

MARK F. JOHNSON

## Paul of Hungary's *Summa de penitentia*

The thirteenth-century penitential *summa* with the incipit “Quoniam circa confessiones pericula sunt animarum et difficultates quandoque emergunt” exists in at least 147 known manuscript copies.<sup>1</sup> Its length and explicits vary widely, as it exists in three distinct versions: (1) a version with a table of contents, frequent citations of canon law, and a treatment of vices and virtues (fifty-two copies [nine fragments]); (2) a shorter version, which has no table of contents, no citations of canon law, and no treatment of vices and virtues (seventeen copies [one fragment]); (3) a later, expanded version, which keeps features found in both the first and second versions: it keeps the treatment of vices and virtues found in the first, but does not carry the citations of canon law, a characteristic of the second; often in individual manuscripts there is unique material added

1 The main sources that identify the manuscripts of this work are: Georges Lacombe, *La vie et les oeuvres de Prévostin*, (Le Saulchoir, Kain, Belgium: Desclée, 1927), 69–70 n4; Heinrich Weisweiler, “Handschriftliches zur *Summa de penitentia* des Magister Paulus von Sankt Nikolaus,” *Scholastik* 5 (1930): 248–260; Weisweiler, “Aufsätze und Bücher: Literargeschichte der Scholastik,” *Scholastik* 11 (1936): 440–441; Florio Banfi, “Paolo Dalmata detto Ongaro: A proposito dei codici Borghes. 261 e Palat. 461 della biblioteca vaticana,” *Archivio storico per la Dalmazia* 22 (1939): 42–61, 133–150; Morton W. Bloomfield, Bertrand-Georges Guyot, Donald R. Howard, and Thyra B. Kabealo, *Incipits of Latin Works on the Virtues and Vices, 1100–1500 A.D.* (Cambridge, MA: Medieval Academy of America, 1979), no. 4919 (415–416); Kaeppli, *SOPMA*, no. 3184 (3: 205–207, 4:219). I have identified additional manuscripts via online searches of library holdings, through research at the Hill Museum and Manuscript Library (St John’s University, Collegeville, Minnesota), and through regular consultation of the *Dominican History Newsletter* (Rome, 1992–), *Medioevo latino* (Spoleto, 1979–), and *Bibliographie annuelle du Moyen Âge tardif* (Turnhout, 1992–). Of the 147 manuscript copies, I have consulted 57 *in situ* and 28 in microfilm/digital form. For the rest I have depended upon catalogue descriptions, which, it must be admitted, carries uncertainty with it, as many older catalogues in particular provide only an incipit, leaving the reader to make tentative inferences on the basis of text length, parenthetical citations from the manuscript, and so on. It is reasonable to assume that further research will result in a more precise total count and distribution of the versions.

to the end (seventy-eight copies [nine fragments]).<sup>2</sup> The work is of a piece with many late twelfth- and early thirteenth-century *summae* that address the Christian sacrament of confession; these *summae* aided cataloguing the penitent's freely chosen acts, and presented principles with which to assess the moral gravity of the confessing person's sins, in virtue of which he or she would be assigned just and corrective penance.<sup>3</sup>

No source directly attributes the authorship of this *summa* to the Bologna canonist-become-Dominican, Paul of Hungary, but there is good reason to believe him to be its author. This essay presents the case for Paul's authorship and how it came to pass that he wrote what may be the first moral treatise in the history of the Dominican Order.

### *Attributions of Authorship*

The colophons of many of the manuscripts carrying the *summa*, especially those from the thirteenth century, make attribution to a certain "Paul the Master" ("magister Paulus": Dublin, Trinity College, 326, fol. 1r; Munich, BSB, Clm 9666, fol. 75), and even more specifically, "Magister Paulus prior predicatum" (London, BL, Add. 18325, fol. 2va); "magister Paulus frater sancti Nicholai" (Paris, BnF, lat. 14883, fol. 54r); and "magister Paulus sancti Nicholai predicator" (Einsiedeln, Stiftsbibliothek, 226, fol. 1; Padua, Biblioteca Universitaria, lat. 1746, p. 13). Combining these attributions leads to the conclusion that a Dominican named Paul, who was a master and a prior of a church dedicated to Saint Nicholas, is meant. Indeed, there was one such Dominican: a man called "Magister Paulus Hungarus," who was prior of the Dominican convent in Bologna, St Nicholas of the Vines, around the year 1220.

- 2 Each version of the work has a corresponding edition, but nothing approaching a contemporary critical edition: (1) a transcription from Montecassino, lat. 184, which the editors checked against Montecassino, lat. 799 B, whose variant readings are provided as footnotes in "*Florilegium Casinense*," in *Bibliotheca Casinensis, seu Codicum manusciporum qui in tabulario casinensi asservantur series ...* (Montecassino: Ex typographia Casinensi, 1873–1894), 4: 191–214; (2) based on an unidentified manuscript, Raimundus Duellius, *Miscellanea quae ex codicibus mss collegit* (Augsburg and Graz: Veith, 1723–1724), 1: 59–83; (3) based on two Dutch manuscripts, J. Lindeboom, "Een middeleeuwsh handschrift over de beicht," *Nederlandsch archief voor kerkgeschiedenis* 15 (1919): 161–219.
- 3 For a survey of this sort of work, see Goering, "Internal Forum," especially 188–202, repr. 391–405. See also Joseph Goering and Pierre J. Payer. "The *Summa penitentiae fratrum predicatorum*: A Thirteenth-Century Confessional Formulary," *Mediaeval Studies* 55 (1993): 1–50.

Mentions of Paul of Hungary in documents are few but illustrative. One source includes him as a member of a committee that St Dominic struck in May 1220 to find a suitable foundation for some nuns in Bologna, including Diana d'Andalò, who had professed to Dominic a desire to enter religious life.<sup>4</sup> Another text mentions "Master Paul" as being prior when the Dominicans finished paying for some land surrounding their home church in Bologna, Saint Nicholas, in January 1221.<sup>5</sup> Written around 1260, Svipert of Parroch's supplement to Gérard de Frachet's *Vitae fratrum* tells us that in 1221 Dominic sent Paul and four other brothers from Bologna to Hungary.<sup>6</sup> Svipert adds that, as the number of Dominicans in Hungary grew, Paul sent some from their foundation in Székesfehérvár to make another in Szörényi, resulting in arduous but successful work.<sup>7</sup> After that Paul is not heard from again, at least according to early sources; when we meet him he is already a Dominican, called "a master,"

- 4 See Simon Tugwell, "Notes on the Life of St Dominic III: Dominic's Last Years (1219–1221)," *AFP* 66 (1996): 5–200, at 142: "Interea beatus Dominicus recessurus a Bononia commisit hoc negocium quatuor fratribus, uidelicet magistro Paulo de Ungaria, fratri Guala qui postmodum episcopus Brixiensis fuit, fratri Venture Veronesis qui postmodum prouincialis extitit, ac fratri Rodulfo Fauensi supramemorato ..."
- 5 See Vladimir J. Koudelka, *Monumenta diplomatica S. Dominici*, MOPH 25 (Rome: Institutum Historicum Fratrum Praedicatorum, 1966), no. 139: "Dominicae natiuitatis anno millesimo ducentesimo vigesimo primo, die tertio decimo, intrante ianuario, indictione nona; Dominus Petrus Lovelli solemniter fuit confessus sibi solum esse integritate a Donno Paulo priore atque rectore collegii sive universitatis ecclesiae beati Nicholai de braida de ordine Praedicatorum ... et promittendo dicto magistro Paulo stipulanti dictam confessionem et pretii solutionem ratam habere ac firmam ..."
- 6 See Simon Tugwell's edition of this text in "Notes on the Life of St Dominic V: The Dating of Jordan's *Libellus*," *AFP* 68 (1998): 5–116, at 87: "Anno domini millesimo ducentesimo vigesimo primo, cum Magister Paulus Hungarus, qui actu legens erat in iure canonico Bononie, intrasset ordinem, cum aliis quatuor fratribus missus est Hungariam per Beatum Dominicum." Svipert was the prior of the house in Parroch and detailed the beginnings of the order in Hungary, nearly thirty years earlier. Tugwell's edition here updates that found in Gérard de Frachet, *Vitae fratrum ordinis praedicatorum*, ed. B.M. Reichert, MOPH 1 (Leuven: E. Charpentier & J. Schoonjans, 1896), 305.
- 7 Tugwell, "Notes on the Life of St Dominic V," 87: "Tandem numero fratrum accrescente missi a fratre Paulo intraverunt fratres in terram que Sceurinum vocatur, cuius habitatores scismatici partier et publici heretici errant, ubi multis tribulationibus perpeisis tandem conualescentes multos ab heresi ad veram fidem et a scismate ad ecclesie unitatem convertunt." A 1237 letter of Gregory IX mentions this expedition, but not Paul. See *Acta Honorii III (1216–1227) et Gregorii IX (1227–1241)*, ed. Aloysius L. Tautu (Vatican City: Polyglottis Vaticanis, 1950), 300–301 (no. 224).

and a brother of such capability that he was a prior in Bologna, and possibly a prior or even provincial in Hungary.<sup>8</sup>

The first proponent of identifying “Brother Paul” in the Dominican sources with “Paul the Master” mentioned in the manuscripts was Pierre Mandonnet (1858–1936), who in 1913 asserted it in his *Dictionnaire de théologie catholique* entry on theology in the Dominican Order.<sup>9</sup> In 1921 he repeated his claim, adding that Paul’s *summa* was produced “under (Saint Dominic’s) eyes.”<sup>10</sup> In neither place did Mandonnet argue for his position. In 1930, Heinrich Weisweiler published a study of the manuscripts, versions, and possible authors of the *summa*, considering Paul of Hungary as the author but not accepting his authorship.<sup>11</sup> Although Weisweiler seems to have been unaware of Mandonnet’s work at the time,<sup>12</sup> his thorough considerations cleared the road of any

- 8 For more on the historiography of Paul’s identity – which includes his switching origins from Hungary to Dalmatia, and at some point becoming two different people – see Simon Tugwell, “Was Paulus Hungarus Really Dalmatian?” *AFP* 79 (2009): 5–21. Later traditions claim that “Paul of Hungary” was martyred at the hands of the Cumans, but this could be because of the confusion reported by Tugwell. See Banfi, “Paolo Dalmata detto Ongaro,” 43–51; Stjepan Krasić, “Fr Paulus Hungarus seu, ut alii volunt, Dalmata O.P.’ Jedna Zanimljiva Ilčnost Iz Xiii St,” *Prilozi za istraživanje hrvatske filozofske baštine* 4 (1978): 131–156, at 138–144; and the Dominican historian Antoinette Touron’s entry, “Les bienheureux Paul de Hongrie et Sadoc, Martyrs,” in *La vie de saint Dominique de Guzman, fondateur de l’ordre des frères prêcheurs: Avec l’histoire abrégée de ses premiers disciples* (Paris: Giséy et al., 1739), 638–648.
- 9 Pierre Mandonnet, “La théologie, dans l’ordre des Frères Prêcheurs,” *Dictionnaire de théologie catholique* (Paris: Letouzey et Ané, 1923–1972), 6.1: 902–903: “Le premier manuel des confesseurs est dû à Paul de Hongrie et fut composé pour les frères de Saint-Nicolas de Bologne (1220).” Though mentioned by Quétif and Échard, Paul is only spoken about as being sent to Hungary by Dominic with the four brethren. See Jacques Quétif and Jacques Échard, *Scriptores ordinis praedicatorum recensiti* (Paris: Bal-lard et Simart, 1719–1721), 1: 21b.
- 10 Pierre Mandonnet, *Saint Dominique: L’idée, l’homme et l’œuvre* (Gand: Veritas, 1921), 121–122: “C’est sous ses yeux [i.e., St Dominic’s], en 1220 et à Bologne, que fut composée par Paul de Hongrie, le premier manuel de théologie morale à l’usage des confesseurs.”
- 11 Heinrich Weisweiler, “Handschriftliches zur *Summa de penitentia*.” Weisweiler is the touchstone of all subsequent scholarship on the nature and versions of the *summa*.
- 12 But Weisweiler may have been indirectly influenced by Mandonnet’s assertion, for the catalogue of Montecassino’s holdings appeared in 1915 after Mandonnet’s *DTC* article, which for Montecassino 184 flatly attributes the work to Paul of Hungary, OP, even though the manuscript makes no such attribution. See *Codicum Casinensium manuscriptorum catalogus* (Montecassino: Cura et studio monachorum S. Benedicti Archiconobii Montis Casini, 1915), 1.2: 266–269, at 268. For his part Weisweiler, “Handschriftliches zur *Summa de penitentia*,” 249, 253, cites the Montecassino catalogue, and notes its attribution to Paul of Hungary.

debris. In his opinion, the original version of the *summa* was indeed written by somebody called “Paul the Master,” who had an association with a church dedicated to St Nicholas. But Weisweiler thought that this church could have been in Germany, Austria, or Italy. Finally, in a 1935 article Mandonnet laid out the key elements of the manuscript witnesses and matched them with what was known about Paul of Hungary, presenting a compelling case for Paul’s Bologna-based authorship.<sup>13</sup> In the following year Weisweiler reviewed Mandonnet’s article and accepted his argument.<sup>14</sup> Since then no evidence has challenged Mandonnet’s conclusions, and Paul’s authorship of this *summa* is rightly taken as a fact.<sup>15</sup>

### *Paul the Master and Author*

Brother Paul was Paul the master of canon law in Bologna before joining the Dominicans, and indeed it is a Dominican source that attests to this.<sup>16</sup> He left in the wake of his professional career some writings on canon law, namely the *Notabilia in II et III compilationes*.<sup>17</sup> These *notabilia*, being teaching and study notes, covered the second and third compilations of the *Quinque compilationes antiquae*, the five collections of papal decretals or *extravagantes* that circulated ‘outside’ of the text of *Decretum* before 1234, at which time Pope Gregory IX promulgated his *Liber extra*. The *Liber extra* is a combed-through collection of decretals that supplanted the *Quinque compilationes antiquae* (because it came from

13 Pierre Mandonnet, “La ‘Summa de poenitentia magistri Pauli presbyteri S. Nicolai’ (Magister Paulus de Hungaria O.P., 1220–1221),” in *Aus der Geisteswelt des Mittelalters: Studien und Texte Martin Grabmann zur Vollendung des 60. Lebens Jahres von Freunden und Schülern Gewidmet*, ed. Albert Lang, Joseph Lechner, and Michael Schmaus, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 3 (Münster: Aschendorff, 1935), 525–544, later reprinted in *Saint Dominique: L’idée, l’homme et l’œuvre*, ed. M.-H. Vicaire and Réginald Ladner (Paris: Desclée, 1938), 249–269.

14 Heinrich Weisweiler, “Aufsätze und Bücher: Literargeschichte der Scholastik,” 440–441: “Die Gründe, die Mandonnet nun für Paul von Ungarn angibt, erscheinen durchschlagend.”

15 As, for instance, in the manuscript listings in Bloomfield and in Kaeppli, who simply refer to the work in question as being by “Paulus Hungarus, OP.”

16 See Tugwell, “Notes on the Life of St Dominic V,” 87: “Cum Magister Paulus Hungarus, qui actu legens erat in iure canonico Bononie, intrasset ordinem ...”

17 See Kaeppli, *SOPMA*, no. 3183 (3: 206). On Paul as the teacher of canon law see Gergely Gallai, “Some Observations on Paulus Hungarus and His *Notabilia*,” in *ICMCL 11*, ed. Manlio Bellomo and Orazio Condorelli (2006), 235–243. The *Notabilia* have had no edition at all, which Gallai is working to rectify. See also Banfi, “Paolo Dalmata detto Ongaro.”

the pope and it included their most important material), and served henceforth as the subject of non-*Decretum* study in the law *studia* of Europe.<sup>18</sup> The *Compilatio III* dated from mid-1209, and the *Compilatio II* from 1212. In his research on Paul's *Notabilia* the Hungarian scholar Gergely Gallai has found that Paul frequently mentions the Fourth Lateran Council of November 1215 in both his *Notabilia*, often saying that such-and-such a decretal no longer applies in light of what Lateran IV now determines.<sup>19</sup> Thus early 1216 seems to be a reliable *terminus a quo* for the *Notabilia*. No set of notes is attributed to him for the *Compilatio quarta* of 1216, a collection that had a slow start in the law *studia*.<sup>20</sup> Similarly, no manuscript or source attributes to Paul any *Notabilia* on Tancred of Bologna's *Compilatio V* of 1227, or writing on the *Liber extra* of 1234. Paul's departure in 1221 from Bologna likely ended his career as a canonist.

### *Paul the Brother Preacher*

While we have documentation that places Paul as a Dominican in Bologna in the environs of 1220–1221, we have no express record of what brought him into the Order of the Preachers in the first place. One possibility is the following. In 1218 Dominic stayed in Bologna and gathered support for a foundation there. It is possible that Paul may have heard or met him then and sought to join the order. But if it was not Dominic himself who brought Paul into the fold, then it could well have been the new Dominican, Reginald of Orléans – he being a canon lawyer from Paris – who arrived in Bologna in early Decem-

18 See *Quinque Compilationes Antiquae*, ed. Emil Friedberg (Leipzig: Bernhard Tauschnitz, 1882), especially 105–134 (*Comp. III*) and 66–104 (*Comp. II*). For an overview of the *Compilationes*, see James A. Brundage, *Medieval Canon Law* (London: Longman, 1995), Appendix I: “The Romano-canonical Citation System,” 190–196, at 194–196. A more in-depth treatment is Kenneth Pennington's “Decretal Collections 1190–1234,” in *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX* (Washington, DC: Catholic University of America Press, 2008), 293–317. See also Antonio García y García “The Fourth Lateran Council and the Canonists,” *ibid.*, 367–378, which discusses the formation of the texts of the council.

19 See Gallai, “Some Observations on Paulus Hungarus and His *Notabilia*,” 242. See also Anne J. Duggan, “Conciliar Law 1123–1215: The Legislation of the Four Lateran Councils,” in *The History of Medieval Canon Law*, 318–366, at 353–354.

20 Gallai, “Some Observations on Paulus Hungarus and His *Notabilia*,” 242, also notes that Paul's citations from Lateran IV do not come from the Constitutions included in the *Compilatio quarta* but rather from an earlier source of the Council's constitutions, dating from late 1215–early 1216.

ber 1218 and set the city aflame with his preaching. He so affected the city that many from the law *studium* joined the order right then and there – both students *and* masters, a chronicle notes.<sup>21</sup> If Paul was part of this wave of recruits in early 1219, and was already a scholar and professional teacher of some note – the elder in the room – then it is easy to see why Dominic in 1220 could entrust to him the complicated business of finding a site for Diana’s convent (Master Paul’s name is mentioned first in the committee list), and why in January 1221 Paul is listed as prior of the Dominican house in Bologna, involved in the purchase of land for the brethren.<sup>22</sup>

Can we conjecture that Paul’s period as prior extended back from 1221 to 1220, or even to late 1219? We know that Reginald of Orléans was the vicar of the community at Bologna upon his arrival there in late 1218 or early 1219,<sup>23</sup> and that Dominic dispatched Reginald off to Paris in the early fall of 1219. The community in Bologna had seen explosive growth and could hardly have functioned without daily leadership while Dominic came and went on his own travels.<sup>24</sup> His choice of Paul as vicar would not have been strange, even if Paul had only recently joined the order, for in so doing Dominic would be repeating with Paul what he had just done with Reginald of Orléans: take a gifted, enthusiastic, and credentialed master in church law, and put him in charge. No

21 Tommaso Maria Mamachi, *Annalium ordinis Praedicatorum* (Rome: Palladis, 1756), 1: 467: “Quo fere tempore multi eruditione, ingenio, nobilitate, et divitiis praestantes viri admissi in Ordinem fuere. Tanta enim erat in Reginaldo oris atque sermonis suavitas, ut plerique doctorum, et auditorum, qui tum magno numero Bononiae florebant, differentem audire nollent, propterea quod vererentur, ne nostro se instituto pene inviti addicerent.” See also Heribert-Christian Scheeben, *Der heilige Dominikus* (Freiburg im Breisgau: Herder, 1927), 272, 277–280. Jordan of Saxony in his *Libellus* also speaks highly of Reginald’s preaching and impact upon Bologna: “Cepit autem mox praedicationi totus insistere, et ignitum erat eloquium ejus vehementer, sermoque ejus quasi facula ardens corda cunctorum audientium inflammabat, ut vix esset tam saxeus, qui se absconderet a calore ejus. Tota tunc fervebat Bononia, quia novus surrexisse videbatur Elias. In diebus illis multos Bononiae recepit ad Ordinem, et numerus discipulorum coepit excrescere, et plures additi sunt ad eos,” in *Libellus de principiis ordinis Praedicatorum*, ed. Heribert-Christian Scheeben, MOPH 16 (Rome: Institutum Historicum Fratrum Praedicatorum, 1935), 1–88, at 53. My hypothesis agrees with that of M. Michèle Mulchahey, “*First the Bow Is Bent in Study ...*”: *Dominican Education before 1350* (Toronto: Pontifical Institute of Mediaeval Studies, 1998), 530–532.

22 For the texts documenting these claims see above, notes 4–6.

23 Gerard de Frachet, *Vitae fratrum* 5 (25): “... cum fratri Reginaldo ... qui vicarius beati Dominici erat.”

24 And Dominic’s travels were many. See Simon Tugwell, “Notes on the Life of St Dominic III,” 150–154.

source claims that there was any other vicar or prior of the Bologna community before Paul emerged in the sources as prior in January 1221. Admitting that this thinking does not compel assent, it seems permissible to think that Paul was Dominic's prior in Bologna from the fall of 1219 until his own dispatch to Hungary at the general chapter in the summer of 1221.<sup>25</sup>

As prior or at least a key member of the community – in the Dominican sources he continued to be referred to as *magister Paulus* even after his entry into the order – Paul would have known that Lateran IV in its constitution, *Inter cetera*, had explicitly linked the task of preaching with that of hearing confessions.<sup>26</sup> So ordained members of Dominic's Order of Preachers in Bologna could be expected to hear confessions in virtue of the order's stated purpose, and Paul would have incurred some obligation to prepare the brethren for this function that was an expected outgrowth of their preaching. In early 1221, however, the general obligation to hear confessions now fell upon the ordained brethren in Bologna in a specific and encouraged way. On 2 February of that year Pope Honorius III wrote *Cum qui recipit prophetam*, an encyclical letter addressed to all bishops and prelates of the Church, asking them to allow members of the Brothers Preachers (*fratres praedicatorum*) freely to preach and hear confessions and assign penances whenever their travels should take them through a bishop's diocese.<sup>27</sup> Their name is the Order of the Preachers, the pope was saying, but don't fail to think of them as also an order of confessors, for this is what they are supposed to do (“... ad quod deputati sunt”).<sup>28</sup>

Honorius's added emphasis upon confessions may well have resonated with Magister Paulus, who as a canonist and prior would feel the pressure to make sure that the ordained brethren in Bologna were correctly prepared for this aspect of their pastoral work, especially as some were regularly being sent away

25 Scheeben suggests that Paul was the vicar-prior of the Bologna community at this time (Scheeben, *Der heilige Dominikanus*, 352), on the basis that Paul could have been the representative of the Bologna community to the general chapter that met in 1220 in Bologna, because he was there at the time (301). Even though it could be true, it goes beyond what the evidence says.

26 See *Concilii quarti lateranensis constitutiones* 10, in *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*, ed. Antonio García y García, Monumenta iuris canonici, series A (Vatican City: BAV, 1981), 2: 58–59: “... Vnde precipimus tam in cathedralibus quam in aliis conuentualibus ecclesiis uiros idoneos ordinari, quos episcopi possint coadiutores et cooperantes habere, non solum in predicationis officio uerum etiam in audiendis confessionibus et penitentiis iniungendis ac ceteris que ad salutem pertinent animarum.”

27 See the edition of *Cum qui recipit* in Koudelka, no. 143 (145–146).

28 See also Mulchahey, “First the Bow is Bent in Study,” 52–54.



from Bologna to start new convents in northern Italy, thereby leaving the ongoing learning available in the university city. The upcoming general chapter that summer in Bologna was also sure to send other brothers off to northern Europe and even to the Holy Land.<sup>29</sup> Thanks to Reginald of Orléans the Bologna community was stocked with learned friars, and whether or not Paul felt that his responsibility was immediately towards his community in Bologna or to the order at large, one can imagine him deciding to compose a tool that prepared brethren to hear confessions and assign penances, wheresoever they might go. Other Dominicans, especially Raymond of Peñafort, soon decided to do so.<sup>30</sup>

### *Brother Paul's Summa*

Of the three versions of this work that have come down to us, only versions 1 and 2 concern us here; version 3 is a later reworking and expansion of versions 1 and 2, and when not anonymous is most often attributed to the secular canonist Bérenger Frédol (1250–1323) or the Dominican Francis Caracciolo of Naples (1260?–1316).<sup>31</sup> Both versions 1 and 2 are represented in manuscripts that appear on palaeographical grounds to date from near the mid-century or before, so a judgement as to date of composition relative to one another using those grounds alone is unwise.<sup>32</sup> The determination of which of these two versions

29 It seems that the principal business of the 1221 general chapter in Bologna was not the creation of distinct provinces within the order, but was rather the order's expansion to new places. See Tugwell, "Notes on the Life of St Dominic V," 78–83, especially 80, where he emphasizes that it was the availability of brothers from territories within Catholic Christendom that fuelled Dominic's choice to send whom to where: an Englishman to England, a Dane to Denmark, a Hungarian to Hungary (our Paul), and so on.

30 See Goering, "Internal Forum," 217–218, repr. 418–419, and Goering and Payer, "The *Summa penitentiae fratrum predicatorum*," 1–12.

31 See Weisweiler, "Handschriftliches zur *Summa de penitentia*," 248. For dating purposes he also points out that the text of the *summa* cites the Lateran IV (1215) constitution *Omnis utriusque sexus* as "nova constitutio" (252), which would make sense in an early thirteenth-century text but be "impossible (*unmöglich*)" in the early fourteenth century.

32 The earliest dated manuscript I have identified is Graz, Universitätsbibliothek 975, fols. 127v–145r, dated to 1286, carrying the first version. About twenty manuscripts seem to be datable on palaeographical grounds to the thirteenth century, and three of them seem to date from mid-century and before: London, BL, lat. add. 18325, fols. 3v–12v, and Berlin, Staatsbibliothek Magdeburg, lat. 150, fols. 9ra–20va, carry version 1, while Munich, BSB Clm 4586, fols. 1r–10v, carries version 2.

was the first is best made on the basis of the content of the text, although even here the certitudes are few.<sup>33</sup>

Both of the first two versions share a common incipit and prologue: “Since when it comes to confessions, there are dangers for the souls, and difficulties sometimes arise, therefore for the honour of God and of Saint Nicholas, for the aid of the brethren, and for the salvation of those confessing, I have compiled a short treatise on confession, gathering together under discrete titles the individual things that are called for, so that the reader might more easily find the things he wants. These are the rubrics of this treatise ...”<sup>34</sup>

Though we term the work a *summa de penitentia*, if we let Paul's text speak for itself, it is a *tractatus de confessione* that he intends to compose.<sup>35</sup> Writing for God's honour and that of St Nicholas – a reference to Bologna's “St Nicholas of the Vines” – and for the utility of the brethren, Paul will provide distinct titles (*tituli*) that cover confessional matters in a way that makes it easy for the reader. There are twenty-five titles or chapters that constitute the body of the *summa* in version 1, the longer of the two versions; version 2 has twenty-three titles, as it lacks version 1's two final chapters. In the manuscripts the various titles as found in the body of the text are often made noticeable by either a rubricated initial or a paragraph mark with a slight mark of rubrication.

Version 1 places a table of the work's contents after the prologue, listing all of these “discrete titles” (or “rubrics”):<sup>36</sup>

- 33 In what follows I am retracing the steps taken by Weisweiler, “Handschriftliches zur *Summa de penitentia*,” 254–256.
- 34 “Quoniam circa confessiones pericula sunt animarum, et difficultates quandoque emergunt, ideo ad honorem dei sanctique Nicholai, ac fratrum utilitatem et confitentium salutem, tractatum breuem de confessione compilavi, sub certis titulis singula que circa confessionem requiruntur concludentes ut facilius lector que uelit ualeat inuenire. Cuius tractatus rubrice sunt hee ...” Vatican City, BAV, Ottob. lat. 518, fols. 78r–100r, at fol. 78r. For direct manuscript references I use this manuscript, because it serves as the base manuscript for my edition and because I have studied it at length *in situ*. I also refer to the edition in *Florilegium Casinense* (see note 2 above). For simplicity I cite the text and “MS + foliation” and “Ed. + page and column.”
- 35 For precision on the terminology, see Leonard E. Boyle, “Summe confessorum,” in *Les genres littéraires dans les sources théologiques et philosophiques médiévales: Définition, critique, et exploitation: Actes du colloque international de Louvain-la-Neuve, 25–27 mai 1981* (Louvain-la-Neuve: Université Catholique de Louvains, 1982), 227–237.
- 36 Vatican City, BAV, Ottob. lat. 518 fol. 78r: “Cuius tractatus rubrice sunt hee: (1) Quo tempore inceperit confessio. (2) Quare fuerit instituta. (3) Cui facienda sit confessio. (4) Quando sit confitendum. (5) Que precipue in confessione requirantur. (6) Que sint necessaria ad ueram confessionem. (7) De allocutione sacerdotis et miti introductione

1. At what point did confession begin?
2. Why was it instituted?
3. To whom is confession to be made?
4. When should confession happen?
5. What things especially are required in confession?
6. What things are necessary for a real confession?
7. The priest's speech and gentle leading to confessing.
8. The circumstances that the sinner is bound to confess.
9. Do circumstances add weight to sin?
10. The priest's questioning.
11. The kinds of abuses.
12. The duty and debt the priest has towards the penitent.
13. Who dismisses sins, and through whom are mortal or venial sins dismissed?
14. The manner of penance for each sin.
15. What things should be considered in the imposition of penance.
16. How many are the cases in which we are bound to confess anew a sin that has already been confessed?
17. What is the value of remissions given to Hospitallers, Templars, and to others?; on bridges and dedications of churches; and on the feast days of saints?
18. On nocturnal pollution.
19. On marital intercourse.
20. On the levels of sins.
21. On putting off penance.
22. On impediments to confession.
23. On despair of forgiveness.

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ad confitendum. (8) De circumstantiis quas peccator tenetur confiteri. (9) Utrum circumstantie aggraent peccatum. (10) De interrogatione a sacerdote faciendis. (11) De generibus abusionum. (12) De officio et debito sacerdotis erga penitentem. (13) Quis peccata dimittat, et per quem mortalia siue uenalia dimittantur. (14) De modo penitentiae pro quolibet peccato. (15) Que debent considerari in impositione penitentiae. (16) Quot sunt casus in quibus teneamur peccatum semel confessum iterum confiteri. (17) Quid ualeant remissiones que fiunt hospitalariis, templariis et aliis in pontibus et dedicationibus ecclesiarum, et in festiuitatibus festis sanctorum. (18) De nocturna pollutione. (19) De coitu coniugali. (20) De gradibus peccatorum. (21) De dilatione penitentiae. (22) De impedimentis confessionis. (23) De desperatione uenie. (24) De principalibus uitiiis. (25) De cardinalibus uirtutibus. Videamus quo tempore inceperit confessio ...”

- 24. On the principal vices.
- 25. On the cardinal virtues.

Let us see when confession began ...

Version 2 does not have this table of contents, but it instead proceeds right to the main body of the text: “Cuius tractatus rubrice sunt hee. Videamus quo tempore inceperit confessio ...” (e.g., Uppsala, Universitetsbiblioteket C 618, f. 189r).

The text found in the respective chapters of version 1 and version 2 is generally the same as its prose, but there is a difference as to the length of version 1. It is longer for two reasons. First, in almost every chapter there are citations of canon law, either from the *Decretum* (mostly the *De penitentia*) or from the second and third *compilationes* of the *Quinque compilationes antiquae* (i.e., here called the *Extravagantes*). Second, version 1 promises and provides a comprehensive treatment of the vices and virtues after the first twenty-three chapters (the discussion of vices being chapter 24, and that on the virtues being chapter 25), matching in size the portion containing those first twenty-three discrete chapters. So version 1 is twice the size of version 2, with the result that Paul's *tractatus* in version 1 is both a *summa de penitentia* and a *summa de vitiis et virtutibus*, while in the form of version 2 it is a *summa de penitentia* only, and one without the technical apparatus of canon law.

The difference between the two versions is therefore mainly a difference in their content; one has more text and elaboration, and the other less. So a question: was the larger version the first intended and produced by Paul, but afterwards modified by him or others through pruning the canon law references and lopping off the discussion of the vices and virtues? Or was the second version Paul's first draft, which he hoped someday to finish, should he have time (which, thankfully, he or someone else did)?

There is no obvious answer to these questions, though there is some indication that version 1 may indeed have been the original one. In both versions Paul speaks twice of his intent to provide an account of the principal vices. This account, however, is found only in version 1, which suggests that this is the version that contains the full working out of Paul's plan. In the chapter dealing with the priest's questioning (cap. 10, “De interrogationibus a sacerdote faciendis”), Paul says, “... now at the end of this whole treatise, if I am able and have the time, I will treat of these main vices, providing descriptions, and of the things that follow from them, and of the cardinal

virtues.”<sup>37</sup> He repeats this promise later, in the chapter that discusses the levels of sins (cap. 20, “De gradibus peccatorum”): “Now on these vices, and on almost all of them, I will provide a treatment below, treating of the main vices ...”<sup>38</sup> And at the outset of chapter 24 on the vices (found only in version 1), Paul reminds his reader of this earlier promise, which he is now fulfilling: “Truly, because we made mention above (in the title on the questioning to be made by the priest) of treating of the vices and virtues, so now we submit a treatment of them, positing the main vices, their descriptions, and the things that arise from them, and the species of each capital vice.”<sup>39</sup> It thus seems reasonable to assume that the provision of *de vitiis et virtutibus* was in Paul’s mind from the beginning.

Regarding the presence of canon law references in version 1 but not in version 2, there, too, it is reasonable to think that Paul’s intention all along was to write from his knowledge as a canonist. In almost every chapter Paul directly cites either the *Decretum* (e.g., in chapter 1, “Quo tempore inceperit confessio ... ut de pen. di. i §Denique circa medium”),<sup>40</sup> or some of the *extravagantes* (e.g., in chapter 3, “Cui sit facienda confessio ... ut i.extra.i.de officiis.iii.art.quantum, art. contra”).<sup>41</sup> He quotes law texts without preparing his reader for them, and his sentence structure is ordered to having the citation as part of it. He seems to expect that his reader is familiar with a canon he cites, or is able track it down using a canonist’s citation method – which would not be much to ask if the community to whom the text was addressed was full of canon law students, as the Bologna convent was. So natural does his method seem to be that, in one instance, when he was not able to find an appropriate canon to support

37 MS fol. 81v / Ed. 193a: “In fine tamen totius huius tractatus si potero et tempus (tempore MS) habuero, tractabo de istis vitiis principalibus, ponendo descriptiones et que ex ipsis procedunt, et de virtutibus cardinalibus. Tamen ad presens tradam doctrinam beati Gregorii de ipsis ...”

38 MS fol. 86r / Ed. 200a: “... tamen de istis vitiis et fere de omnibus subiciemus in tractatu infra tractando de principalibus vitiis.” In my translation I follow the Cassino edition, which reads better with “tamen de istis et fere de omnibus subiciemus tractatum infra tractando de principalibus vitiis.”

39 MS fol. 88r / Ed. 202a: “Plerumque supra in regulis de interrogationibus a sacerdote faciendis fecimus mentionem de vitiis et / (MS fol. 88v) virtutibus tractandis, idcirco tractatum subiciemus de ipsis, ponendo principalia vitia, et descriptiones eorum, et que ex ipsis oriuntur, et species cuiuslibet vitii capitalis.” The Cassino edition’s text of “verum quia” reads better than the manuscript’s “plerumque.”

40 MS fol. 78v / Ed. 192a.

41 MS fol. 79v / Ed. 192b.

his assertion, he admits the fact (“... but I could not find this in canon law”), as though his reader rightly expected one, given his procedure up to that point. He then provides the alternative support of the Church’s practice. He felt that the Church’s practice should be followed, and proves this by citing a canon.<sup>42</sup>

To summarize regarding the composition of the material in Paul’s *summa*, the longer version of the work bears signs of the author’s habitual practice as a canonist, as well as his intention to provide a full treatment of the vices and virtues. While one can imagine that the shorter version was written first, and that it was later enhanced by meticulous insertion of canon law references in nearly each chapter and then doubling the size of the work by adding a whole *summa de vitiis et virtutibus*, the more natural explanation is one that explains the difference between the two versions as the shortening of an already existing version, rather than the lengthening of it.<sup>43</sup>

- 42 In chapter 13 (“Who removes sins, and through whom are mortal or venial sins removed?”), Paul discusses in what way venial sins may be forgiven, mentioning sprinkling with holy water, saying the Lord’s Prayer, and receiving communion, in each case providing a precise reference. He continues, noting that general confession or the discipline of the chapter meeting for someone in religious life can have the same effect; but he is not able to find the reference (MS fol. 83r / Ed. 196b): “Item nota quod per ista dimittuntur venalia, per dominicam orationem, ut de pen. d. iii, cotidianis; item per dominici corporis sumptionem, ut de con. d. ii verum non sub figura; item per benedictae aque aspersionem, ut de con. d. iii aquam salem; item per communem et generalem confessionem et disciplinam capituli quo ad religiosos, set hoc in iure canonico non inveni, set generaliter ecclesia hoc observat, et sic credo esse observandum, art. xi, di. ecclesiasticarum et c. catholica xii di. illa.”
- 43 Lambach, Benediktinerstift, Clm 134, fols. 165v–170v, carries an incomplete witness to version 1, ending at the completion of chapter 14 (“De modo penitentiae pro quolibet peccato”). It possesses the expected characteristics of this version, namely the table of contents, and the precise canon law references; it lacks, however, the presentation of vices and virtues that also characterizes version 1, as well as the last eleven chapters of the first half of the work. What is of interest here is that someone has methodically struck through each and every canon law reference, first with a light tick in the margin right next to a reference, and then with a single long stroke through the reference in the body of Paul’s text. For instance, the very first citation in the work, in chapter 1, appears to the reader thus, after this subsequent intervention: “Videamus quo tempore inceperit confessio. De hoc sunt quinque opiniones. Quidam enim dicunt quod in exordio humani generis post peccatum primi hominis, quando scilicet dominus interrogavit Adam de comisso peccato, volens quod comiserat peccando, penitendo deleret. Vt de penitentia di. i. Ex his ut peccato.” (fol. 165vb). Perhaps possessors or even copyists of version 1 found the references burdensome.

### *Some Considerations on the Summa's Composition*

A full edition and study will address all the *summa's* facets, but let me mention two features here, with an eye towards what Mandonnet has said about the *tractatus* and, through it, Paul's intentions and choices.

First, we should not assume that when Paul says that he will write certain things "at the end of this whole treatise, if [he is] able and ha[s] the time,"<sup>44</sup> it means that he was rushing towards a specific deadline, like the impending general chapter of the Dominican Order in Bologna in June of 1221. Mandonnet made this inference because of Paul's indication that he is pressed for time: "if I have the time."<sup>45</sup> True, if Paul had taken up the writing of the *summa* in reaction to Honorius III's *Cum qui receipt prophetam* of 2 February 1221, and if he further wrote with the expectation that his work was to be distributed order-wide at the general chapter in June, then indeed he would have found himself with only five months in which to compose it. But there is another possibility that fits the available evidence: Paul began the *summa* specifically for the brethren of Saint Nicholas in Bologna, and at the appearance of *Cum qui receipt prophetam* accelerated his writing because of his sense that his *summa* could someday be useful to the brethren outside of Bologna. Or maybe he had gotten word from Dominic of the latter's desire to send brethren out to England, Denmark, and Hungary, and thought his *summa* would be a fitting *vademecum* for them. Many possibilities exist.

But the simplest possibility may be that Paul's office kept him busy. He was prior of the Bologna community and was helping to find a monastery for Diana's nuns and acquire more land surrounding St Nicholas's church for a convent there for the brethren; was running the community and interacting with the bishop; and was preparing it for the upcoming general chapter – where is everyone going to stay? – and on top of all that was writing a confessional *summa*; it goes without saying that he did not have much time on his hands. A rush towards a deadline makes for drama, but such evidence as we have does not

44 MS fol. 81v / Ed. 195a: "In fine tamen totius huius tractatus si potero et tempore [*sic MS*; *tempus Ed.*] habuero tractabo de istis uiciis principalibus ponendo descriptiones et que ex ipsis procedant, et de uirtutibus cardinalibus. Tamen ad presens ..." Here again the Cassino edition's "tempus" reads better.

45 Mandonnet, "La *Summa de poenitentia magistri Pauli presbyteri S. Nicolai*," 542: "On voit donc ici que Maître Paul écrit à la hâte et dans des conditions qui ne lui permettent pas de savoir s'il arrivera à temps pour achever son ouvrage. Il y a donc pour lui comme un terme préfixé pour livrer son traité." Leonard Boyle does not demur, in "Notes on the Education of the *fratres communes* in the Dominican Order in the Thirteenth Century," in Leonard E. Boyle, *Pastoral Care, Clerical Education and Canon Law, 1200–1400* (London: Variorum Reprints, 1981), VI: 252.

compel that inference. The period of a few months would not necessarily overtax even a busy master for such a short work as the *summa*. Mandonnet's inference is possible, but it must also be admitted that Paul, like teachers and administrators everywhere, perhaps habitually fretted about not having enough time.

Second, and more importantly, Mandonnet saw features in the text that led him to think that Paul was charged by Dominic with the writing of the *summa*, who in addition oversaw its production.<sup>46</sup> Dominic is indeed mentioned in chapter 14, devoted to "the manner of penance for each sin":

Likewise, as our Prior Master Dominic says, the discerning priest should consider the manner of the region whence the confessing person comes, how men there are accustomed to fasting, and with this in mind counsel him. Also let him impose a penance that corresponds to the sin as its contrary, because if the penitent is a glutton, let him impose abstinence; if he is lecherous, let him assign fasts and prayers, because this type of sin can't be cast out except by fasting and prayer; if he is proud, let him impose humility, and react in this way with all the vices and their opposing virtues.<sup>47</sup>

This passage is an important witness to Dominic's mind, who left little in the way of writings, and it shows wisdom that must have been garnered through experience. Yet it is hard to imagine Dominic commanding Paul to write this precise passage under his watchful eye, as Mandonnet held, especially when Dominic did not spend much time in Bologna. One would also expect that Paul would have made some dedicatory comment in his prologue indicating obedience to Dominic's command, perhaps "ad honorem dei sanctique Nicholai, ad instantiam prioris magistri nostri Dominici, et ad fratrum utilitatem ..."

It is also worth pointing out that in the text referring to Dominic it seems to be the penitent who is coming from somewhere else, ("unde est confitens oriundus"), and that the confessor's task, once he finds out where the penitent

46 Mandonnet, *Saint Dominique: L'idée, l'homme et l'œuvre*, 121–122: "C'est sous ses yeux (de Saint Dominique), en 1220 et à Bologne, que fut composée par Paul de Hongrie, le premier manuel de théologie morale à l'usage des confesseurs." Weisweiler found Mandonnet's argument for Paul's writing under Dominic's eyes and with a committee to be "außerordentlich schwach," "Aufsätze und Bücher," 441.

47 "Item ut dicit prior magister noster Dominicus, discretus sacerdos debet considerare modum regionis unde est confitens oriundus, qualiter ibi consuevunt homines ieiunare, et secundum hoc ei consulere. Item semper iniugat penitentiam peccato per contrarium respondentem, quia si est gulosus, abstinentiam, si luxoriosus ieiunia et orationes, quia hoc genus non potest eici nisi in ieiunio et oratione; si superbus, humilitatem, et sic facere de omnibus uiciis et econtrariis uirtutibus," MS fol. 83v / Ed. 197a.



has come from, is to find out how they do things there (“ibi”). The confessor appears to be stationary, and the penitent mobile – as might happen in a cosmopolitan city, like Bologna. Could the invocation of Dominic’s practice simply be to draw on the experience of a seasoned confessor?

My own sense is rather that the *summa* is a personal, almost intimate work, written by Paul originally for his brethren, possibly former students, in Bologna. The text reveals an author writing from his point of view, with his knowledge, and in his voice. He uses the first person singular throughout the text – “compilavi,” “non inveni,” “tractabo,” “credo,” “si potero et tempus habuero,” “sed dico,” “ego tamen non credo,” “sic credo esse observandum” – which suggests both that he was writing as himself and that those who were to be the recipients of his *tractatus brevis de confessione* knew him, Magister Paulus, as its unique author. And while one manuscript describes the *tractatus* as “Rationes penitentie composite a fratribus predicatorum,” it is unwarranted to have the plural in that title-cum-attribution oust the attributions to the single *Magister Paulus* preserved in multiple other manuscript copies.<sup>48</sup>

When Paul’s completed *tractatus de confessione* was revised by shortening not long after its completion (by whom we do not know), the obvious question is “why?” Gone now would be the helpful table of contents at the beginning, the detailed references to canon law, and the whole presentation of the vices and cardinal virtues as the second half of the work. Could this shortening have been a streamlining called for by the general chapter that met in the summer of 1221 in Bologna? That chapter did send off brothers to England, Scandinavia, and Hungary, and it would make sense for it to seek a portable text, usable by non-canonists (who were the majority of the Dominican Order, after all).<sup>49</sup> We may never know. But it is not hard to imagine that the brain trust of the order – Dominic certainly among it – saw the potential of Brother Paul’s *summa*, especially if it could be fitted to the needs of peripatetic preacher-confessors.

48 See the attributions above, on page 403. The attribution of “Incipiunt rationes penitentie composite a fratribus predicatorum” is found in rubric ink in Montecassino, Lat. 799, fol. 178r, which I have consulted *in situ*. By my eye the rubricator’s hand could well be the same as that of the main text’s copyist.

49 See *Acta capitulorum generalium Ordinis Praedicatorum*, 1: *Ab anno 1220 usque ad annum 1303*, MOPH 1 (Rome: In domo generalitia, 1898), 2: “Anno domini mcccxxi secundum generale capitulum est Bononie per beatum Dominicura celebratum. In quo fundatis per orbem lx circiter conventibus. dicti conventus per viii provincias sunt distincti, scilicet Hyspaniam, Provinciam, Franciam, Lombardiam, Romanam provinciam, [Ungariam, Theutonim,] Angliam.”