

## Chapter 5

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When we had lunch on March 2, we discussed ways in which I might compare the case statements with other conjecturally early strata of the text of the *Decretum*. The hypothesized early strata we discussed were the clusters of *causae* identified by Eichbauer in the Sg manuscript on the basis of percentages of canons with rubrics. (Cluster A = *Causae* 13, 14, 15, 17, 19, 20, 22, and 34; Cluster B = *Causae* 5, 6, 12, 16, 18, and 21; etc.) I attempted a preliminary analysis using the Friedberg text of the dicta from the Cluster A *causae* as listed in Larrainzar's appendix to "El Borrador de la 'Concordia' de Graciano", hand-editing the text where necessary to reflect the variant reading indicated by Larrainzar. In some cases, he simply indicated that the text of the dictum in Sg was shorter than in Fd (the only first-recension manuscript he appears to have compared Sg with). In those cases, I did not include the dictum in my test sample. The results (see attached JPEG file) do not appear to be interesting or significant, and I think the analysis is going to require samples based directly on transcriptions from Sg. I've started that process, but given the current state of my vision, it's slow going.

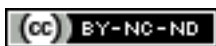


It later occurred to me that it might be worthwhile to look at another another conjecturally early stratum, the *dicta* in the marriage *causae*. Noonan conjectured that we have particular reason to believe that Gratian himself wrote the *dicta* in the marriage *causae*. If we limit the sample to the *dicta* in the first-recension version of the marriage *causae* (Noonan having been unaware of existence of the first recension in 1979), this at least gives rise to a hypothesis testable using the proxy first-recension text I've been using. I'm in the process of setting this up now.

Noonan's reasoning is based on what could be considered an overly close reading of *Sicut vetus testamentum*, which Noonan takes to be the real summa of Paucapalea, as opposed to *Quoniam in omnibus*, edited by Schulte as the summa of Paucapalea. *Sicut vetus testamentum* refers to Gratian by name 18 times from C.27 on, but not before.

## Bibliography

- Eichbauer, Melodie Harris. "St. Gall Stiftsbibliothek 673 and the Early Redactions of Gratian's Decretum." *Bulletin of Medieval Canon Law* 27 (2007): 105–39.
- Larrainzar, Carlos. "El Borrador de La 'Concordia' de Graciano: Sankt Gallen, Stiftsbibliothek MS 673 (=Sg)." *Ius Ecclesiae: Rivista Internazionale Di Diritto Canonico* 11, no. 3 (1999): 593–666.



Noonan, John T. "Gratian Slept Here: The Changing Identity of the Father of the Systematic Study of Canon Law." *Traditio* 35 (January 1979): 145–72.