of *P. Vallic. E 15* between brackets into the Hamilton *ordo*.²

The author of the Hamilton *ordo* adapted the text on confession of *P. Vallic. E 15* in order to create a more logical and practical form of confession. This was not the only reason for his revision. In addition to other parts, a special *ordo* for the penitent's reconciliation is also part of the text on confession of *P. Vallic. E 15*.³ In the Hamilton *ordo*, confession, imposition of the penance and absolution are parts of the same rite. The author of the Hamilton *ordo* adapted his model in the following way. The text on confession of *P. Vallic. E 15* includes a confession rite entitled 'Item ordo ad dandam poenitentiam'.⁴ The title is followed by an euchological section – six psalms, each psalm being followed by a prayer from the second psalm onwards – a penal code and a 'missa super penitentem'.⁵ The author of the Hamilton *ordo* replaces title, euchological section and penal code by a text on the penitent's interrogation about his sins and change of mind, and by the imposition of the penance.⁶ The 'missa super penitentem' of *P. Vallic. E 15* is the last part of the Hamilton *ordo*.⁷

II.A.2. Reception of *Quotiescumque* in the Hamilton *ordo*

In addition to the adaptation mentioned above, the author of the Hamilton *ordo* also modified the confession form of his model in this drastic way. He copied the address 'Accede, fili, ante dominum'.⁸ In *P. Vallic. E 15*, this address is followed by the title and the full text of Q, disrupted between section 5 (Prayer Lk 18: 13) and section 6 (priest's weeping) by the priest's pre-preliminary question whether the penitent is willing to accept the penance.⁹ The full text of Q, a *prologus* version, is a kind of erratic bloc in the text on confession of *P. Vallic. E 15*, and the author of the Hamilton *ordo* omits it. However, under the title of his confession rite, 'Ordo poenitentiae', he does give these sections of Q: (1) the version of the rubric preceding Prayer Lk 18: 13 of his model, 'Cum venerit poenitens ad confitendum, dicat sacerdos intra se <<orationem istam (om Hamilton *ordo*)>>' and (2) Prayer Lk 18: 13 and (3) a variant of the short version of Prayer Lk 18: 13 of *Paris, B. N., ms. lat. 8505*, that is, of text 21.¹⁰ The version of the Hamilton *ordo* is:

[25]

- a) Domine deus omnipotens,
- b) qui non vis mortem peccatoris, sed ut convertatur et vivat (cf. Ez 18: 23; 33: 11),
- c) propitius esto mihi peccatori (Lk 18: 13)
- d) et suscipe orationem meam quam pro famulis et famulabus tuis peccata sua confiteri cupientibus ante conspectum clementie tue *humiliter* effundo,

² See Schmitz (1898) 270, note 5.

³ Schmitz (1883) 341¹⁹ - 342²³.

⁴ Schmitz (1883) 243^{16a}.

⁵ O. c. 243^{16b} - 341¹⁷. Schmitz amply comments on each single canon of the penal code of *P. Vallic. E 15*. As regard the psalms, some 'psalms' are parts of psalms.

⁶ Schmitz (1898) 272^{28-38a}.

⁷ Schmitz (1898) 272²⁸ - 275; cf. Schmitz (1883) 339³³ - 341¹⁷.

⁸ Schmitz (1898) 272³⁻²⁷; cf. (1883) 240³³ - 241¹⁷.

⁹ Schmitz (1883) 241¹⁸ - 243¹⁵.

- e) ut pariter eos et a peccatis exuas
- f) et in futuro ab omni crimine illesos custodias.

The Hamilton *ordo* has in common with the prayer of text 21 that the words ‘Domine deus propitius esto mihi peccatori’ follow upon the references to Ezekiel and that colon d of text 21 also appears in the Hamilton *ordo*, although with slight variants.¹¹ Among them that of ‘humiliter (effundo)’ is the most interesting because it is also found in the *ordo* of *P. Lucense*, which gives the exactly same text as the Hamilton *ordo* does (below section 11.N). However, it is line f and the explicit of the prayer of text 20 that are the final petition of the prayer of the Hamilton *ordo*.

11.B. Paenitentiale in II libris (= P. II libris)

P. II libris owes its name to L. Körntgen, who discusses this work in Körntgen (1993) 206 - 237. The oldest one of the three MSS that include the penitential, *Montpellier, Bibliotheca universitatis 307* dates from 850 - 900 (o. c. 207). However, A. H. Gaastra wrote me that the MS of Montpellier gives a text of the penitential that derives from a more original version, which is preserved in the MSS *Vercelli, Bibliotheca capitularis 178* (10th cent.) and *Montecassino, Archivio della Badia 554* (10th/11th cent.).¹² Gaastra sent me a transcription of the versions of *Quotiescumque* of the Vercelli and Montecassino MSS.

A. Gastoué published an article entitled, ‘Un rituel noté de la province de Milan de Xe siècle’. The title of Gastoué’s article refers to the MS *Paris, Bibliothèque Mazarine 525* (olim T 742), which is a liturgical work. Gastoué describes the contents of the ‘Ritual’ and states that it was written in the province of Milan in the 10th century. In addition to the forms of other liturgical services, the work also includes a confession order.¹³ Gastoué’s description of this *ordo* is summary, but it shows that the way in which *Quotiescumque* is received in *codex 525* of the library of Cardinal J. Mazarin is comparable to the reception of Q in the MS *Montecassino, Archivio della Badia 554*. Therefore I consider the confession rites of the two MSS as versions of the same *ordo*. Since the MSS *Vercelli, Bibl. capit. 178* and *Montecassino, Archivio della Badia 554* are two codices including P. II libris, we would expect their *ordines* to differ only slightly from each other, but this is not the case. Therefore I first discuss the reception of Q in *Vercelli 178* and then that in *Montecassino, Archivio della Badia 554* and *Bibliothèque Mazarine 525*.

11.B.I. Reception of *Quotiescumque* in the MS *Vercelli, Bibliotheca capitularis 178*

The title of the confession form of the MS *Vercelli, Bibliotheca capitularis 178* (= Vc 178) is, ‘Incipit prologus <canonis> paenit<entiae> (or “paenit<entialis>”)’. The expression ‘prologus canonis paenitentiae’ means that a part of the confession form is considered to be a

¹⁰ For the rubric see Schmitz (1898) 270^{15f.}, cf. Schmitz (1883) 239^{15f.}; for the long version of prayer Lk 18: 13, Schmitz (1898) 270¹⁶⁻²⁵, cf. Schmitz (1883) 239¹⁴⁻²⁴.

¹¹ For the variants of the Hamilton *ordo* of text 21 see Schmitz (1898) 270²⁶⁻³².

¹² For the date of the MS *Vercelli, Bibliotheca capitularis 178* see Gy 452.

¹³ Gastoué 497 - 500.

prologue. I believe that the part referred to is the section following the title up to and including the imposition of the penance. If this is true, the part concerned is seen as the prologue of a penal code.¹⁴ The title precedes a version of section 1 - 5 of Q. Prayer Lk 18: 13 (section 5 of Q) is followed by the preliminary questions on the penitent's faith and willingness to forgive others, and the confessant's guide 'Viriliter age'.¹⁵ Next, the author gives section 6 of Q (priest's weeping) and what I above call 'the hand rubric' (section 7.J.3). The hand rubric is followed by confession, the imposition of the penance, the sermon *Omnis poenitens*, a version of section 8 - 10 of Q (speedily fasting allowed, imposition of penance, and warning for relapse) and prayers of forgiveness.¹⁶

The lines d - f of section 2 a - f of Q (immediate imposition of penance) are in Vc 178: 'et necesse est tibi ut iterum <in>quiras ab eo ne forte erubescat et timeat amplius iudicari'. Line g of section 2 g - i of Q (priests' and deacon's competence) is in Vc 178: '<Non> enim omnes ... hanc scripturam ... legere debent nisi episcopi et presbiteri ...<<vel caeteri orthodoxi (ad Vc 178)'. The reading of section 4 of Q (rubric preceding prayer Lk 18: 13) is in Vc 178: 'Cum ergo venerit quis confiteri peccata sua, dic ei ut <ex>pectet modicum donec intret in ecclesia solus aut in corde suo dicat h(an)c orationem'. Although according to this reading it is the penitent who should say 'this prayer' on his own in the church or in his heart, the next words, which also refer to Prayer Lk 18: 13 are: 'Oratio quam sacerdos pro se debet dicere antequam penitentiam det'. Perhaps these words were inserted to correct the obvious mistake in the rubric preceding them. The last words of Prayer Lk 18: 13 are: '(suscipe orationem meam ...) pro peccatis meis et pro famulis et famulabus tuis qui ad penitentiam venerint'.

For the words of section 9 of Q 'Et sic date mandatum his qui poenitentiam agunt' Vc 178 gives: 'et sic sacris mandatis eum instrue ut de cetero non peccet'. To section 10 of Q (warning for relapse) Vc 178 adds the words 'et tamen recurat et numquam desperet. Sicut dicit Salomon, *Septies cadet iustus in die et resurget* (Prov 24: 16)'. Colon a of section 11 of Q (reward for voluntary fasting) is in Vc 178: 'omnis itaque poenitens ... debet <<ex seipso (om Q) quantum ei <<aptum ("visum" Q) fuerit ieiunare (quarta sive sexta feria)'. Of colon 11 b 'Si enim egerit ea quae illi sacerdos praeceperit, peccata eius dimittentur, si vero postea ex sua voluntate ieiunaverit, mercedem sibi acquirat et regnum coelorum', Vc 178 omits the words, 'Si enim egerit ... dimittentur'. It uses the noun 'corona' for 'merces'. The noun 'corona' reminds us of a text in DID where στέφανος is used for the word μισθός of KAN 112, 15.¹⁷ Line 12 b of Q¹⁸ is in Vc 178: 'Postquam ieiunaverit et comederit (sic) caveat <<vomitus (om Q) crapulam et ebrietatem, quia <<omnis (om Q) luxuria de ebrietate nascitur'.

¹⁴ In the MS *Paris, Bibliothèque Mazarine 525* such a code is given after the mention of the imposition of the penance (see below). Gaastra only sent me a transcription of the versions of Q of Vc 178 and *Montecassino, Archivio della Badia 554*, but we may assume that in these MSS the mention of the imposition of the penance was followed by a penal code as well.

¹⁵ For this confessant's guide see, for instance, WAS 437 or pseudo-Alcuin, *De usu psalmodum* 2, 9, PL 101, 498.

¹⁶ For the sermon *Omnis poenitens* see the *capitulum* attributed to Theodulf of Orleans, Brommer, *Capitularium* II, X, c. 34, p. 183^{37b} - 184^{24a}. See also below section 11.L.

¹⁷ For DID see Van de Pavard (2006) p 243, doc. 32, 174, 18 - 21; for KAN, o. c., p. 171.

¹⁸ Section 12 of Q is on eating and drinking on the Saturday and Sunday.

II.B.2. Montecassino, Archivio della Badia 554 and Paris, Bibl. Mazarine 525

The titles of the *ordines* of *Montecassino, Archivio della Badia 554* (= Mc₃) and *Paris, Bibl. Mazarine 525* (= BM) are (I disregard the spelling of BM): ‘Incipit (om BM) ordo ad penitentiam dandam’. In BM the title precedes Prayer Lk 18: 13, a litany of the saints, the address ‘Ecce, fratres karissimi, deo gratias, dies sanctus est’, the preliminary questions on the penitent’s faith and, presumably, willingness to forgive others, confession, the imposition of the penance (presumably), and a penal code.¹⁹ The rite of Mc₃ begins with the preliminary questions, which are followed by confession (implied), a short general confession and the imposition of the penance. Next, in both *ordines* the title is given: ‘In nomine <<sancte (om Mc₃) et unice trinitatis incipit prologus canonis paenitentiae libri <<primi (“V” BM)’. In Mc₃ this title heads section 1 - 6 of Q, the hand rubric and section 8 - 12 of Q. Gastoué indicates this part of BM by the words, ‘Incipit: Quotiescumque Christiani ad penitentiam accedunt’. The part of Q to which these words refer covers f. 35r - 36r of BM. Therefore we may assume that BM gives the same sections of Q as Mc₃ does. Section 12 b - c is followed by the continuations of the rites.

Gastoué only indicates the incipit of Prayer Lk 18: 13 with which the rite of BM begins. Perhaps the words ‘libri primi’ (Mc₃) or ‘libri V’ (BM) in the heading of section 1 - 6. 8 - 12 of Q refer to Book 6 of Halitgar’s collection of canonical material. The versions of line 2 f, 2 g and section 4 of Q are the same as the readings of these lines and section in Vc 178 are. Mc₃ also gives the words ‘vel ceteri orthodoxi’ (an extension of line 2 g of Q). If, like in Mc₃, the part of Q of BM also includes Prayer Lk 18: 13, the priest should say the preparatory prayer twice. As we have seen, this is also the case in *P. Vallicellanum E 15* (11.A). The last words of Prayer Lk 18: 13 are in Mc₃: ‘(suscipe orationem meam ...) pro peccatis meis et pro eorum qui ad paenitentiam *convenerunt*’. The reading of section 9 of Q (imposition of the penance) is in Mc₃, ‘et sic <<demandatum est ei (‘da ei mandatum’ Q) ut de cetero non peccet’. Mc₃ adds to section 10 (warning for relapse) the words: ‘et tamen recurrat, numquam desperet, sicut dicit Salomon (Prov 24: 16)’. This confirms that the *ordines* of Mc₃ and Vc 178 derive from a common source. In Mc₃, the reading of line b of section 11 of Q (reward for voluntary fasting) is again very similar to the text of Vc 178, but Mc₃ preserved a version of the phrase, ‘si enim egerit ea quae illi sacerdos praeceperit, peccata eius dimittentur’. Mc₃ reads, ‘Si enim iussa compleverit, peccata ei remittuntur’. The second clause of colon 11 b (‘si vero postea ... regnum coelorum’) is in in Mc₃ again the same as it is in Vc 178: ‘Si vero postea ex sua voluntate ieiunaverit <<coronam (“mercedem” Q) sibi adquiret et regnum caelorum’. Line 12 b of Q reads in Mc₃: ‘Postquam ieiunaverit (et commederit ad Vc 178) et <<caveat (“custodiat tamen se a” Q) (vomitum ad Vc 178) crapula et ebrietate, quia <<omnis (om Q) luxuria de ebrietate renascitur’. The first words ‘Postquam ieiunaverit’ are missing from Q but are given by Vc 178. Colon 12 c of Q is: ‘Ideo B. Paulus prohibuit dicens (Eph 5: 18). Non, quia in vino est luxuria sed in ebrietate’. This is also the reading of Vc 178, whereas Mc₃ omits the words ‘Non, quia ... ebrietate’.

¹⁹ For the full text of the address *Ecce, fratres karissimi* see Muratori 727A⁸ - C¹³ or Schmitz (1883) 753²² - 754⁶.

11.C. Muratori's First Ordo of Verona

In *Antiquitates* V 719 - 766, L. A. Muratori gives two texts, which he calls 'duos Paenitentiales de Italicis bibliothecis'.²⁰ He explains that, having taken them from two MSS, a certain Bartholomeus Campagnola sent him copies of the two 'penitentiales'. I discuss the second 'penitential' below in section 11.E. Campagnola copied the first 'penitential' from a MS of the *Bibliotheca capitularis* at Verona. According to Jungmann, the 'penitential' is a rather late text.²¹ It includes two confession rites. I call the first form of confession 'Muratori's First ordo of Verona' (= MV₁).²²

The title of MV₁ is: 'In nomine dei summi incipit prologus canonis poenitentialis'. The first part of the *ordo* is made up of section 1 - 6 of Q. Section 6 is followed by a rubric prescribing a pre-preliminary question. The rubric is: 'Interrogas eum qui postulat. Ille autem respondebit tibi, *Deo et tibi sacerdoti confessiones meas facere volo*'. Question and answer are comparable with those of *P. Vallic. E 15* (section 11.A).²³ The pre-preliminary question precedes: the preliminary questions on the penitent's faith and willingness to forgive others, confession, a short general confession and the imposition of the penance. The imposition of the penance is followed by the hand rubric and section 9 - 12 of Q.

Section 2 d - f is in MV₁: '(Et ... dic ei quantum debeat ieiunare ... ne forte obliviscatur quantum eum oporteat ... ieiunare). Necesse est tibi et iterum <in>quiras ab eo ne forte erubescat et timeat ad (sic) amplius iudicare (sic)'. Section 4 of Q (rubric preceding Prayer Lk 18: 13) is in MV₁: '(Cum ergo venerit quis confiteri peccata sua, dic ei) ut ("donec" Q) expectet modicum in ecclesia solus aut in corde suo dicat *Pater noster, qui es in coelis*'. The conjunction 'ut' is probably a copyist's correct emendation of the text of his model. The last words of Prayer Lk 18: 13 are in MV₁: '(suscipe orationem meam ...) pro peccatis meis et pro eorum qui ad poenitentiam *convenerunt*'. The reading of section 9 of Q (imposition of penance) is in MV₁: 'Et fit mandatum ei ut de cetero non peccet'. Section 11 of Q (reward for voluntary fasting) is in MV₁: 'Omnis itaque poenitens non solum hoc debet ieiunare quod illi mandatum est, set et, postquam iussa compleverit, debet ex se ipso quantum ei aptum ("visum" Q) ieiunare (sive tetradas sive parascevas ad Q). Si enim iussa compleverit, peccata eius remittuntur. Si vero postea ex sua voluntate ieiunaverit, <<coronam ("mercedem" Q) sibi acquirit et regnum coelorum'. The parallel text of line 12 b of Q is in MV₁: 'Et postquam ieiunaverit et comederit (sic) caveat crapula et ebrietate (quia omnis luxuria de ebrietate nascitur)'. The words, 'Non, quia in vino est luxuria, sed in ebrietate' are missing from colon 12 c of Q in MV₁.

On the one hand, MV₁ and Vc 178 are in accordance with each other through the fact that the authors of both *ordines* place at the beginning of their rites: (1) the title in which the word 'prologus' appears and (2) a number of sections of Q. These sections are in Vc 178 section 1 - 5, in MV₁, section 1 - 6. (In MV₁, section 6 [priest's weeping] is found after the preliminary

²⁰ Muratori 718CD. Muratori 767 - 768 (2 columns on one page) is the 'Ritus publicae Poenitentiae imponendae publicis Homicidiis in Ecclesia Senensi, circiter Annum 1220. De forma mittendi Poenitentes in carcerem'.

²¹ For Muratori's *First Ordo of Verona*, see Muratori 719 - 721E⁸; for Jungmann's date, Jungmann 152.

²² For the second rite see below section 11.D.

²³ Schmitz (1883) 242¹¹⁻¹².

questions and the confessant's guide *Viriliter age*). On the other hand, MV₁ has readings of its sections of Q in common with Mc₃ in which – like in Paris, *Bibliothèque Mazarine 525* – the phrase including the word 'prologus' follows upon the mention of the imposition of the penance. MV₁ even gives the same end of Prayer Lk 18: 13 as Mc₃ does, viz., '(pro peccatis meis) et pro eorum qui ad poenitentiam *convenerunt*'.

11.D. Muratori's Second Ordo of Verona

As we have seen in the previous section (C), Muratori's 'penitential' of the *Bibliotheca capitularis* at Verona is made up of two *ordines*. Without any heading, the second *ordo* (= MV₂) is immediately given after the first one. As Jungmann points out, the second *ordo* is meant for a monk's confession to a fellow monk who is a priest.²⁴ The *ordo* is straightforward and can easily be summarized:

- (1) A version of the rubric preceding Prayer Lk 18: 13.
- (2) Short version of Prayer Lk 18: 13.
- (3) 'Alia oratio'.
- (4) A long general confession (Muratori 722B¹⁵ - 723B⁴).
- (5) Priest's response.
- (6) 'Oremus ad invicem'.
- (7) 'Oratio'.

No 1: The version of the rubric preceding Prayer Lk 18: 13 is: 'Cum venerit aliquis ad sacerdotem confiteri peccata sua, prius in secreto cordis sui haec apud se debet orare' (cf. section 4 of Q). The main feature of this version of section 4 of Q is that its author omits the mention of the priest's inner room. When an ordinary Christian wanted to confess, it was theoretically feasible that a confessor prepared himself in his inner room, while the penitent waited in the church saying a prayer or the Our Father.²⁵ The author of MV₂ has finally the courage to omit the mention of the priest's inner room, probably prompted by the fact that his *ordo* was destined for the use in a monastery. The words 'in secreto cordis sui' are borrowed from the *ordo* of the *Romano-German Pontifical*, No. 136 § 1 (section 10.A.2).

No. 2: The version of Prayer Lk 18: 13 is in MV₂ (between brackets I refer to the lines of section 5 of Q):

[26]

- (a) Domine deus omnipotens, propicius esto mihi peccatori (see a),
- (b) ut me pro peccantibus et peccata sua confitentibus (cf. g)
- (c) dignum inter te et ipsos mediatorem constituas (cf. e),
- (d) quique peccatorum mortem non vis, sed ut convertantur et vivant (cf. j).
- (e) Suscipe oracionem servi tui quam pro famulis famulabusque tuis <<ante conspectum gloriae tuae (cf. Tob 3: 24) poenitere cupientibus effundo (cf. k - m),

²⁴ For MV₂ see Muratori 721E⁹ - 724; for Jungmann's remark, Jungmann 201, note 146.

²⁵ See the versions of section 4 of Q of Vc 178, Mc₃ and MV₁.

(f) ut pariter eos et a peccatis exuas in futurum et ab omni crimine inleasos custodias’.

Section e - f is taken from the short version of Prayer Lk 18: 13 of the *ordo* of the *Romano-German Pontifical*, No. 136 § 2 (see text 20 e - g).

No. 4: The penitent confesses his sins saying a long general confession. Therefore, by contrast to what is the case in some *ordines*, it is not through a scribal error that a rubric ordering a personal, specified confession is missing from the *ordo* of MV₂. The general confession includes the sin ‘against the holy Rule’.²⁶

No. 5: The priest’s response is: ‘Domine, frater, de istis culpis quas *in te* dicis, totas *in me* agnoscere et alias plurimas, quorum non est numerus’.²⁷ This means that the priest is both confessor and confessant, because in the priest the penitent should recognize the same sins of which he accuses himself, and plenty more sins. A Greek parallel of the priest’s apology is found in the second confession form – called Τάξις (‘Ordo’) – of *Codex Sinaiticus* 966 (13th cent.), f. 22 - 24^v.²⁸ This *taxis* belongs to the family of the Italo-Byzantine confession rites. After having heard a penitent’s confession, the priest says, Ταῦτα πάντα πρὸ τοῦ ἐξείπειν ὑμᾶς (for ἡμᾶς) ἃ ἐλεξας ἐγὼ γε, ὁ τάλας, πέπραξα δὲ καὶ ἄλλα πλεῖστα ἃ φρίττει ἡ γλώσσα τοῦ λαλεῖν αὐτά (‘Before you confessed all these matters that you said, I, the miserable one, committed them and even other, plenty more things, which the tongue shrinks from mentioning’).

No. 6 - 7: The first prayer is a prayer that priest and penitent say together for each other. The second ‘oracio’ is rather a series of benedictions.

The last section of Muratori’s ‘penitential’ of Verona is an ‘Oratio ad confessionem’, to be said by the penitent before his confession.²⁹

11.E. Muratori’s First Ordo of Bobbio

Muratori’s second ‘penitential’ is taken from a MS of the famous abbey of Bobbio.³⁰ It is currently *Vatic. cod. lat. 5768* (end of 10th cent.).³¹ It includes two confession *ordines*: Muratori 723 - 730B⁷ and 730B⁸ - 736B¹¹. Muratori 736B¹² - 738C¹³ gives a service for the ‘reconciliatio penitentis ad mortem’. The second *ordo* of Muratori’s second ‘penitential’ and the rite for the reconciliation *in extremis* do not include any section of *Quotiescumque*. To show the reception of Q in *Muratori’s First Ordo of Bobbio* (= MB₁), I give a summary of that part of its complex and chaotic rite that includes sections of the confessor’s guide.

- (1) Title.
- (2) Section 1 of Q (priests’ fast and sympathy with penitent);
- (3) section 2 a - b of Q. Line b is in MB₁: ‘(Et quotiescumque dederimus consilium peccanti, demus ei poenitentiam statim, quantum debeat ieiunare) aut qualiter, si ieiunare non potest, redimere peccata sua possit’ (cf. section 13 a of Q);

²⁶ Muratori 721C⁸.

²⁷ O. c. 723B^{5-8a}.

²⁸ Dmitrievskij (1901) 204¹⁷⁻¹⁹; Arranz (1992 - 1993) 365, note 149.

²⁹ Muratori 724A^{8b} - B⁶.

³⁰ O. c. 724B.

³¹ For Muratori’s second ‘penitential’ see o. c. 723C¹ - 730B⁷; for the current name of its MS, Gastra (2007) 29, note 2.

- (4) section 14 of Q (rule on slaves and female slaves);
- (5) section 11 of Q (reward for voluntary fasting);
- (6) section 13 of Q (redemptions);
- (7) 'Sequitur consilio'.
- (8) Penal code (Muratori 724D² - 726A¹²);
- (9) section 4 of Q (rubric preceding Prayer Lk 18: 13);
- (10) Our Father;
- (11) 'Capitulum': Ps 40 (41) 5; 18 (19) 13^b - 14^a; 30 (31) 17; 85 (86) 4 - 5^a (with slight variants) and 101 (102) 2.
- (12) Prayer Lk 18: 13 (section 5 of Q).
- (13) The Five Penitential Psalms – Ps 37 (38); 102 (103) 1 - 5; 50 (51) 1 - 11; 53 (54); 51 (52) 3 - 8³² – each psalm being followed by a prayer.
- (14) The rest of the rite.

No. 1: The title of Q is in MB₁: 'In nomine domini incipit ratio qualiter suscipere debeant sacerdotes penitentes ad poenitentiam'. This is one of the titles of *Quotiescumque*.³³

No. 7: In the phrase 'Sequitur consilio' the dative is used for the nominative. The phrase refers to the imposition of the penance. Therefore they are followed by a penal code. The penitential that Haggenmüller calls the 'pre-phase of *P. additivum pseudo-Beda/Egberti*' includes the title 'De dando consilio', which is the heading of a short penal code.³⁴

No. 9: MB₁ gives the full text of the rubric preceding Prayer Lk 18: 13, but the text of MB₁ includes two major variants: (1) Euchetes writes, 'manda ei (ut expectet modicum)', the author of MB₁, 'mandet ei sacerdos'. (2) Adapting Euchetes' text in a more drastic way, for his words, 'tamen sacerdos in corde suo dicat hanc orationem' (line 5 e of Q), the author of MB₁ reads: '(Si autem non habuerit cubiculum) tamen in corde suo dicat orationem dominicam', to which words the explanation is adjoined, 'id est Pater noster'.³⁵

No. 12: The incipit of Prayer Lk 18: 13 includes the variant '(Dne ds o., propicius esto mihi peccatori) et praesta (ut ego condigne possim tibi gratias agere)'. The *ordo* gives the full text of the prayer. MB₁ even seems to have preserved the Latin translation of a Greek epithet that is missing from the text of *P. pseudo-Romanum* of section 5 of Q, viz., '(et me exiguum humilemque) et inutilem (καὶ ἄχρηστον) (mediatorem ... constituisti)' (see section 5 d - e of Q). However, it is possible that the author of MB₁ inserted the adjective himself, because he also gives the reading, '(me indignum) <<et peccatorem (om Q and BOD)'. The explicit of Prayer Lk 18: 13 is in MB₁: '(orationem meam ...) pro peccatis meis (et pro famulis famula-busque tuis qui ad poenitentiam venerunt)'.³⁶

The summarized part of the text on confession of MB₁ shows that the author took the

³² Through a scribal error the rubric 'et dicat psalmum quiquagesimum' is given after the prayer following Ps 37.

³³ See Schmitz (1898) 199.

³⁴ Schmitz (1883) 564; WAS 230. For the mentioned penitential see Haggenmüller 199 - 205.

³⁵ Muratori 726B¹³.

³⁶ O. c. 726C⁹⁻¹⁰.

general, non-liturgical instructions of *Quotiescumque* from their original place and put them before the rubric preceding Prayer Lk 18: 13.

11.F. Ordo of Paris, B. N., ms. lat. 3880

H. J. Schmitz assigns the *ordo* of *Paris, B. N., ms. lat. 3880* (= PBN 3880) to the ninth century.³⁷ C. Vogel (1978) fails to discuss the penitential of which the confession rite concerned is the first part. J. A. Jungmann, who mentions the 12th century as the time of origin of the *ordo*, frequently refers to it.³⁸ The text of PBN 3880 is Schmitz (1883) 752 - 757.

PBN 3880 has several parts in common with *Muratori's First Ordo of Bobbio* (=MB₁, see above section 11.E) and we may take it that it is an Italian *ordo*.³⁹ With *Muratori's First Ordo of Bobbio*, PBN 3880 shares these parts: the title of its *ordo*, the rubric preceding the address 'Ecce, frater karissime, deo gratias', the address itself, a questionnaire, to a large extent the final euchological part, and the part in which the priest assures the penitent that his sins are forgiven even if he unexpectedly dies while he is being bound by 'nostri ministerii ('mysterii' MB₁) vinculo'. You can establish these accordances if you compare Schmitz (1883) 752²⁶⁻²⁷ (title) with *Muratori* 724B1¹⁸⁻¹⁹; Schmitz (1883) 753²⁰ - 754⁶ (*Ecce, frater karissime*) with *Muratori* 727A⁶ - C^{13a} (*Ecce, fratres karissimi*); Schmitz (1883) 754¹⁹ - 756^{9a} (questionary) with *Muratori* 732C³ - 733D¹¹; Schmitz (1883) 756²⁵⁻³⁵ (euchological part) with *Muratori* 734C¹⁶ - 735C^{9a} and, finally, Schmitz (1883) 756³⁶ - 757¹⁰ (priest's assurance) with *Muratori* 735C^{9b} - 733D^{7a}. (For the euchological part, Schmitz only gives the beginnings of the prayers).

A summary of the introductory part of the *ordo* of PBN 3880 suffices to show its reception of *Quotiescumque*.⁴⁰

- (1) Title: 'Incipit ordo qualiter suscipere debent sacerdotes in *ecclesia* penitentes ad penitentiam'.
- (2) A rubric on the penitent's approach and his reception by the priest.
- (3) Priest and penitent prostrate themselves before the altar and pray a little while.
- (4) 'Deinde cantet sacerdos letanias; post letanias dicat: *kyrie, leison, Christe, leison, kyrie, eleison*'.
- (5) The formulae 'dominus vobiscum. Et cum spiritu tuo'.
- (6) Prayer Lk 18: 13 (section 5 of Q).

No. 1: The title reminds us of titles of *Quotiescumque*, from which, however, the words 'in *ecclesia*' are missing.⁴¹ The author of PBN 3880 probably inserted them to emphasize that a priest should only receive a penitent in the church.

No. 2 - 3: The author's rubric on the penitent's approach and reception by the priest is:

³⁷ Schmitz (1883) 752.

³⁸ Register A, s. v. 'Beichtordo des Cod. Paris. 3880' (p. 323, 1st column).

³⁹ The MS belonged to the library of Cardinal J. Mazarin (Schmitz [1883] 752). Mazarin was also the owner of *Paris, Bibliothèque Mazarine* 525, which is an Italian work (see above section 11.B).

⁴⁰ The introductory part is Schmitz (1883) 752²⁶⁻³⁸.

⁴¹ For titles of *Quotiescumque* see Schmitz (1898) 199.

‘Cum peccator quilibet, inspirante deo, penitere desiderat, accedat humilis et supplex ad sacerdotem, insinuans ei desiderium suum ardoremque sui cordis. Tunc sacerdos suscipiat eum cum omni hylaritate et benevolentia’. This rubric replaces section 4 of Q, the rubric commanding that the priest should say Prayer Lk 18: 13 in his inner room or, if he only has a one-room dwelling, in his heart. The next rubric of PBN 3880 is: ‘et *ingrediens* in ecclesiam, prosternant se pariter ante sanctum altare, et orent diucius, si fieri potest, cum lacrimis’. The two rubrics of PBN 3880 are strikingly similar to the rubrics on the penitent’s reception and the introductory prayers of the rite of KAN: ‘(the confessor) ought to welcome (the penitent) in a church or some other secret place *with a kind regard and cheerful heart* ... and next (the confessor) ought to say Psalm 69 with the trisagion and *pray a little while* with him’.⁴² Perhaps, if we are indeed dealing with Greek influence, we can explain this similarity by the fact that the *ordo* of PBN 3880 is of Italian origin. The singular of the participle ‘*ingrediens*’ implies that the priest is already in the church before the penitent enters it.

No 6: Schmitz only gives the incipit and explicit of Prayer Lk 18: 13. For the full text he refers to *Muratori’s First Ordo of Bobbio*.⁴³ Like that of MB₁, the incipit of the prayer of PBN 3880 includes the variant, ‘(Dne ds o., propicius est mihi) et praesta’.⁴⁴

11.G. Paenitentiale Casinense 372

For *P. Casinense 372*, called after *Codex Casinensis 372*, see Vogel (1978) 85; Frantzen 38. A. H. Gaastra gives a detailed description of the MS. He also comprehensively examines the penitential itself.⁴⁵ The work was written in South Italy, possibly at Monte Cassino. It might have been put together in the ninth century, but according to Gaastra it is more likely to have been compiled in the late 10th or early 11th century.⁴⁶ His edition of the text of *P. Casinense. 372* is Gaastra 236 - 249. The version of *Quotiescumque* is o. c. 236 - 237³. Schmitz gives the unbroken text of the version of Q of *P. Casinense 372* in Schmitz (1883) 397¹⁷ - 399⁵. It has the siglum E in his critical edition of Q.⁴⁷ Gaastra’s text considerably differs from Schmitz’s. It is obvious that Schmitz tacitly emended a number of readings and sometimes made the mistakes that any copyist is prone to make. However, Schmitz generally preserved the meaning of the original, with the exception of the unintelligible reading ‘(et duc eum) amoto (altare)’ for ‘ante altare’.⁴⁸

The title of the version of Q of *P. Casin. 372* is: ‘Incipit qualiter suscipi debeat penitentem’. We could also say that this is the title of the text on confession of *P. Casin. 372* (see below). The penitential gives section 1 - 3 and then – omitting section 4 - 5 (Prayer Lk 18: 13 and preceding rubric) – section 6 (priest’s weeping), the hand rubric, and section 8 - 11 a.⁴⁹ Having given section 11 a of Q, the author of *P. Casin. 372* gives section 4 - 5. Prayer Lk 18:

⁴² See Van de Pavard (2006) 175 f.

⁴³ Muratori 726B¹² - C¹².

⁴⁴ Schmitz (1883) 752³⁶⁻³⁸; cf. above section 11.E, No. 12, comment.

⁴⁵ Gaastra (2007) 19 - 47.

⁴⁶ O. c. 42 - 43.

⁴⁷ Schmitz (1898) 199 - 201⁴⁵.

⁴⁸ Schmitz (1883) 398²¹; II 201³¹, see above section 7.J.3, footnote 63.

⁴⁹ Gaastra (2007) 236^{28-29a}; cf. Schmitz (1883) 398^{16b-18}.

13 (section 5) precedes Ps 69 (70). Ps 69 is not a penitential psalm. In the liturgy, before beginning a liturgical service, a celebrant uses it as a prayer to ask for God's help. In the rite of KAN, the confessor should say the psalm after he has received the penitent.⁵⁰ The same applies to DID, but unaware of the liturgical meaning of Ps 69, the author of DID prescribes that, after having received the penitent, the priest should first say the penitential psalm 50 (51) and then Ps 69.⁵¹

In *P. Casin. 372*, Ps 69 marks the beginning of the confession rite proper. Therefore on the one hand, his version of Q is a *prologus* version. On the other hand, the author of *P. Casin. 372* took Prayer Lk 18: 13 and its preceding rubric from the centre of Q and placed these parts immediately before his confession rite. However, he did not have the courage or the creativity to adapt the rubric preceding Prayer Lk 18: 13, which in his time must have been obsolete. Since the priest's preparatory prayer and its preceding rubric form an unbroken unity with the *ordo* proper of *P. Casin. 372*, section 4 - 5 of Q can scarcely be considered to belong to a prologue; they are integrated parts of the author's order of confession.

Section 11 of Q is on voluntary fasting. The reading of 11 a of Q is in *P. Cassin. 372*: 'omnis penitens debet ex <s>e ipsum quantum ei <<actum ('visum' Q) fuerit ieiunare quarta sive sexta feria'. The author omits line b, which gives the reason why on the Wednesday or Friday a penitent should continue to fast in a self-chosen way after he has completed the imposed fast. The reason is that by voluntary fasting the penitent will receive a reward and the kingdom of heaven. It is possible that the author of *P. Casin. 372* did not accept this theologically dubious reason.

The explicit of Prayer Lk 18: 13 is in *P. Casin. 372*: '(suscipe orationem meam ... pro famulos et famulas tuas qui ad poenitentiam venerunt). Tribue eis remissionem peccatorum omnium suorum. per'.⁵²

Canon XII 9 of the penal code that follows the imposition of the penance in *P. Casin. 372* gives a version of section 14 of Q, the rule on slaves and female slaves.⁵³

The author of *P. Casin. 372* adjoined four appendices to his confession form. The third appendix especially emphasizes the importance of fasting as means of atoning for one's sins. The last part of this appendix is: 'Et qui non potest sic agere poenitentiam sicut sancti patres constituerunt, in primo anno eroget in helemosina solidos XXVI, in secundo solidos XX, in tertio solidos XVIII. Sed unusquisque intendat cui dare debet, sive pro redemptione captivorum, sive super sanctum altare, sive pauperibus christianis erogandum'.⁵⁴ These rules are a version of section 13 of Q (on redemptions). The words 'Sed unusquisque ... erogandum' are a literal quotation of section 13 c of Q.

11.H. Paenitentiale Vaticanum

The MS *Vaticano, Archivio di San Pietro H 58* includes what Gaastra calls the 'Paeniten-

⁵⁰ Van de Paverd (2006) 54. 175.

⁵¹ O. c. 209. 224.

⁵² Gaastra (2007) 237; Schmitz (1883) 399.

⁵³ Gaastra (2007) 244 f.; Schmitz (1883) 429⁴⁻⁷.

⁵⁴ Gaastra (2007) 349⁹⁻¹⁸

tiale Vaticanum'. His detailed description of the MS is Gaastra 48 - 69. He states that the penitential contained by the codex (f. 109^v - 117^v) was 'written or in any case used in Rome' and that Paola Supino Martini concluded that the folios 81 - 121 of the MS were written 'in the late 10th or early 11th century'.⁵⁵ The text on confession of the penitential is Gaastra 250 - 252. The author discusses it on p. 55 - 58 of his dissertation.

The text on confession of *P. Vaticanum* is headed by the title: 'Incipit quomodo debet esse mediator sacerdos infra deum et hominem sive penitentiam dans'. The title is followed by section 1 - 3 of *Quotiescumque* – the only part of Q received in *P. Vaticanum* – and an 'Ammonitio sacerdotis contra penitentem quomodo debeat timere deum et credere'.⁵⁶ In this admonition the priest urges the penitent not to be ashamed to confess his sins. Therefore the version of Q of *P. Vaticanum* is the first part of a twofold prologue: first a set of instructions for the confessor on how he ought to receive a penitent and, second, an instruction for the penitent addressed to him by the priest.

To the words in section 1 a of Q 'aut quantum (we priests) possumus ieiunare', the author of *P. Vaticanum* adds the phrase 'aut missas pro eo caelebrare'. The reading of section 2 b - f of Q of *P. Vaticanum* is: 'et dic ei (statim ad Q) quantum debeat ieiunare <<vel pro redemptione anime suae dare ("et redimere peccata sua" Q) (b) ne forte obliuiscatur quantum eum oporteat pro suis peccatis ieiunare (c) et necesse est tibi ut <<verum ('iterum' Q) inquiras ab eo ne forte erubescat et timeat a te amplius <<iudicari (for "ieiunare") (cf. e - f)'. The reading of section 2 d - f of Q of *P. Vaticanum* is almost the same as that of Mc₃ and Vc 178, two MSS of P. II libris (section 11.B.1 and B.2).

The first rubric following the priest's admonition is: 'Mox ut te viderit afflictum et humiliatum (cf. section 6 of Q), imponat te super humeros suos dicens, "Gaudium sit in coelo ..." (Lk 15: 7)'. The phrase 'imponat te super humeros suos' can only mean that the priest should embrace the penitent. Authors of KAN en DID describe the gesture by which the confessor places the penitent's hand on the priest's neck. In KAN, this gesture is made before the imposition of the penance and signifies the transfer of the penitent's sins onto the confessor. In DID, the gesture is made at the beginning of the confession rite and it is an act of encouragement.⁵⁷ The phrase of *P. Vaticanum* might be an allusion to Lk 15: 20: '(pater) accurrens cecidit super collum (filii) eius et osculatus est eum'.

11.1. P. Vallic. B 58, Sacramentary of Arezzo and Milan, Bibl. Ambrosiana T 27, Sup.

For *P. Vallicellanum. B 58* (11th cent.) see Vogel (1978) 85, No. 4. For the text of the penitential see Schmitz (1883) 774 - 786. The text of the penitential on penitential rites is o. c. 774 - 779. The MS of the sacramentary that Jungmann calls the 'Sacramentary of Arezzo' is *Vaticanus latinus 4772* (11th cent.).⁵⁸ It originally belonged to the *Bibliotheca capitularis* of Arezzo. In a footnote, which covers Schmitz (1898) 395 - 396, Schmitz describes the contents

⁵⁵ For the place and time of origin of the penitential see Gaastra (2007) 48 and 50. For its date he refers to Supino Martini 73 - 74, note 75.

⁵⁶ Gaastra (2007) 250^{l-41a}.

⁵⁷ Van de Pavard (2006) 55, 116, 21 - 118, 3; 178 (KAN) and 210, doc. 9 - 11; 227.

⁵⁸ Jungmann 323.

of the codex. The text on confession is Schmitz (1898) 403 - 407¹². It is preceded by ‘Missae votivae et diversae’. Jungmann reproduces a part of the text on confession.⁵⁹

C. Lambot published the MS *Milan, Bibliotheca Ambrosiana T 27. Sup.* (11th cent.) (= MBA). Lambot’s 61-page volume gives several liturgical services, among which an ‘Ordo ad paenitentiam dando’.⁶⁰ Jungman points out that this *ordo* is closely related to the *ordo* of Arezzo.⁶¹ However, on the one hand, the *ordo* of MBA includes many parts that are missing from what may be considered as the common *ordo* of *P. Vallic. B 58* and the *Sacramentary of Arezzo*; obviously, in addition to the mentioned *ordo*, the author of the *ordo* of MBA used other sources. On the other hand, he omits parts that are found in the common *ordo* of the penitential and sacramentary. This applies to all rubrics on the priest’s and penitent’s postures at the various moments of the performance of the rite.

It could be argued that I should have discussed the penitential rites of *P. Vallic. B 58* and the text on confession of the *Sacramentary of Arezzo* in section 10.B, which deals with the works in which confession is associated with Ash Wednesday. It is especially the text on penitential rites of *P. Vallic. B 58* that links confession to Ash Wednesday. However, *P. Vallic. B 58* is an Italian work. Moreover, the reason why the author of *P. Vallic. B 58* associates confession with Ash Wednesday is that he copied chapters of Book 19 of Burchard’s manual of canon law.⁶³ The text on penitential rites of *P. Vallic. B 58* to a certain extent misrepresents the real practice of its author’s country and time. It is possible that people especially confessed on Ash Wednesday in Italy in the 11th century, but the Italian texts on confession hitherto considered do not suggest this. If people especially confessed on a fixed day, it might have been a day shortly before Easter. A third reason why it is justified to discuss the text on penitential rites of *P. Vallic. B 58* in the present section is that the text on confession of the *Sacramentary of Arezzo* and the *ordo* of MBA only preserved traces of the association of confession with Ash Wednesday.

I first give a summary of that part of the text on penitential rites of *P. Vallic. B 58* that gives sections of *Quotiescumque*, and I also indicate the sources of this part. The summary not only shows the reception of *Quotiescumque* in *P. Vallic. B 58*, but also enables us to clarify the reception of Q in the *Sacramentary of Arezzo* and the *ordo* of MBA. Next, I comment on the summary.

11.1.1. Summary of the first part of the text on penitential rites of P. Vallic. B 58

(1) Expulsion ritual (‘In capite quadragesimae’), Burchard, *Decretum* 19, ch. 26, PL 140, 984BD; cf. Regino of Prüm, *Visitation Manual* I 295, Hartmann 154 or PL 132, 245C - 246B (ch. 291).

⁵⁹ O. c. 192 - 194.

⁶⁰ Lambot 35 - 42.

⁶¹ Jungmann 194.

⁶² The text of Schmitz (1883) 776³⁸ - 777²³ of *P. Vallic. B 58* is missing from the *Sacramentary of Arezzo*. The author of the sacramentary might have omitted at least some sections of this part by mistake, for instance, the confession by interrogation. In Schmitz (1883) 777¹⁸⁻²³, Schmitz summarizes the *ordo* of the sacramentary only giving the beginnings of its various parts.

⁶³ The title of ch. III of Schmitz (1883) is: ‘Der Corrector Burchardi und ihm verwandte Sammlungen; Liturgie und Disciplin. Poenitentiale Fulberti; Poenitentiale Vallicellanum III; Poenitentiale Laurentianum’, Schmitz (1883) 762. ‘Poenitentiale Vallicellanum III’ is *P. Vallic. B 58*.

- (2) Burchard, *Decretum* 19, ch. 1, PL 140, 949AB.
- (3) Burchard, *Decretum* 19, ch. 2, first part, PL 140, 949B⁸ - C¹³.
- (4) Section 3 of Q; Burchard, o. c., ch. 2, second part, PL 140, 949 C¹⁴ - 950A^{2a}.
- (5) Rubric preceding Prayer Lk 18: 13 (section 4 of Q); Burchard, o. c., ch. 2, third part, PL 140, 950A^{2b-7}.
- (6) Prayer Lk 18: 13 (section 5 of Q); Burchard, o. c., ch. 3, PL 140, 950A⁸ - B¹¹.
- (7) Introduction of penitents into the church.
- (8) Ps 69 (70).

11.1.2. Comment

No. 1 - 7: The author of *P. Vallic. B 58* wanted his readers to consider the texts No. 1 - 8 as a unit. In contrast to what is the case in Burchard, *Decretum*, Book 19, the from Burchard adopted texts are not separated from each other by any title. In addition, the rubric of No. 7 can only be explained in the light of No. 1 and No. 2 (see below). The rubric of No. 7, which seems to be a creation by the author of *P. Vallic. B 58*, orders that those who ought to confess should be introduced into the church. No. 1 - 7 implies that the author's *ordo* is meant for people's confession on Ash Wednesday. As I have said, it is questionable whether this implication reflects an Italian contemporaneous practice. If you read No. 1 - 7 as being a unit you cannot but notice that it is riddled with contradictions.⁶⁴ It is clear that the author of *P. Vallic. B 58* simply copied the various texts of his model without any attempt to reconcile them with each other. This justifies the suspicion that he also created the rubric on the penitents' introduction into the church as a purely theoretical proposition.

No. 1 - 4: No. 1 - 3 is missing from the *Sacramentary of Arezzo*; No. 1 - 4, from the *ordo* of MBA. No. 1 gives the expulsion ritual, which took place on Ash Wednesday. No. 2 tells the priests that during the week before Lent they should settle all their parishioners' quarrels. No. 3 gives the rule that priests should admonish all the faithful who feel themselves guilty of some sin to confess on Ash Wednesday. Therefore the author of *P. Vallic. B 58* implies that his *ordo* is only meant for people's confession on Ash Wednesday. This does not apply to the *Sacramentary of Arezzo*. It is possible that the author of the sacramentary omitted No. 1 - 4 because for his *ordo* he did not want to imply that it is only meant for people's confession on Ash Wednesday. Perhaps the author of the *ordo* of MBA used a source from which No. 1 - 3 had already disappeared.

No 1: The expulsion ritual is ch. 26 of Burchard, *Decretum*, Book 19. The fact that this chapter is the first text of the author of *P. Vallic. B 58* means that, before he copied ch. 1 - 3 of Book 19, he had at least read ch. 1 - 26 of Burchard's 19th Book (PL 140, 949 - 984). Perhaps the author of the penitential gives ch. 26 as the first item of his text on penitential rites because it refers to Ash Wednesday. It is also possible that he was influenced by Regino's *Visitation Manual*, in which the expulsion ritual is the fourth one of his texts on penitential

⁶⁴ You can also read Schmitz (1883) 770¹² - 771¹⁷, where Schmitz gives a summary of the text on penitential rites of *P. Vallic. B 58*. He almost gives a full German translation of No. 1 and No. 2.

rites.⁶⁵ The end of the text of ‘In capite Quadragesimae’ of the author of *P. Vallic. B 58* differs from the text of the Regino-Burchard version of the rules concerned. *P. Vallic. B 58* reads: ‘Post haec iubeat hostiarius ut extra ianuas ecclesiae expellant.⁶⁶ Clericus vero prosequatur eos usque ad hostiam ecclesiae’.⁶⁷

No. 5: Apart from one variant, the rubric preceding Prayer Lk 18: 13 is the same in Burchard (= B), *P. Vallic. B 58* and the *Sacramentary of Arezzo* (= A). It is in *P. Vallic. B 58*: ‘Cum ergo venerit aliquis ad sacerdotem confiteri peccata sua, mandet ei sacerdos ut expectet modicum donec intret <<in (om B A) ecclesiam aut in cubiculum suum ad orationem. Si autem locus non est aptus ad hoc in corde suo dicat hanc orationem’. Comparing this rubric with section 4 of Q, we notice these variants. The words ‘in ecclesiam aut’ are missing from Euchetes’ rubric and he gives the phrase ‘si autem cubiculum non habuerit’ for ‘si autem locus non est aptus ad hoc’. It is evident that it was difficult for authors to make themselves completely free from the texts of their models and to create a rubric that makes sense. The rubric of the *ordo* of MBA is: ‘Cum venerit aliquis ad sacerdotem confiteri peccata sua, tunc sacerdos in corde suo dicat *orationem dominicam* et istum capitulum (Ps 40 [41] 5). Postea vero dicat *Pater noster* et hanc orationem secrete (Prayer Lk 18: 13)’.⁶⁸ This rubric implies that the priest should say the Lord’s prayer twice.

No. 6: Since Burchard is the source of *P. Vallic. B 58* and – possibly indirectly – of the *Sacramentary of Arezzo*, it is not surprising that penitential and sacramentary give the version of the prayer of Burchard (whose source is Regino). For *P. Vallic. B 58*, Schmitz only gives the incipit of the prayer, but for the *Sacramentary of Arezzo* he gives the full text.⁶⁹ The conclusion of the prayer is, ‘ut des illis spiritum compunctionis ut respiciant a diaboli laqueis, a quibus astricti tenentur, et ad te per condignam satisfactionem revertantur’ (see text 23).

The explicit of Prayer Lk 18: 13 of the *ordo* of MBA is: ‘(orationem meam ...) pro peccatis meis et pro eorum qui ad paenitentiam *convenerunt*’. For the word ‘*convenerunt*’ the Vallicellanus-Arezzo *ordo* give ‘*venerunt*’. The explicit of the prayer of the *ordo* of MBA is in accordance with that of the MS *Montecassino, Archivio della Badia 554*, one of the MSS of P. II libris (section 11.B.2). In the *ordo* of MBA, Prayer Lk 18: 13 is followed by the prayer: ‘Te quaeso, domine, ut custodire digneris hunc famulum tuum illum et perducas eum ad fructum verae paenitentiae ut, emendatis delictis omnibus, tibi pura mente deserviat. Per dominum’.⁷⁰ In the *ordo* of MBA, the two prayers are followed by a rubric ordering the priest to go out of the church and to ask the penitents the pre-preliminary question, ‘Vultis ad paenitentiam venire?’ (Response: ‘Volumus’). This rubric presupposes a previous direction telling the priest that he should say his preparatory prayer in the church. The rubric ordering the priest to go out of the church prescribes that he should address a group of penitents, who

⁶⁵ See Regino’s Book I, ch. 295.

⁶⁶ If its text is not corrupt, the rubric implies that the faithful who attend the expulsion ritual should (verbally?) expel the penitents.

⁶⁷ Schmitz (1883) 775^{11-13a}; cf. Hartmann 154.

⁶⁸ Lambot 35.

⁶⁹ Schmitz (1883) 776⁹⁻¹⁰ and Schmitz (1898) 403¹¹⁻²².

⁷⁰ Lambot 35.

are supposed to be assembled before the church. This implies the presence of a number of penitents who confessed on the same day at the same time. Since No. 1 - 3 is missing from the *ordo* of MBA, it is unclear to which day the author refers. However, the rubric must derive from a source in which, like in *P. Vallic. B 58*, confession was associated with Ash Wednesday. The author of the *ordo* of MBA mechanically copied the rubric.

No. 7: The rubric of *P. Vallic. B 58* ordering the penitents' introduction into the church is, 'Tunc introducantur hi qui peccata sua confiteri debent'.⁷¹ According to the expulsion ritual, the penitents received a penance in front of the church, whereupon the bishop led them into the church.⁷² The rubric on the penitents' introduction of the rule 'In capite quadragesimae' (see above No. 1) is, 'Post haec in ecclesiam eos introducat episcopus'.⁷³ Perhaps this rubric inspired that of the author of *P. Vallic. B 58*. His rubric even appears in the *Sacramentary of Arezzo*.⁷⁴

The parallel text of the *ordo* of MBA of the rubric 'Tunc introducantur' is: 'Tunc suscipiat sacerdos (penitentes) singulatim per dexteram manum dicens, "Venite quia vocat vos dominus". (Et ingressi ... prosternant se ... ante altare)'.⁷⁵ This rubric reminds us of the hand rubric of, for instance, the *ordo* of the MS *Vercelli, Bibl. capit. 178* (section 11.B.1) but it is unrelated to it. The rubric of the *ordo* of MBA is taken from an *ordo* for the public reconciliation of a special category of penitents on Maundy Thursday. Jungmann devotes many pages of his *Bussriten* to the 'Venite - Ritus'.⁷⁶ The complete text of the rubric of the *ordo* of MBA ordering the priest to go out of the church and to receive the penitents is: 'Egredere foras ostium aecclisiae et dic eis, "Vultis ad paenitentiam venire?" R. "Volumus". Tunc suscipiat sacerdos singulatim per dexteram manum'. This rubric is in plain contradiction with the rubric that in the *ordo* of MBA precedes Prayer Lk 18: 13, 'Cum venerit aliquis ad sacerdotem'. As part of a confession form for ordinary penitents, the rule on the priest's egression from the church and taking each single penitent by the right hand in order to introduce them into the church, is the product of an author who put together a rite at his writing desk.

On the one hand, in *P. Vallic. B. 58* the received sections of *Quotiescumque* belong to a group of six texts that are a kind of prolegomena preceding an order of confession, on the other hand, the priest's preparatory prayer (section 5 of Q) immediately precedes the confession rite proper. Prayer Lk 18: 13 also directly precedes the confession rite proper in the *ordines* of the *Sacramentary of Arezzo* and the *ordo* of MBA. Section 3 - 4 of Q of the *Sacramentary of Arezzo* could be considered as a *prologus* version of Q.

11.J. Ordo of Codex Vallicellanus C 32

Codex Vallicellanus C 32 (end of 11th cent.) is a Ritual. It is introduced and edited by

⁷¹ Schmitz (1883) 776¹¹.

⁷² For a 'Strukturübersicht zum Bußeröffnungsritus' see Meßner 126. The author compares the rites of the expulsion ritual of PontPoit, Regino of Prüm, the *Romano-German Pontifical*, No. 99 and *Pontificale Romanum* of AD 1596.

⁷³ Regino, ch. 395, Hartmann, 154^{11b-12}; Burchard, ch. 26, PL 140, 984C²; *P. Vallic. B 58*, Schmitz (1883) 775³. Burchard implies the word 'episcopus'. *P. Vallic. B 58* reads 'reos' for 'eos'.

⁷⁴ Schmitz (1898) 403²³.

⁷⁵ Lambot 36.

⁷⁶ Jungmann, Register C, s. v. See Meßner 128 for a 'Strukturübersicht zum Rekonziiliansritus'.

A. Odermatt. In addition to other liturgical services, it also includes an *ordo penitentis*.

Odermatt gives a summarizing description of the *ordo* and its text (o. c. 147 - 167. 283 - 300).

Of *Quotiescumque*, the *ordo* only gives its title, a remnant of the rubric preceding Prayer Lk 18: 13, and the priest's preparatory prayer itself (section 5 of Q). They are the first parts of the confession rite. The title is, 'Qualiter sacerdos suscipere debent (sic) penitentes'. The rubric preceding Prayer Lk 18: 13 is, 'Prius dicat pro se orationem'. Line a of section 5 of Q is in the *ordo* of *Codex Vallic. C 32*: (Dne ds o., propitius esto michi peccatori) indigno servo tuo (om Q) (ut condigne possim)'. Line l - m of section 5 of Q is in the *ordo* of *Codex Vallic. C 32*: '(orationem meam ...) pro famulis et famulabus tuis (qui ad Q) ad penitentiam <<venire cupientibus ('venerunt' Q) effundo <<ut pariter eos et a peccatis exuas et in futuro ab omni crimine inlesos custodias (om Q). Per eundem'. These lines are similar to the lines e - f of text 24.

The priest's preparatory prayer is followed by pre-preliminary questions, the preliminary questions on the penitent's faith and willingness to forgive others, and the rest of the rite, including the penitent's reconciliation.⁷⁷

11.K. Manuscript Bologna, Biblioteca universitaria 2679 (San Salvatore 686)

The MS *Bologna, Bibl. univ. 2679*, which is unpublished, was written in the monastery of Sant'Eutizio at the end of the 11th or the beginning of the 12th century.⁷⁸ The MS includes two *ordines*: one for lay believers (A) and another one for hearing the confession of presbyters, monks and clerics (B). However, the main part of one rubric of *ordo* A is for the penitents of *Ordo* B (below No. 8). Gaastra sent me a transcription of the first parts of the two *ordines*. A survey of the parts of A and B that interest us can be given in the same summary.

(1) Title: 'Incipit (om B) ordo ad dandam (clericis ad B) paenitentiam'.

(2) Penitent's approach and reception.

(3) Priest says Terce.

(4) Priest prostrates himself before the altar.

(5) Priest says the Our Father.

(6) Versicles ('capitula').

(7) **Prayer Lk 18: 13.**

(8) *Ordo* A: hand rubric if the penitent is a presbyter, monk or cleric.

(9) *Ordo* A and *Ordo* B: pre-preliminary questions.

(10) *Ordo* A: preliminary questions on the penitent's willingness to forgive others and faith.

(11) *Ordo* B: priest's apology 'Non sum dignus'.

No. 2: In *Ordo* A, the rubric on the penitent's approach and reception is: 'Quando venerit paenitens ad sacerdotem, clauso hostio aecclesiae, dicat ei ut prosternat se in oratione foris atrio'. The rubric seems to imply that a penitent goes to a priest's home and priest and penitent subsequently go to the church. The rubric explicitly says that the church door is

⁷⁷ Odermatt 284 - 300; cf. 160 - 161.

⁷⁸ Gaastra (2007) 133, note 5.

closed and that the priest should tell the penitent to prostrate himself outside the atrium. It was probably the wish to avoid scandals, especially in the case of a female penitent, that prompted the author of the Bologna *ordines* to prescribe lay penitents to remain outside the atrium. Perhaps his rubric is a sign that his *ordines* were tailor-made for the church of Sant'Eutizio. The rubric on the penitent's approach of *Ordo B* is: 'Cum aliquis clericus venerit peccatum suum confiteri, dicat illi sacerdos ut se in oratione cum lacrimis prosternat'. The author implies that a cleric and – presumably – a monk may enter the church.

No. 7: In the case of a lay penitent, the priest says the full text of Prayer Lk 18: 13. Plural endings written above the lines of the text of the prayer indicate that the priest is expected to adapt his prayer if more than one penitent are about to confess. Prayer Lk 18: 13 of *Ordo A* includes these variants of colon c - e of section 5 of Q: 'quia ('qui' Q) me ... ministrum fecisti officii sacerdotalis (c) et me exiguum humilemque (mediatorem ad Q) constituisti (e)'. The explicit of the prayer is (if there is only one penitent): '(suscipe orationem meam ...ante conspectum clementiae tuae pro famulo tuo vel famula tua qui^{quae} ad poenitentiam venit). Tribuae ei, queso, remissionem omnium peccatorum. per'. The phrase 'Tribuae ... peccatorum' is very similar to the explicit of Prayer Lk 18: 13 of *P. Casin.* 372 (section 11.G). According to *Ordo B*, the priest says the short version of Prayer Lk 18: 13, '(Dne ds o. ...) illesum^{os} eum^{os} custodias' (see text 20).

No. 8 - 10: The hand rubric appears in *Ordo A*, but the main part of the rubric is meant for the confession of a non-lay penitent. The rubric is: 'Deinde sacerdos accipiat penitentem aemendationem viciorum suorum promittentem per manum dextram et ducat eum ante altare, si est presbyter aut monachus aut clericus. Si autem est laicus vel femina, stet ante atrium'.

No. 11: Above in section 7.J.3, I give my view that the hand rubric is one of several texts in Italian *ordines* that were borrowed from Greek akolouthies during the time from the end of the ninth to the 12th centuries, but that the discussion of these texts requires a special study. However, the priest's apology *Non sum dignus* of *Ordo B* of the Bologna MS is such a clear example that the temptation to mention it here is irresistible. As I say in section 7.J.3, I believe that the Latin text is translated from the Greek, and not the opposite is true. The Greek text of the apology is found in the Italo-Byzantine rites of BOD and the Athonite MSS *Lavra 105* (15th cent.) and *Kostamonitou 60* (16th cent.). A. Jacob only gives the incipit of the apology in BOD and refers for the full text to Dmitrievskij (1901) 637³¹ - 638⁴ (text of *Lavra 105*). Arranz gives the complete text of BOD.⁷⁹ I reproduce Arranz's text, but in colon f the words μεριμνήσαι, λαλήσαι <καὶ ποιήσαι> are my conjectures for the reading μεριμνήσε, λαλήσε of BOD. The Latin translation presupposes the conjectures, and it gives an obvious sense. In colon g, the relative pronoun οἷς is Arranz's emendation of the reading εἷς.

⁷⁹ Arranz (1992 - 1993) 449, note 22. For the version of *Kostam. 60* see Dmitrievskij (1901) 849³¹ - 850⁴; cf. Arranz, a. c., 455, note 35. Arranz reproduces Dmitrievsky's text of *Lavra 105* in a. c. 374, note 176. A version of the apology is found in the 'catechesis' of the MS *Ottoboni 344* (AD 1177) (= *Akolouthia kai Taxis*) see below p. 165.

[27]

- | | |
|---|--|
| a) Οὐκ εἰμι ἄξιος ἐγὼ δέξασθαι τὴν σὴν ἐξομολόγησιν | Non sum dignus ego suscipere confessionem |
| b) ἀλλὰ προσδέξεται σε ὁ θεὸς ὁ πανταδύναμος, | Suscipiat te omnipotens deus, |
| c) καὶ ρύσεται σε ἐκ πασῶν σου τῶν ἁμαρτιῶν, | et liberet te de omnibus peccatis tuis, |
| d) προόντων, ἐνεστότων καὶ μελλόντων, | praeteritis, presentibus et futuris, |
| e) φωτίσει τὴν διάνοιάν σου ἐξ ἁγίου πνεύματος, | Illuminet dominus mentem tuam suo sancto spiritu, |
| f) διδάξει σε πάντοτε μεριμνήσαι, λαλήσαι <καὶ ποιήσαι> τὰ εὐάριστα αὐτῷ, | doceat te semper cogitare, loqui et agere quae illi placita sunt, |
| g) χαρίσεται σοι ταπεινώσιν ἀληθινήν, μακροθυμίαν τε καὶ ἀγάπην, ὑπομόνην καὶ πραότητα καὶ διάκρισιν ἐν πάσιν οἷς πράττεις, | donet tibi humilitatem veram, pacientiam, caritatem, continentiam, concordiam bonam et discretionem in omnibus |
| h) see I | bonis quae sibi placent, |
| i) ἐμβαλεῖ εἰς καρδίαν σου τὸν φόβον καὶ τὴν φιλείαν αὐτοῦ, | mittat in corde tuo timorem et amorem suum, |
| j) ρύσεται σε ἐκ πάντων τῶν ἐπιτηδευμάτων τοῦ ἐχθροῦ, | liberet te ab omnibus insidiis diaboli, |
| k) ποιήσαι σε ἀεὶ | et faciat te |
| l) ἐπιμείναι ἐν ἀγαθαῖς πράξεσιν, | see h |
| m) καὶ κατευδῶσει σε εἰς τὴν ζωὴν τὴν αἰώνιον, | ad vitam aeternam pervenire. |
| n) ὁ πατὴρ καὶ ὁ υἱὸς καὶ τὸ πνεῦμα τὸ ἅγιον. Ἀμήν. | Amen. |

11.L. Collectio IX librorum

The name ‘Collection of Nine Books’ (= Coll9libr) is that given to the MS *Vaticano, Archivio di San Pietro C 118* (ca. 1123). For this canon law collection see Gastra (2006) 89 - 100. The author sent me a transcription of f. 193^r - 196^r of the MS, which is its part in which sections of *Quotiescumque* are received. A summary of this part shows how this is done.

- (1) Treatise *Provida mente*, headed by the title ‘Iohannis Chrysostomi. De iudicio poenitentiae, horum (sic) contra paganos’.
- (2) Treatise *De remediis vulnerum*. This treatise is preceded by the title or titles: ‘Incipit de remediis poenitentiae expositus Sancti Basilii, inquisitione a Cumeani Longii. In primi<s> de remediis vulnerum’.⁸⁰
- (3) Treatise *Diversitas culparum* (WAS 460 - 465; Schmitz [1883] 611 - 615).

⁸⁰ The noun ‘expositus’ in the sense of ‘expositio’ is missing from Blaise’s dictionaries.

- (4) Confessor's guide *Propter corundam*.
- (5) Treatise *Institutio illa sancta*, headed by the title, 'Incipit de qualitate culparum. Institutio sanctorum patrum constituendum considerandum est'.
- (6) **Section 1 -3 of Q**, under the title, 'Qualiter ieiunia debemus imponere'.
- (7) 'Inquisitio paenitentiae danda<e>. Iohanni Ch<r>isostomi'.
- (8) Confession by interrogation ('Primum interrogas eum facinora sua [et post confessionem ...]').
- (9) Imposition of the penance ('et post confessionem statuet ei tempus <ieiunandi> {et} dicens').
- (10) Sermon *Omnis penitens*.
- (11) A version of **section 6 - 12 of Q**. The author placed the words, 'Unde supra. Iohanni Chrisostomi' above this part of Q (see No. 7).

In footnotes at the various parts of his transcription of *Vaticano, Archivio di San Pietro, C 118*, f. 193^r - 196^r, Gaastra indicates the works in which these parts can be found.

No. 1 - 10: Three texts of this part of Coll9libr are certainly translated from the Greek: *Propter corundam* (No. 4), section 1 - 3 of Q (No. 6) and section 6 - 12 of Q (No.11). I believe that the sermon *Omnis penitens* is also translated from the Greek (see comment on No. 10). It cannot be coincidental that four texts are attributed to Greek Fathers: John Chrysostom (Nos 1. 7. 11) and Basil of Caesarea (No. 2).

No. 1: The treatise *Provida mente* is missing from Chrysostom's printed works, but we cannot rule out, I believe, that he is correctly named as its author. The text is also given by Haymo Halberstadtensis († 853), *De varietate librorum* II 64, PL 118, 928 - 929.

No. 2: The treatise *De remediis vulnerum*, attributed to Basil, is the prologue of *P. Cummeani* in Bieler 108 - 110. In Wasserschleben's and Schmitz's editions of *P. Cummeani* it is the second part of the treatise *Diversitas culparum*.⁸¹

No. 3: For the treatise *Diversitas culparum* see Bieler 98; WAS 355. 388^{18b-35a} and 460 - 461^{8a}; Schmitz (1883) 611^{5-17a}.

No. 4: The first lines of *Propter corundam*, 'Propter corundam. ... animarum illorum' are missing from Coll9libr.⁸²

No. 5: The treatise *Institutio illa sancta* is the prologue of *P. pseudo-Egberti*.⁸³

No. 6: The text of section 1 - 3 of *Quotiescumque* of Coll9libr. is very similar to that of *P. pseudo-Romanum*. Line g of section g - i of Q (priests' and deacon's competence) is in Coll9libr.: '(Si autem ... presbyter non fuerit presens) diaconus suscipiat <<paenitentiam ("penitentem" Q) ad sanctam <<conversationem ("communionem" Q)'.⁸³

No. 7 - 8: At this point of the *ordo* of the author's model, a questionnaire was probably given, which was apparently attributed to John Chrysostom.

⁸¹ WAS 461^{8b} - 462⁸; Schmitz (1883) 611^{7b} - 612¹⁸.

⁸² See *P. Oxon. II*, Kottje (1994) 181¹²⁻¹⁴.

⁸³ Schmitz (1883) 573¹⁴ - 575⁸; Schmitz (1898) 661⁴ - 663¹⁷; WAS 231 - 233, cf. 221 [an excerpt]. For the 11 MSS of *P. pseudo-Egberti* see Haggemüller 149.

No. 9: My conjecture ‘tempus <ieiunandi>’ is based on the rubric commanding the imposition of the penance in the (unpublished) *ordo* of the MS *Vercelli, Bibl. capit. 178*.⁸⁴ It is: ‘Et post confessionem constituat ei tempus ieiunandi’.

No. 10: The sermon *Omnis penitens* also follows upon the imposition of the penance in the *ordo* of the MS *Vercelli, Bibl. capit. 178*.⁸⁵ As I have said, I believe that the sermon was translated from the Greek. It begins with stating: ‘Omnis penitens in hoc consistit ut a pristinis malis et sceleribus absteat se et cum labore et gemitu multo, cum ieiuniis et vigiliis absteat se ab omni malo’. Not entirely in harmony with this statement, the author concludes the sermon writing: ‘Videte, fratres, quantis testimoniis remedia peccatorum, spiritu sancto instruente, didicistis, et aliter vos non posse veniam promereri, nisi vestra fueritis peccata cum emendatione confessi’. The first *testimonium* given by the author between his opening statement and conclusion is, ‘cum conversus ingemueris, tunc salvus eris’. This is a translation of (Ἰσραήλ...) ὅταν ἀποστραφῆς στενάζης, τότε σωθήσῃ (Is 30: 15). The Vulgate reads, ‘Si revertamini et quiescatis, salvi eritis’. Omitting greater or smaller parts of these verses, the author further cites (1) Joel 2: 12b - 13a.c (2) Jer 3: 22a-b (3) Ez 33: 11 (cf. 18: 23) (‘Nolo mortem peccatoris, set ut convertatur et vivat’) and (4) Ez 33: 12. 16 (‘peccator a die qua conversus fuerit [cf. 12], iam non commemorabuntur iniquitates eius quas fecit [cf. 16]’). Speaking about God, Joel 2: 13c is in the LXX: ὅτι ἐλεήμων καὶ οἰκτιρῶμων ἐστίν, in the Vulgate, ‘quia benignus et misericors est’ and in *Omnis penitens*, ‘quia pius et misericors est deus’. I disregard this minor variant. Jer 3: 22a-b is in the LXX: Ἐπιστρέφητε (...) καὶ ἰάσομαι τὰ συντριμματα ὑμῶν, in the Vulgate: ‘Convertimini (...) et sanabo aversiones vestras’, in *Omnis penitens*: ‘et sanabo contritiones vestras’. In Ez 33, the Bible speaks of ‘the wicked man’ (‘impious’, ἀσεβοῦς). The variant ‘peccator’ can be explained by the theory that the – in my view, first and Greek – author of *Omnis penitens* quoted the verses of Ezekiel by heart. Referring to Ez 33: 16, the Latin author writes, ‘iam non commemorabuntur iniquitates eius quas fecit’. This reflects the text of the LXX, πάντα αἱ ἁμαρτίαι αὐτοῦ, ἃς ἤμαρτεν, οὐ μὴ ἀναμνησθῶσιν. The Vulgate reads, ‘omnia peccata eius, quae peccavit, non imputabuntur ei’. In addition to its reading of Is 30: 15, the words ‘contritiones’ and ‘non commemorabuntur’ of *Omnis penitens* show that its author translates verses of the Septuagint, and from this we may infer that the sermon is translated from the Greek. This conclusion is confirmed by the fact that the four pieces of biblical evidence following the quotation of Is 30: 15 are given in accordance with the order of the Septuagint of the prophetic books concerned (Joel, Jeremiah, Ezekiel), and not with that of the Vulgate (Jeremiah, Ezekiel, Joel). A Greek parallel text of *Omnis penitens* is the catechesis Ἄκουσον, ὦ τένον (‘Listen, o child’), through which in BOD the priest incites the penitent to confess his sins.⁸⁶ Curiously enough, this catechesis is attributed to ‘our holy Father Jerome’.⁸⁷

⁸⁴ For the *ordo* of *Vercelli, Bibl. capit. 178* see section 11.B.I.

⁸⁵ Gaastra wrote me that *Propter corundam, Provida mente* and *Omnis penitens* are also found in the MS *Vat. lat. 5771* and that these texts of the MS are printed by M. Tosi. This work was inaccessible to me.

⁸⁶ Jacob 326⁸ - 327¹¹, see 326⁸⁻²³.

⁸⁷ O. c. 326⁸⁻⁹.

The MS *Ottoboni 344* (AD 1177) includes a confession rite, which is entitled *Akolouthia kai Taxis* (= AKO). For convenience's sake I assume that a certain Galaktion is its author.⁸⁸ AKO includes a catechesis, a section of which is also comparable with *Omnis penitens*. This is not surprising. The confession rite proper of AKO is a version of the confession form of DID, an Eastern-Byzantine rite.⁸⁹ However, the catechesis, which Galaktion inserted between the preparatory part of the rite (PG 88, 1889A –D²) and its other parts (o. c. 1892D⁹ – 1901AD), is made up of texts of which the source is the Italo-Byzantine rite of BOD.⁹⁰ A comparison of PG 88, 1992A – B⁷ with text 27 shows that the first section of the catechesis of AKO is a version of the priest's apology *Ouk eimi axios*. The incipit of the version of AKO is, Οὐκ ἐγὼ σου, τέκνον πνευματικόν, its last words are: (ὁ τῶν κρυπτῶν γνώστης ...) ἐν πάσαις ταῖς τῶν ἀγαθῶν ἐργασίαις ρυθμίσει σε. I must note that Galaktion adjoined a number of lines of his own to the first statement of the catechesis, 'Not I, spiritual child, primarily take your confession and grant you forgiveness, but God through me'. Galaktion also considerably changes the wording of his model.⁹¹ The second part of the catechesis of AKO is a version of the Greek parallel text of *Omnis penitens*. Omitting its first line, Ἄκουσον, ὦ τέκνον, πρόσταγμα θεοῦ, Galaktion gives as his first words, Κλῖνον τοῖνυν, ὦ τέκνον, τὸ οὖς σου (PG 88, 1892B8) and as his last words, καὶ ὑὸς λουομένη εἰς κύλισμα βορβόρου (cf. 2 Pet 2: 22). The third section of the catechesis of AKO is the exhortation *Idou*, which in the Italo-Byzantine rite of BOD is said by the priest immediately before confession.⁹²

To a lesser extent a section of the sermon (i. e., *Logos ad paenitentes*) preceding the Eastern-Byzantine confession rite that is given by J. Morin 92E¹³ – 97 is also a parallel text of *Omnis penitens*.⁹³ The section concerned of the sermon includes the words: Ἐχοντες οὖν, ἀδελφοί, μαρτυρίας {ὅτι} πλείστας παραινούσας ἡμᾶς εἰς τὸ σῶξασθαι ἐκ τοῦ τῆς παλαιᾶς καὶ τῆς νέας διαθήκης προσδράμωμεν τῷ θεῷ ἡμῶν ἐν ἐξομολογήσει ('Having then, brothers, very many testimonies from the Old and New Testament urging us to be saved, let us run unto our God in order to confess').⁹⁴ These words remind us of the conclusion of *Omnis penitens*. I must note that, as we have seen in section 10.B.3, before giving their confession rites, the author of the *Romano-German Pontifical*, No. 99 and pseudo-Alcuin state that in the first place the priest should beforehand admonish all Christians 'ex sacris scripturarum testimoniis' that on the first day of Lent 'ad veram confessionem veramque penitentiam accedant'. However, the compiler of PRG and pseudo-Alcuin do not cite biblical testimonies; the latter quotes a text of Jerome and two texts of 'Gregorius'.⁹⁵

⁸⁸ See PG 88, 1889 – 1917. Perhaps Galaktion is only a copyist, see Van de Pavverd (2006) 26.

⁸⁹ See Van de Pavverd, o. c. 125 – 126, 204.

⁹⁰ This might explain why the title of AKO is 'Akolouthia kai Taxis'; the Italo-Byzantine rite of BOD is called 'Taxis'. I suspect that the term *taxis* (= 'ordo') is an Italo-Byzantine expression. For the catechesis see PG 88, 1892A – D⁸, reproduced by Arranz (1992 – 1993) 358 – 359, note 127. For the Italo-Byzantine rite of BOD see above section 1.B.3.

⁹¹ For this habit of Galaktion see Van de Pavverd (2006) 26.

⁹² Jacob 327, 15. 9. In AKO, Galaktion repeats the exhortation after he has given 8 prayers of forgiveness, see PG 88, 1900C.

⁹³ The rite is reproduced in PG 88, 1921C⁶ (Οφείλει δὲ ὁ ἐξαγορευόμενος) – 1932 and Arranz (1992 – 1993) 80, note 87 – 93.

⁹⁴ J. Morin 92A^{4b-7}, PG 88, 1920B^{9b-9a}. The phrase ἐν ἐξομολογήσει can also be translated by 'with thanksgiving' (see, for instance, Ps 146[147] 7), but it is evident that in the quoted text ἐν is used for εἰς and denotes purpose. The author of the sermon considers confession to be a precondition of salvation.

⁹⁵ PL 101, 1192C.

No. 11: The reading of section 7 of Q (immediate reception of penitent) is in Coll9libr (I only indicate the variants of Q that seem interesting to me): ‘Accedente autem unumquemque hominem ad paenitentiam, si videris eum <<alacriter (‘acriter’ Q) et assidue in paenitentia stare, statim suscipe eum <<ad manum (om Q)’. This reading is similar to the reading of section 7 of Q of *P. Oxon. II*: ‘Unumquemque hominem vel mulierem si videris eum alacriter et diu stare in paenitentiam, statim suscipiatis eum manu’.⁹⁶ Despite the fact that *P. Oxon. II* and Coll9libr have the reading ‘alacriter’ in common, I believe that the rubric of the latter is unrelated to that of the former. The author of *P. Oxon. II* refers to the confessor’s hand, in Coll9libr the phrase ‘ad manum’ is a trace of the hand rubric, according to which the priest should take the penitent by the right hand and lead him to before the altar, as can be seen in, for instance, *P. Casinense 372* (section 11.G). In *P. Casinense 372*, the last words of the hand rubric are, ‘et duc eum ante altare ut confiteatur peccata sua’. In Coll9libr, the words ‘suscipe eum ad manum’ are followed by a version of section 8 of Q (speedily fasting allowed). The author of Coll9libr probably omits the words on confession because he mentions confession in No. 8. However, keeping to the order of his model and giving section 6 - 7 of Q, a trace of the hand rubric, and section 8 - 12 of Q, it is rather at a strange point of his rite that the author commands the priest to take the penitent’s hand. Section 8 of Q is in Coll9libr: ‘(suscipe eum ad manum); eum vero qui potest suum explere ieiunium quod impositum est ei, noli prohibere, set permitte, magis autem (“enim” Q) laudandi sunt hi qui celeriter debitum pondus persolvere festinant, quia ieiunium debitum est’.

Section 9 of Q is in Coll9libr: ‘Si<c> tamen eis mandare (“et sic date mandatum his” Q) qui paenitentiam agunt, <<ut sic se agant, ut de cetero non peccent (om Q)’. The words ‘ut de cetero non peccent’ is an addition that is typical of the Italian *ordines*, whereas the phrase ‘qui paenitentiam agunt’ only appears in Coll9libr and *P. Vallicellanus E 15* of the Italian works.⁹⁷ Perhaps the author of Coll9libr received the phrase from Burchard of Worms (section 10.B.4). The reading of section 11 of Q (reward for voluntary fasting) is in Coll9libr: ‘Omnis itaque penitens ... debet ex <s>eipso quantum ipsi <<aptum (“visum” Q) ieiunare, sive tetradas sive parascebas’. The author’s reading of section 12 of Q (eating and drinking on the Sunday and Saturday) is: ‘Qui{a} ergo tota septimana ieiunat ... sabbato et dominico die manducet (et bibat ad Q) quicquid <<actum (“appositum” Q) fuerit’. Burchard of Worms also gives section 12 a of Q, but reads ‘aptum’ for ‘actum’. Curiously, the reading of section 11 a of Q of *P. Casinense 372* is, ‘debet ex <s>e ipsum quantum ei <<actum (“visum” Q) fuerit (ieiunare ...)’ (section 11.G). Perhaps this justifies the suspicion that in certain Italian MSS the letters c and p were similar. Section 13 (redemptions) and 14 (slaves and female slaves) are missing from the part of Coll9libr of which Gaastra sent me a transcription.

The reception of Q in Coll9libr is closer to the text of Q of *P. pseudo-Romanum* than the versions of the other Italian works are, with the exception of *P. Vallicellanus E 15*. The cause might be the influence of Burchard of Worms on Coll9libr. The author of Coll9libr tried to turn the confessor’s guide into a confession form by inserting these texts between section 1 -

⁹⁶ Kottje (1994) 192³³²⁻³³⁴.

⁹⁷ For *P. Vallicellanus E 15* see section 11.A.

3 (No. 6) and 6 - 12 of Q (No. 11): the reference to a questionnaire (No. 7), the rubrics on confession and the imposition of the penance (Nos 8 - 9) and the sermon *Omnis penitens* (No. 10). Apparently he did not believe that section 4 and 5 of Q (Prayer Lk 18: 13 and its preceding rubric) fitted in his confession form. As we have seen, section 4 and 5 of Q are also missing from *P. Vaticanum* (section 11.H). The attempt of the author of Coll9libr to turn *Quotiescumque* into a confession form can hardly be considered as successful. However, his readers could have profited from the sermon *Omnis penitens* and from some instructions of *Quotiescumque*, from those that are valuable to a confessor of any time and place.

11.M. Ordo of Farfa

The MS *Perugia, Biblioteca Comunale Augusta, I 17* includes an order of confession (f. 1^v - 4^r). The MS 'was copied at the abbey of Farfa' (situated in the district of Fara in Sabina) around 1100, and we may speak of the 'Ordo of Farfa'. Its text is given by Susan Boyton.⁹⁸

The title of the order of confession of Farfa is, 'Ordo penitentis'. Its first rubric runs, 'Cum venerit aliquis ad sacerdotem petere penitentiam, dicat sacerdos hanc orationem (Prayer Lk 18: 13) genu flexu ante altarem vel in corde suo si in domo est'. In this text, section 4 of Q, the rubric preceding Prayer Lk 18: 13, is still clearly recognizable. It is this rubric that caused the curious rule that the priest should say his preparatory prayer in his heart if he is at home.

The first rubric of the *Ordo of Farfa* is followed by Prayer Lk 18: 13. Except for its last part, the text of the priest's preparatory prayer of the *Ordo of Farfa* is almost identical with that of *P. pseudo-Romanum*. Line c of section 5 of Q in the *Ordo of Farfa* includes a variant that is also found in *Muratori's First Ordo of Bobbio*, viz., 'qui me indignum <<et peccatorem (om Q) (... ministrum fecisti ordinis sacerdotalis <<fungi [om Q])'. It is interesting to compare the last part of the prayer of the *Ordo of Farfa* with that of the prayer in BOD.

[28]

a) Suscipe orationem meam	πρόσδεξει τὴν προσευχὴν μου
b) ante conspectum clementiae tuae	ἐνώπιον τῆς ἐπιεικίας σου
c) pro peccatis meis	ἔνεκα τῶν ἁμαρτιῶν μου
d) et pro hoc famulo tuo – nomen –	καὶ ὑπὲρ τοῦ δούλου σου ὁ δεῖνα
e) qui venit ad penitentiam,	τοῦ εἰς μετάνοιαν ἐλθόντος,
f) ut mundatis delictis omnibus,	καὶ διορθούμενοι παραπωμάτων,
g) pura tibi in te proviamus,	καθαροὶ διανοίᾳ σοι λατρεύσωμεν,
h) ut ... ad te ... revertatur,	
i) et ad gaudia eterna pervenire mereat.	καὶ καταξιωθῶμεν εἰς ἀγαλλίασιν αἰώνιον προφθάσαι.

⁹⁸ Boyton (2008) For the place and time of origine of the MS see o. c. 270; for its confession rite, o. c. 273 - 278.

In the Italian *ordines* that give the words ‘pro peccatis meis’ (see b), they are followed by the phrase ‘et pro eorum’ or – in *Muratori’s First Ordo of Bobbio* (above section 11.E) – ‘et pro famulis famulabusque tuis’ (cf. section 5 m of Q).⁹⁹ The reading ‘et pro hoc famulo tuo – nomen – qui venit ad penitentiam’ is comparable with the explicit of Prayer Lk 18: 13 of the *Romano-German Pontifical*, No. 136 § 3 and with the ending of the prayer of the *Pontifical of Bishop Egilbert of Freising*.¹⁰⁰ Colon d - e of text 28 is similar to the Greek version of the prayer (see section 5 m - n of Q). Colon e is corrupt. Perhaps it was, ‘ut mundatis delictis ... pura mente tibi serviamus’.¹⁰¹ Colon f of text 28 is a parallel of the explicit of Prayer Lk 18: 13 of Burchard of Worms, whose source is Regino of Prüm (see text 23). Colon g is again comparable with colon n of the Greek version of the priest’s preparatory prayer. In the Vulgate text of the New Testament, the noun ἀγαλλίασιν is translated with ‘gaudium’ in Lk 1: 44.

I suggest this explanation for the special version of Prayer Lk 18: 13 of the *Ordo of Farfa*. Its author was familiar with the following versions of the prayer: (1) a domestic Latin version, (2) the Greek version and (3) Burchard’s version. The reading ‘qui me indignum et peccatorem’ presupposes acquaintance with a domestic Latin version, the parallels with the text of Prayer Lk 18: 13 of BOD, with a Greek version, and colon f of text 28, with Burchard’s version. The words, ‘pro hoc famulo tuo – nomen – qui ...’ are a direct translation of the Greek version, and do not derive from PRG, No. 136 § 3 or from Bishop Egilbert’s pontifical. As I say in section 7.J.3, I believe that like, for instance, the hand rubric, colon n of Prayer Lk 18: 13 in the *Ordo of Farfa* is one of several testimonies that Greek Italian confession forms influenced their Latin Italian counterparts from the end of the ninth to the 12th centuries.

In the *Ordo of Farfa*, Prayer Lk 18: 13 (section 5 of Q) is followed by the rubric: ‘Post hec sacerdos veniat ad penitentem cum tristitia et lamentatione et suspiriis ac fletu (interrogat eum dicens: “Fili, vis accipere penitentiam de peccatis tuis?”)’. Perhaps this rubric is inspired by section 6 of Q: ‘Videns autem ille qui ad paenitentiam venit sacerdos tristem et lacrymantem (pro suis facinoribus ...)’. The phrase, ‘Thereupon the priest should go to the penitent’ implies that, following the penitent’s approach, the priest said his preparatory prayer at some distance from the penitent. The author does not specify where the penitent should wait while the priest is saying his prayer. The rubric is followed by a number of pre-preliminary questions, the *commendatio animae* (‘Tunc accipit eum sacerdos in manu et ipse penitens dicit tribus vicibus [Lk 23: 46]’) and the rest of the rite, which also includes the preliminary questions on the penitent’s faith and willingness to forgive others, among a great number of other questions.¹⁰²

⁹⁹ For the reading ‘pro peccatis meis et pro eorum (qui ad penitentiam [con]venerunt)’ see P. II libris (section 11.B.I and 2); *Muratori’s First Ordo of Verona* (section 11.C) and *Milan, Bibl. Ambros. T 27* (section 11.I).

¹⁰⁰ See above the sections 10.A.2 and 10.B.5.

¹⁰¹ For the conjecture ‘pura mente’ as translation of καθαροὶ διανοίᾳ see Mt 5: 8, where οἱ καθαροὶ τῆ καρδίᾳ is translated with ‘mundo corde’ in the Vulgate.

¹⁰² Boyton 277¹³ - 287⁴.

11.N. Ordo of *Paenitentiale Lucense*

A. H. Gaastra calls *P. Lucense* the penitential that is contained by the MS *Lucca, Biblioteca statale 1781* (ff. 2^v - 8). His thorough discussion of the MS is Gaastra 105 - 122. The codex was written at Sulmona or at Valva, two towns in the province of L'Aquila, in the 11th century. Gaastra's edition of *P. Lucense* is Gaastra 282 - 289.

P. Lucense seems to include two *ordines*. The first one (= *ordo A*) is entitled, 'Ordo ad dandam penitentiam'. It consists of pre-preliminary questions, the preliminary question on the penitent's willingness to forgive others, the *commendatio animae*, and two prayers.¹⁰³ Gaastra describes *ordo A* in these words, 'Addition ... of a penitential *ordo* under the title *ordo ad dandam penitentiam* in the margins of ff. 2v - 3r'.¹⁰⁴ The title of what seems to be the second *ordo* (= *ordo B*) is 'Incipit ordo penitentis'. The first part of this *ordo* is a trace of the rubric preceding Prayer Lk 18: 13 ('Dicat sacerdos intra se orationem', cf. section 4 of Q). The rubric is followed by a form of the short version of Prayer Lk 18: 13 and the rest of the rite. I believe that the author of *ordo A* expected a confessor to use it after he had prepared himself by saying a version of Prayer Lk 18: 13, and that we are not dealing with a trunk of an independent order of confession. If this theory is correct, except for a few irregularities, we obtain the scheme of an *ordo* that is comparable with that of other Italian confession rites. The irregularities are that in *ordo B* the version of Prayer Lk 18: 13 is followed by a small piece of corrupt text, a promise of the penitent that presupposes a disappeared question, the priest's command ordering the penitent to ask for a penance and to abandon his soul and spirit into the hand of the Lord, in other words, a second *commendatio animae*.¹⁰⁵

P. Lucense gives a version of the short text of Prayer Lk 18: 13.¹⁰⁶ It gives the exactly same version as the MS *Berlin, Hamilton 290* does, including even the word 'humiliter (effundo)' (see above text 25).

11.O. Ordo of *Paenitentiale Vallicellanum E 62*

For *P. Vallic. E 62* see Vogel (1978) 85. Gaastra 70 - 90 gives a detailed description of the MS *Vallic. E 62*. It was written in the second half of the 12th century, probably at Narni, in the province of Umbria. Gaastra's edition of the penitential is Gaastra 259 - 273. For some reason, Schmitz failed to publish it. He merely mentions the codex *Vallicellanus E 62* in the list of MSS of Schmitz (1883) (p. XIV). Wasserschleben introduces *P. Vallic. E 62* in WAS 86¹⁴⁻²⁷. He calls it 'Paenitentiale Vallicellanum II', a name used by Schmitz for *P. Vallic. C 6*.¹⁰⁷ Wasserschleben's edition of *P. Vallic. E 62* is WAS 550 - 566.

The title of the *ordo* of *P. Vallic. E 62* is, 'Incipit ordo penitentie'.¹⁰⁸ The title is followed by a remnant of the rubric preceding Prayer Lk 18: 13: 'Cum venerit penitens ad confi-

¹⁰³ Gaastra 282⁴⁻²³.

¹⁰⁴ O. c. 107, cf. 108; 282².

¹⁰⁵ The text concerned is, '<Post h>oc ('oc' for 'Oc') (?) autem' <question whether the penitent is prepared to do penance> (?), 'si facere profitetur, manus (for 'manibus') eius in suis manibus suscipiens, sibi petere penitentiam indicet, et in manu domini animam et spiritum commendare'.

¹⁰⁶ Gaastra 282²⁶⁻³⁰.

¹⁰⁷ Schmitz (1883) 342 - 388.

¹⁰⁸ Gaastra 259²; WAS 550³.

tendum, dicat prius sacerdos intra se hanc orationem’ (cf. section 4 of Q). This rubric is almost the same as that of *P. Vallic. E 15* (section 11.A), the only difference being that the latter gives the words ‘orationem istam’ for ‘hanc orationem’ of *P. Vallic. E 62*.¹⁰⁹ Apart from insignificant variants and its explicit, the text of Prayer Lk 18: 13 of *P. Vallic. E 62* is the same as that of *P. pseudo-Romanum* (see section 5 of Q). To a large extent, the ending of Prayer Lk 18: 13 of *P. Vallic. E 62* is in accordance with that concluding the priest’s preparatory prayers of other Italian *ordines* but, in addition, the explicit of the prayer of *P. Vallic. E 62* has a final phrase of its own, viz., ‘(suscipe orationem meam ... pro peccatis meis et pro eorum qui ad penitentiam venerunt) ut tua gratia salvati pariterque nos ab omni culpa liberare digneris. per’. Prayer Lk 18: 13 is followed by two pre-preliminary questions and the rest of the confession rite of *P. Vallic. E 62*.¹¹⁰

11.P. Ordo of San Biagio (S. Blasii) di Fabriano

PL 151, 914D - 918A gives the order of confession of a sacramentary, which might have been the sacramentary of the monks of the monastery of San Biagio di Fabriano (= S. Biagio di F.). The handwritten work belonged to the library of the abbey of Fontevellana and was put together before the 14th century.¹¹¹ For convenience’s sake, I take it that it was the confession rite of the church of the monastery of S. Biagio di F.

The title of the *ordo* of S. Biagio di F. is, ‘Incipit ordo ad paenitentiam dandam’. Next, the author of the *ordo* gives the rubric, ‘In primis dicit sacerdos’, which words are followed by Prayer Lk 18: 13, the only section of *Quotiescumque* received in the *ordo* of S. Biagio di F. The text of the priest’s preparatory prayer of the *ordo* is very similar to that of *P. pseudo-Romanum* (section 5 of Q).¹¹² Variants of the former are found in line c of section 5 of Q. They are, ‘qui me indignum <<et peccatorem (om Q) ad ministerium tuum vocare dignatus es (“propter tuam misericordiam ministrum fecisti officii sacerdotalis” Q)’. The variant ‘et peccatorem’ is also found in the version of Prayer Lk 18: 13 of *Muratori’s First Ordo of Bobbio* and in the *ordo* of Farfa.¹¹³ The explicit of Prayer Lk 18: 13 is in the *ordo* of S. Biagio di F., ‘suscipe orationem meam quam <<facio (“fundo” Q) ... pro me peccatore et pro aliis (“pro famulis atque famulabus tuis” Q) qui ad poenitentiam <<ad me veniunt (“venerunt” Q), Salvator (om Q)’. Prayer Lk 18: 13 of the *ordo* of S. Biagio di F. is followed by the preliminary questions on the penitent’s faith and willingness to forgive others, and the rest of the rite.

11.Q. Common ordo of the 13th- century pontificals of the Roman Curia and of Aix

For the *ordo* of the *Pontifical of the Roman Curia* see Andrieu (1940) II 479 - 486, No. 46

¹⁰⁹ Gaastra 259²⁻³; WAS 551 (*P. Vallic. E 62*), Schmitz (1883) 239¹²⁻¹³ (*P. Vallic. E 15*).

¹¹⁰ Gaastra 259¹² - 265; WAS 551¹⁷ - 557⁵.

¹¹¹ PL 151, 877 - 878. For Fontevellana see LThK, s. v. A. H. Gaastra drew my attention to this *ordo* given by PL 151, 914D - 918A. He wrote me that the MS from which it is taken is probably currently being preserved at Ravenna. Jungmann does not mention BM, published in 1903 (see section 11.B) and SacDioThu, published by J. Morin (section 10.B.6). If I am not mistaken, these *ordines* and that of San Biagio di F. are the only texts on penitential rites published before 1932 that escaped Jungmann’s notice.

¹¹² See PL 151, 914D - 915A.

¹¹³ See the sections 11.E and 11.M.

- 47.¹¹⁴ For the *Pontifical of Aix of ca. 1300* see Martène, *Liber I, caput VI, Ordo XV* (Martène 813 - 815) and Jungmann 196, note 116. Apart from very few, very slight variants, the confession form of the *Pontifical of Aix of ca. 1300* is the same as that of the *Pontifical of the Roman Curia*. We may take it that the former is a copy of the *ordo* of the mentioned Roman pontifical and that we are dealing with an Italian *ordo*. Therefore I disregard the *Pontifical of Aix of ca. 1300*.

The *ordo* of the *Pontifical of the Roman Curia* opens with the rubric: ‘Quando peccata sua vult aliquis confiteri, sacerdos *apud se* dicat orationem hanc’. The words ‘*apud se*’ show the influence of the rubric preceding Prayer Lk 18: 13 of *Quotiescumque* (section 4 of Q). The rubric is followed by a version of the short text of Prayer Lk 18: 13 that is very similar to that of *Paris, B. N., ms. lat. 8505*, a MS of *Halitgar, Paenitentiale*, Book 1 - 6 (see above text 25). The only significant difference is that these words are missing from the *Pontifical of the Roman Curia*: ‘(orationem quam fundo) pro famulis et famulabus tuis peccata sua confiteri cupientibus (ante conspectum clementie tue)’ (see text 25, d). Therefore the explicit of the short version of Prayer Lk 18: 13 of the *Pontifical of the Roman Curia* is, ‘(orationem ...) ut peccare de cetero caveamus efficias’.

The short version of Prayer Lk 18: 13 and its preceding rubric are the only parts of the *ordo* of the *Pontifical of the Roman Curia* that remind us of *Quotiescumque*.

11.R. Conclusion of section 10 - 11

Of the non-Italian works on penitential rites, the following books only give (a version of) Prayer Lk 18: 13: the *So-Called Pontifical of Poitiers*, the *Gregorian Sacramentary of Fulda*, the confession rites of the two *Sacramentaries of St Gatian of Tours*, the *Ritual of Constance* of 1721, the *Ritual of Mainz* of 1599 and the *Ritual of Würzburg* of 1836. Of the Italian works on penitential rites, Prayer Lk 18: 13 is missing from *P. Vaticanum* and Coll9libr. Of the other Italian works, it is only (a version of) the priest’s preparatory prayer that is given by all of them. Therefore Prayer Lk 18: 13 (section 5 of Q) proves to be the most influential part of the confessor’s guide.

¹¹⁴ Calling the *Pontifical of the Roman Curia* ‘*Ordinarius Papae*’, Jungmann 196 refers for its *ordo* to Schmitz (1883) 96 - 102. Schmitz (1883) 98 - 100²¹ gives No. 46, 1 - 19 of the pontifical. Following two Vatican MSS, Schmitz (1883) 100²² - 102 gives the text of Appendix III of Andrieu’s ed. of the pontifical (p. 578 - 579).

12. NOTE ON THE CURRENT CONFESSION ORDERS OF THE LATIN AND GREEK CHURCHES

Prayer Lk 18: 13 is missing from the post-Tridentine *Roman Ritual* of 1614, which served as model for diocesan Rituals. The Roman Congregation for Divine Worship did not adopt Prayer Lk 18: 13 for its *Ordo Paenitentiae* published in 1974.¹ The prayer is also missing from the present-day Greek euchologion. The cause is this. J. Goar edited the confession rite of *Codex Barberini 306* (16th cent.) f. 35 - 43^r in his *Euchologion sive Rituale Graecorum*, printed at Venice in 1730.² The editors of the euchologion of the Greek Church adopted this Ἀκολουθία τῶν ἐξομλογουμένων. The first edition of the euchologion that included the confession rite of *Barberini 306* was printed at Venice in 1705.³ The akolouthy is p. 221 - 223 in the edition of 1980 of *Euchologion to Mega* by the publishing house Astir. However, in contrast to the Italo-Byzantine rite of BOD, the confession akolouthy of *Barberini 306* does not include Prayer Lk 18: 13. The akolouthy of *Barberini 306* only has a litany in common with the Italo-Byzantine rite of BOD. This litany is the so-called εὐχὴ συναπτή or 'synapte'.⁴ It is said at the beginning of the confession rite. The *synapte* is also said, at the beginning of, for instance, the celebration of the baptismal rite.⁵ In that case several petitions of the litany especially envisage the baptizand. The *synapte* of the confession rite include special biddings for one or more penitents. You can see that *Barberini 306* gives a version of the *synapte* of the Italo-Byzantine confession akolouthy of BOD if you compare Goar 540²³⁻³² (1st column) with Jacob 324¹⁵⁻²⁰. However, whereas in the Italo-Byzantine rite of BOD the priest silently says Prayer Lk 18: 13 while the deacon says the *synapte*, in the confession form of *Barberini 306* a different prayer follows the litany, the prayer Κύριε Ἰησοῦ Χριστοῦ, ἀμνὲ καὶ ποιμῆν.⁶ Therefore, in contrast to what they could have done for an indeterminable long time, Latin and Greek confessors currently do not prepare themselves for hearing a confession by saying similar prayers.

¹ For *Rituale Romanum* 1614 and the *Ordo Paenitentiae* of 1974 see Meßner 183 and 208 - 229.

² See Goar 541 - 542. The ed. of 1730 was reprinted at Graz in 1960.

³ De Meester 143 - 144. See also Arranz (1978) 33 - 35, 69.

⁴ For the *synapte* see ODB, s. v. 'Litany'.

⁵ See, for instance, Goar 187.

⁶ For (a version of) this prayer see Goar 536⁶⁰ - 537, cf. Arranz (1991) 102 - 109.

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