

Zitierhinweis

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banus (Cod. sang. 1191), the penitential of Finnian (Cod. sang. 150), and the Irish treatise on the twelve abuses of the world (Cod. sang. 277). The longest section, ‹Saints of Ireland and St Gall› by D., Lenz, and S. (50–65), discusses a genealogical note on St Patrick (Cod. sang. 553), a drawing of St Columba (Cod. sang. 555), Walahfrid Strabo’s verses on St Blathmac (Cod. sang. 869), the verses of Columbanus to Hunaldus and Sethus (Cod. sang. 273), Gall and the origins of St Gall (Cod. sang. 562), the story of Magnus and the beer (Cod. sang. 602), and the story of Eusebius of Viktorsberg (Cod. sang. 614). ‹The Irish contribution to cultivating the seven liberal arts› by Lenz (66–73) discusses a page of Augustine’s *De musica* (Cod. sang. 1395, p. 437), Isidore fragments (Cod. sang. 1399a), and Priscian’s *Institutiones grammaticae* (Cod. sang. 904). ‹The Irish Gospels of St Gall› by D. (74–85) looks at the relationship between Cod. sang. 51 and Cod. sang. 1395. ‹Irish influences on initials decorated in St Gall› by S. (86–95) looks at zoomorphic and interlace ornament used in ornamented letters. ‹Guests and teachers from Ireland at the Abbey of St Gall› by Karl Schmuki and Andreas Nievergelt (96–107) discusses the colophon with the scribes Marcellus and Gisalbertus (Zurich, Zentralbibliothek, C. 57), whether insular script was written at St Gall, the sick Irish pilgrim in the life of Gallus (Cod. sang. 10), and a tenth-century Irish lament (Cod. sang. 915).

The book is handsomely produced and the quality of the reproductions is excellent. A few Germanized proper names creep in for the Latin ones used in English (Columban for Columbanus and Cassiodor for Cassiodorus), but the translation is otherwise fluent.

As D. points out in the Preface, the evidence for Irish monks at the monastery is fragmentary, an observation that holds equally for most fields of research in this period. Given this state of affairs, narratives that provide context for the fragments take on extra importance as a way to make sense of them and there is inevitably a tension between the concrete *Realien* and the abstract narrative. These tensions will make the catalogue of interest to scholars, while the narrative will make the fragments a pleasure to see for the intended audience of non-specialists.

Mark Stansbury

Stephan Dusil, *Wissensordnungen des Rechts im Wandel. Päpstlicher Jurisdictionsprimat und Zölibat zwischen 1000 und 1215* (Mediaevalia Lovaniensia, Series 1, Studia 47) Leuven 2018 (Leuven University Press), xii + 629 S.

This substantial study of canonistic legal knowledge from roughly 1000 to 1200 creates a compelling narrative about the developments in the long twelfth century from canonical collections that served as storehouses of knowledge to

canonical collections that represented an organized structure for a standardized and widespread system of knowledge. The narrative gives a fresh interpretation of so-called reform collections and of Gratian and his commentators, providing an opportunity for a revised analysis of the *Decretum Gratiani's* place in the emergence of a scientific *Kanonistik*. The 508 pages in the body of the book are replete with detailed textual and manuscript studies, much of which will appeal only to specialists in the field of medieval canon law, but they also include, for specialist and non-specialist alike, numerous, if somewhat repetitive, summaries about the sometimes subtle, sometimes seismic shifts revealed in the texts and manuscripts.

The book is divided into six lengthy chapters, preceded by a brief introduction and with the sixth chapter serving as a summarizing conclusion. Each chapter contains numerous divisions and sub-divisions, all of which are neatly presented in the table of contents. The book concludes with appendices recording the texts in an appendix to the *Collectio 74 Titulorum* (74T) in Firenze, BML, Plut. XVI 15 and the glosses to 74T in several manuscripts. An extensive list of manuscript sources, printed sources, and bibliography of secondary literature follows.

Chapter 1 sets out issues of terminology and methodology, asserting that knowledge or *Wissen* in the realm of canon law is fundamentally tied to, but not reducible to, canonical collections. If canonical collections are store-rooms of knowledge, the collective memory or cultural remembrances of ecclesiastical legal culture, or the place to which normative rules and authoritative texts are transported, transmitted, and preserved for use, the question still remains – how is legal knowledge generated so that members of the same society all «know» the same things as normative and apply the same norms to similar practical problems? Legal knowledge can be simple/singular, such as knowing an individual decree because it is accessible in a collection. Legal knowledge can be complex, such as knowing that an individual decree fits historically or systematically into a body of laws that handle similar topics because numerous canons are gathered in an organized fashion in a collection. Legal knowledge can also be relational, whereby one knows how individual canons relate to one another to form a unified system of knowledge on the basis of extensive glossing and commentary. In many ways, Dusil's study examines to what extent individual canonical collections represented or were an end-product of legal knowledge (15) and to what extent the canonical collection as a genre could be responsible for a fundamental shift in the arrangement or ordering of legal knowledge. Since it would be difficult to analyze the structure of legal knowledge without concrete examples, D. has selected two topics with which to focus his study, namely papal jurisdictional primacy and clerical celibacy, both of which witnessed important changes after 1050. Thus, while the heart of D.'s

study consists of tracing structural changes in legal knowledge and situating various figures and texts in the history of canon law within that development, his study also contributes to the study of those two issues before, during, and after the papal reform movement of the second half of the eleventh century.

Chapter 2 examines how four collections dating from the early eleventh century (Burchard of Worms's *Decretum*) to the early twelfth century (the *Panormia*) brought shape to the canonical material that had been handed down from late antiquity and the Carolingian period. The other two collections studied are 74T (1050s–70s), a pro-monastic compilation aiming to protect monasteries by weakening episcopal authority and strengthening the papacy, and the collection of Deusdedit (d. 1089/99), a man within the inner reform circle of the papacy who most explicitly and directly established the primacy of the Roman see. D. analyzes not just the content of these collections but how they are structured; how much and in what ways the compiler intervenes in individual texts by adding rubrics, changing wording, inserting phrases, etc.; and what kind of interpretive guide the compiler gives to his user, if any, through a prologue. His conclusion is that, the more an author developed a hermeneutical program (as seen above all in Ivo of Chartres's prologue adopted by the compiler of the *Panormia* but also seen in Deusdedit), the less he re-worked and intervened in the texts of the canons himself. Deusdedit and, more successfully, Ivo fashioned a *gedachte Ordnung* for legal knowledge but did not yet implement it within their collections themselves to form a *gemachte Ordnung*; instead the actual ordering of legal knowledge from the canons – compiled and arranged but not systematized or explained in the collections – was left up to each individual reader who would bear the responsibility to apply the principles laid out in the prologues.

The third chapter attempts to understand how a *gedachte Ordnung* could become a *gemachte Ordnung* – how could theoretical principles about how canons should be organized and utilized in relationship to one another translate into an actual new system of legal knowledge that could be transmitted, perpetuated, and applied? In other words, it seems that the theories are in place, above all in the highly influential Ivonian prologue; the question is when, where, and how the theories became actualized such that legal knowledge by the time of the *Liber Extra* (1234) was fundamentally transformed from the legal knowledge of Burchard's *Decretum*. The real strength of D.'s tedious research reveals itself in this chapter, for D. refuses to rely solely on printed editions or to treat all extant manuscript copies of a collection as indicative of only one thing, namely the original collection. He does not look just to new collections of the late eleventh century or early twelfth century such as the *Collectio trium librorum* (3L) or to unique treatises filled with canonistic material such as Alger of Liège's *De misericordia et iustitia*; he also examines man-

uscripts of earlier collections that were copied around the turn of the century and at glosses produced on them in this period. His treatment of Bernold of Constance's own writings, which emphasized the harmonization of apparently dissonant canons, as well as glossed manuscripts attesting to the scholarly work of Bernold and his circle make an important contribution to the understanding of this figure, who is often mentioned only in passing. All the research leads to a negative conclusion: the older collections could *not* form the basis of a new legal knowledge. The two works that present most clearly the potential for a new *gemachte Ordnung* also showed the greatest innovation of form. Bonizo of Sutri's *Liber de vita christiana* and Alger of Liège's *De misericordia et iustitia* inserted commentary, explained quoted texts, and displayed awareness of contradictions while seeking to resolve them. Above all, Alger applied the theory of dispensation in Ivo's Prologue to actual canons and composed *dicta* to analyze differences and reach logical and pastorally sensitive solutions. This theory of dispensation combined with tools from rhetoric and dialectic and a new legal imagination expressed by Bernold that unity could be found in diversity, when explicitly applied to canons in the style of a *tractatus* and not simply a compilation, allowed for the advancement of canonistic science.

What all of this means is that Gratian was indeed doing something significant but not altogether new, and it is to Gratian that D. turns in chapter 4. The *Decretum* combines the *tractatus* of Alger and early scholastic theological texts (in my opinion, D. could have spent more time examining this angle) with a canonical collection. R1, or the first recension, is much more a *tractatus*, with tightly ordered arguments that utilize dialectic and rhetoric, leading questions, deliberately formulated rubrics, and explanatory *dicta* to order and weigh various conflicting authorities and present a reasonable conclusion on a massive range of canonistic subjects. R2, or the second recension, is much more a collection, posing some new questions but predominantly gathering together additional materials. D. recounts various recent controversies in Gratian scholarship in this chapter but safely refuses to take a stand on any of them; his treatment is a helpful guide for those not enmeshed in the debates, but experts might wish that he would have commented on what his research might contribute to some of the hot-button topics. It is not irrelevant to the question of one or two (or multiple) Gratiens, for instance, that he finds that R2 does not change the stance of R1 on issues of papal primacy or clerical celibacy even if R2 expands the treatment of them or that he finds that, structurally, R1 and R2 do not differ in their approach to their formal sources (which, he affirms, cannot always be identified with certainty). While these findings do not prove single authorship, they likewise do not support multiple authorship. Scholars thus are still left without a clear answer as to whether one man was responsible for multiple recensions of the *Decretum*, but they do have more pieces to the puzzle.

The fifth chapter examines decretist literature in various genres for the half century after Gratian. ‘Various genres’ is key, for D. examines everything from single-word glosses to the compilation of Cardinal Laborans, 90 % of which came from 80 % of the *Decretum* but which was structured according to an older model, albeit with some new content. The structure of *Wissen* can be the same even when its content has changed. For all the fanfare declaring Gratian the beginning of a new canonistic science, it is clear from D.’s overview that scholars need to avoid a simplistic conceptualization, for it is not the case that the study of canon law immediately became, in every context, a standardized affair. Nevertheless, a new reader emerged, the professional jurist, and for him, the body of work on the *Decretum* resulted in *relationales Rechtswissen*. Not only did decretists explain individual texts and relate numerous and various texts within the *Decretum* to one another through, for instance, *allegationes*, they also worked in Roman law and older canonical material, primarily from Burchard, into their system of canon law. What D. does not examine in detail is how canonistic knowledge became universal and concretized by the late twelfth century or 1234 at the latest; other scholars who are working with the pre-*Liber Extra* decretal collections can elucidate this process more clearly. Importantly, however, D. reminds scholars that pre-Gratian collections made contributions to *Dekretistik*. Once again, Gratian’s work was significant and highly influential, but, as the concluding chapter 6 asserts, it should not be viewed simplistically as a watershed if we mean by that an event or work that was completely unlike anything before it and that caused everything before it to be left to the past while a new future of romano-canonical jurisprudence and papal decretals could be forged. The place of Gratian in the development of the history of canon law in the long twelfth century, D. argues, is more subtle and complicated than that.

With his focus on the ordering of legal knowledge, D. has provided scholars with a significant piece for the interpretation of that history as a whole. In my opinion, it is an interpretation that should have lasting impact in scholarship. Other scholars might not be comfortable with D.’s theoretical framework of *Wissen*, *gedachte Ordnung*, and *gemachte Ordnung*, but D. should be commended for working details amassed from tedious scholarship in textual and manuscript sources into a meaningful narrative that has import not just in the history of canon law but in intellectual history more broadly. Historians of medieval schools and the disciplines of theology, philosophy, the liberal arts, and Roman law should all give attention to D.’s research; it helps us understand not just how canon law could start to develop as its own discipline but how intellectual culture as a whole could so fundamentally change between 1000 and 1200.

Atria A. Larson