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Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century

by Atria A. Larson (review)

Rob Meens

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ing to the pre-existing calendar, an attempt to analyze the *Sanctorale* in terms of the four eschatological aspects of the ecclesiastical year (such as “the *sanctorale* of the time of pilgrimage,” p. 132) appears unconvincing.

Recent research has shown that Jacobus did not create any new material but compiled and arranged his written sources; yet Le Goff frequently praises his narrative talent (see, for example, “talent as a narrator,” p. 27; “fondness for telling dramatic stories in the style of thrillers,” p. 91; “shows his exceptional talent as narrator of titillating tales,” p. 126). The figure of John the Almsgiver and his *vita* were not invented by the Dominicans, as the author implies (p. 81), but stem from the writings of his friends Johannes Moschos and Sophronios that Jacobus, lacking knowledge of Greek, used in Latin translation by Anastasius Bibliothecarius. Furthermore, Guillaume Durand’s *Rationale* could not serve Jacobus as a source (c. 1280; “one of his favorite authors,” p. 28), but rather the work of earlier liturgists (Bishop Sicard of Cremona, Beleth) must have been used.

The fundamental elements of a legendary—veneration of saints, cult of relics, idea of purgatory, faith in the effective intercession of the saints and in corresponding miracles—were strictly rejected by the Cathars. Therefore, the *Golden Legend* can be considered as a *Summa contra haereticos*. The copious chapters on All Saints’ Day and All Souls’ Day emphasize, without mentioning their opponent, the fundamental role played by saints in the orthodox doctrine of salvation. In addition, one minor dating problem related to this subject is worth mentioning: Jacobus dedicated one of the longest chapters of his book to the Dominican Peter Martyr, appointed in 1251 as an inquisitor, killed by the Cathars in 1252, and rapidly canonized in 1253. To affirm (p. 118) that Jacobus added Peter Martyr to his legendary several decades later (c. 1298) contradicts the intensive political and ecclesiastical impact of the *Golden Legend*; moreover, this chapter appears in both of the oldest manuscripts of the *Golden Legend*: Paris nouv. acq. 1800 (dated 1281) and München clm 13029 (dated 1282).

Basel, Switzerland

BRUNO HÄUPTLI
Translated by Helena Kogen

Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century. By Atria A. Larson. [Studies in Medieval and Early Modern Canon Law, Vol. 11.] (Washington, DC: The Catholic University of America Press. 2014. Pp. xx, 553. \$65.00. ISBN 978-0-8123-2168-7.)

This careful study of Gratian’s thinking on the topic of penance reworks a dissertation written at The Catholic University of America into a rich and carefully argued book. The study of Gratian and his work has recently been transformed by Anders Winroth’s discovery of the original version of Gratian’s groundbreaking work, a version that differs in many respects from the work regarded by scholars as Gratian’s *Decretum*. This study considers results that help to refine the findings of Winroth in this field.

The book is devoted mainly to the part of Gratian's *Decretum* that we know as *De Penitentia* and was included in causa 33, a case that discussed a man who had become impotent as a result of magical means (*maleficium*). When the man confessed his sin to God alone, he was relieved of his impotence, and this formed the incentive for Gratian to discuss the efficacy of confession in some detail. The treatise is thus placed rather awkwardly in the conception of the whole work. This, together with a clearly more theological approach that contrasts with the more legal character of the rest of the work, has in the past led to doubts about its authenticity. Since *De Penitentia* is, however, included in the first recension that Winroth discovered, it must be regarded as an authentic part of the *Decretum*. Several parts of the text, however, found in the standard edition of Gratian as prepared by Emil Friedberg do not appear in the early recensions and must therefore have been added later.

Atria Larson carefully tries to reconstruct Gratian's thinking about penance on the basis of the text of the first recension. In doing so, she establishes that Gratian composed his work in a systematic way, the economy of which is hardly visible in the edition by Friedberg because of the many accretions included in its text. Larson is able to demonstrate that Gratian composed his work with great care and diligence, and that it ties in neatly with the other parts of the *Decretum* in which penance is discussed. The author establishes Gratian's reliance on many works that are associated with the school of Anselm of Laon and concludes that it would be unwise to deny the direct relationship between the two—that is, Gratian must have been a disciple of this school. That would explain the close affinities between Gratian's work and that of Peter Abelard and Hugh of St. Victor, although there is no proof of any direct acquaintance with their works (or vice versa). The affinities are to be explained by the fact that all three men were indebted to Anselm's teachings. Larson regards the *Decretum* first of all as a textbook, reflecting Gratian's teaching in Bologna. His work was meant to instruct the clergy and should be considered as part of a broader movement for educational reform of the clergy.

After this convincing analysis of the text of *De Penitentia*, the author goes on, in the second part of the book, to investigate its influence. She starts with the use that Peter Lombard made of it for his *Sententiae*, a work finished in 1155–57. For his discussion of penance in book IV (distinctions 14–22), Peter relied on two main sources: Odo of Lucca's *Summa Sententiarum* and Gratian's *De Penitentia*. Peter did not always agree with Gratian, but he certainly valued him as a theologian, not only as a compiler of canons. It becomes clear that Peter Lombard preferred Gratian's theological views over those of Peter Abelard. Early commentators on the *Decretum*—such as Paucapalea, Rolandus, or the author of the *Summa Parisiensis*—in Bologna and elsewhere did not pay much attention to *De Penitentia*, because of its length and its more theological character. The work, however, was valued more from a theological point of view, sometimes by the same masters (Rolandus). This study makes clear that there was no clear distinction between canonists and theologians in the period when Gratian wrote his work as well as in the three decades thereafter. Only we, from a modern perspective, distinguish between legal studies

and theology and therefore tend to regard the *De Penitentia* more as an anomaly in Gratian's work than contemporaries did.

Later twelfth-century authors such as Peter the Chanter and Huguccio, the latter in comments on the *Decretum*, devoted ample attention to *De Penitentia*. This demonstrates that, by the end of the twelfth century, *De Penitentia* had become the foundational text for discussing penance in the schools of Paris and Bologna. From the second half of the twelfth century onward, there are also indications that *De Penitentia* was read and used in the world outside the classroom. Bartholomew of Exeter drew on it when composing his penitential handbook, and Master Vacarius used it to refute what he regarded as the heretical views of Hugo Speroni on predestination. Furthermore, Gratian's treatise made its presence felt in Rome where Popes Alexander III and Innocent III can be shown to reproduce Gratian's thought without reproducing his precise words. Through Innocent III, Gratian's views also had a formative influence on the Fourth Lateran Council, particularly on its provision regulating yearly confession as a prerequisite for Christian life.

This book, therefore, not only succeeds in reaching a better understanding of the role of *De Penitentia* in the *Decretum* as such and of its background and argument; it also maps its influence in the twelfth and early-thirteenth centuries in a detailed and stimulating way. By focusing on a rather neglected part of Gratian's masterwork, this study illuminates the fascinating world of twelfth-century intellectual life from an unexpected angle and is a real contribution to our knowledge of Gratian, penance, and the intellectual world of the long twelfth century in general.

Utrecht University

ROB MEENS

Summa 'Omnis qui iuste iudicat'sive Lipsiensis. 3 tomes. Tome 1: Edited by Rudolf Weigand (†), Peter Landau, and Waltraud Kozur, with the collaboration of Stefan Häring, Karin Miethaner, and Martin Petzolt; Tome 2: Edited by Peter Landau and Waltraud Kozur, with the collaboration of Stefan Häring, Heribert Hallermann, Karin Miethaner-Vent, and Martin Pezolt; Tome 3: Edited by Peter Landau, Waltraud Kozur, and Karin Miethaner-Vent. [Monumenta Iuris Canonici, Series A: Corpus Glossatorum, Vol. 7/1–3.] (Vatican City: Biblioteca Apostolica Vaticana. 2007, 2012, 2014. Pp. xlvi, 557, \$90.00, ISBN 978-88-210-0808-9; pp. xlvii, 422, \$110.00, ISBN 978-88-210-0898-6; pp. 459, €60,00, ISBN 978-88-210-0924-2.)

A team of scholars assembled by Rudolf Weigand in Würzburg has labored many years on texts of canon law from Northern Europe in the twelfth century. Weigand died in 1998, but his passion for medieval canon law and its manuscript traditions lives on. The first volume of the projected four volumes of the edition was published in 2007. The text is anonymous but was written by a French or Anglo-Norman canonist at the beginning of the last quarter of the twelfth century. Trying to identify the authors of anonymous legal texts has been an ongoing project in legal history, pursued most vigorously by André Gouron (†2009) and Peter