

Collectio Toletana

A Canon Law Derivative of the South-Italian *Collection in Five Books*

DOUGLAS ADAMSON and ROGER E. REYNOLDS

The book contains a study and critical implicit or incipit-explicit edition of an eleventh-century canon law collection based on two important major canonical collections of the eleventh century: the *Collection in Five Books* compiled in southern Italy, and the famous *Decretum* of Burchard of Worms that was quickly copied in both southern and central Italy in the eleventh century. The *Collectio Toletana* is one of at least twenty-five derivative collections based on the *Collection in Five Books*, and its length and diversity of canons make it an appropriate subject of a study and critical edition.

Given the critical need for modern editions of the major early canon law collections, scholars have long been urged to channel their energies toward these and not minor and derivative collections found in one or a few codices. The complexities of producing such editions, which have becoming increasingly apparent over the past few decades, would appear to suggest more modest, circumscribed goals. However, a partial edition of a text such as produced here can be justified on several grounds even though there is no evidence as of yet that the *Collectio Toletana* had any influence on other collections.

First, it is now clear that the *Collection in Five Books* was the most significant indigenous Italian collection of the first half of the eleventh century and continued to exercise great influence in canonistic studies well into the twelfth century, especially in its derivatives, of which the *Collectio Toletana* is one. Second, an edition of its derivatives will be useful in controlling the edition of the *Collection in Five Books*. Third, the light shed by the derivative collections should allow for a more finely tuned reconstruction of the original. And finally, editions and studies of the derivatives in all their peculiarity and idiosyncrasy, will undoubtedly point to the existence and types of manuscripts of the *Collection* that were available in the eleventh century.

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Collection in Five Books

An implicit edition with introductory study

DOUGLAS ADAMSON

and

ROGER E. REYNOLDS



PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES

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Preface

In the incipit-explicit ‘implicit edition’ published some years ago of the canon law collection found in the manuscript Montecassino Archivio della Badia 216, I indicated that a similar edition of another canon law collection based on the south Italian *Collection in Five Books* might be released soon.¹ This is the *Collectio Toletana*, here edited with an introductory study. Although this collection had been known since the announcement of its existence by Antonio García y García in 1965,² the first extensive work on the collection was carried out by John Douglas Adamson in his 1987 report for the M.S.L. degree awarded by the Pontifical Institute of Mediaeval Studies in Toronto.³

After completing this study, Douglas Adamson began work for the PhD degree in the Centre for Medieval Studies at the University of Toronto. Rather than continuing his study of early medieval canon law collections, he chose to edit and study a medieval commentary on Roman law by Placentinus.⁴ Many scholars asked him to publish these two editions, but by this time Dr Adamson had embarked on a different career.

The Pontifical Institute and the University of Toronto still receive inquiries about his editions of the *Collectio Toletana* and the *Summa Institutionum* of Placentinus, but since his interests have now turned in other directions, Dr Adamson has generously offered his collaboration in the preparation of an implicit edition of the *Collectio Toletana*. Because this collection is one of the derivatives of the south Italian

- 1 Roger E. Reynolds, *The Collectio canonum Casinensis duodecim saeculi (Codex terscriptus). A Derivative of the South-Italian Collection in Five Books: An Incipit-Explicit Edition with an Introductory Study*, Monumenta Liturgica Beneventana 3; Studies and Texts 127 (Toronto: Pontifical Institute of Mediaeval Studies, 2000), ix.
- 2 Antonio García y García, “Los manuscritos jurídicos medievales de la Catedral de Toledo,” *Traditio* 21 (1965) 511–512; and “Canonistica Hispanica (II),” *Traditio* 23 (1967) 504–511.
- 3 John Douglas Adamson, “The *Collectio Toletana*” (M.S.L. Report, Pontifical Institute of Mediaeval Studies, Toronto, 1987).
- 4 John Douglas Adamson, “A Critical Edition of the *Summa Institutionum* of Placentinus” (PhD dissertation, University of Toronto, 1991).

canonical collections that have been one of the focuses of the *Monumenta Liturgica Beneventana* at the Pontifical Institute, it was decided to prepare an 'implicit' edition like that of the *Collectio canonum Casinensis* of Montecassino 216, with gratefully acknowledgement of the original work of Douglas Adamson.

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