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Thomas M. Izbicki
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The Eucharist in Medieval Canon Law

Thomas M. Izbicki presents a new examination of the relationship between the adoration of the sacrament and canon law from the twelfth to fifteenth centuries. The medieval Church believed Christ's glorified body was present in the Eucharist, the most central of the seven sacraments, and the Real Presence became explained as transubstantiation by university-trained theologians. Expressions of this belief included the drama of the elevated host and chalice, as well as processions with a host in an elaborate monstrance on the feast of Corpus Christi. These affirmations of doctrine were governed by canon law and promulgated by popes and councils; and liturgical regulations were enforced by popes, bishops, archdeacons, and inquisitors. Drawing on canon law collections and commentaries, synodal enactments, legal manuals, and books about ecclesiastical offices, Izbicki presents the first systematic analysis of the Church's teaching about the regulation of the practice of the Eucharist.

Thomas M. Izbicki is interim Associate University Librarian for Collection Development at University Libraries, Rutgers University. His publications focus on Pius II, Juan de Torquemada OP, Nicholas of Cusa, and the sacraments in canon law. His most recent book is *Religion, Power, and Resistance from the Eleventh to the Sixteenth Centuries: Playing the Heresy Card* (ed. Karen Bollermann, Thomas M. Izbicki, and Cary J. Niederman).

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Elevation of the Host, attributed to Niccolò di ser Sozzo, Siena, mid-fourteenth century (New York, Columbia University, Barnard College Library, MS 1, p. 189).

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For my daughters Julie and Amelia.

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Preface

We ordain (statuimus) the sacrament of the Altar to be borne to the sick with due reverence, the priest having upon him at the least a surplice with a stole and light borne before him in a lantern with a bell, that the people may be stirred up to due reverence, which must be informed by the priest's wisdom, to kneel down, and the least humble to pray unto and honour the same, wheresoever it happen the king of Glory hidden in bread to be borne.¹

The substance of the mass consists in the words *This is my body* and *This is my blood* etc., which only a priest says.

Baldus de Ubaldis²

This book began with a medieval manuscript in Baltimore. Manuscript 14 of the John Work Garrett Library of Johns Hopkins University contains a handwritten insert with a painted picture of the Dijon bleeding host, then housed at the Chartreuse of Champmol in Burgundy, accompanied by a brief text in French and two more in Latin. This find led to a conference paper and then to an article.³ Research on the Dijon host led the author to the canon law pertaining to the Eucharist. Much has been written by scholars on medieval canon law, but comparatively little has been concerned with sacraments other than penance and matrimony. The Eucharist proved to be worthy of detailed study, also taking into account related evidence not just from theology but also from art, liturgy, and devotional practices. The writers on liturgy were especially useful. One, Lothair of Segni, was an architect of the canon law as Pope Innocent III. Others, Sicard of Cremona and Guillelmus Durantis Senior, themselves were canon lawyers.

¹ Lyndwood's *Provinciale: The Text of the Canons Therein Contained*, Reprinted from the *Translation Made in 1534*, ed. J. V. Bullard and H. Chalmer Bell (London, 1929), 104.

² *Ad tres priores libros decretalium commentaria* (Lyon, 1585; Aalen, 1970), fol. 282ra.

³ Thomas M. Izbicki, "The Bleeding Host of Dijon: Its Place in the History of Eucharistic Devotion," in *Saluting Aron Gurevich: Essays in History, Literature and Other Related Subjects*, ed. Yelena Mazour-Matusevich and Alexandra S. Korros (Leiden, 2010), 227–246.

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x Preface

The focus of the book is the discipline of the Eucharist, including enactments about sacramental practice, interpretation of those texts, diffusion of their instructions to clergy and laity, and their enforcement. Attention also is given to parochial practice where useful evidence exists. Among the questions addressed are: How did medieval canon law take account of belief in the Real Presence of Christ in the Eucharist, especially in the twelfth and thirteenth centuries, when the language of transubstantiation was becoming common? Did the subtle theology of the Schools get filtered down to parish priest and, through him, to the men and women of the individual parish? What did the authorities think the parish priest, who might be uneducated himself, needed to know? What did bishops want their subordinates to teach as doctrine, and at what level of sophistication? What practices were approved or disapproved on the basis of belief in Christ's corporeal presence? Answers to these questions explain what resources a parish needed in order to celebrate mass, give communion, reserve the Eucharist for the sick, carry viaticum to sickbeds, and (eventually) venerate the consecrated host in processions on the feast of Corpus Christi. They also determined what a good priest was expected to do and for what failings a bad priest could be punished, usually by an archdeacon.

In all cases, canon law functioned as a form of disciplinary theology. Sacramental theology was to be affirmed by correct practices, including the gestures and prayers of the laity. This theology was developed over several centuries, beginning with the Carolingian age, when Paschasius Radbertus wrote about a very literal presence of Christ in the sacrament. This theology became a matter of controversy and then of dogma from the eleventh century onward. The implications of this belief in the Real Presence were explained eventually in terms of Aristotelian ideas of the physical universe. Theological doctrine and Aristotle were made to fit together, often with great subtlety, including a sense that the material universe might serve as a medium for the divine presence.⁴ This emphasis, in turn, must be seen as directly related to the increasing attention to Christ's humanity evident at least from the twelfth century onward, not just in theology but in widespread devotions. Imitation of Christ, a concept with patristic roots, entered into ideas of priesthood and polity, just as it did into devotional theology.⁵ These developments were parallel to a

⁴ For a brief survey, see Gary Macy, *Treasures from the Storehouse: Medieval Religion and the Eucharist* (Collegeville, Minn., 1999). On materiality, see from different viewpoints Marilyn McCord Adams, *Some Later Medieval Theologies of the Eucharist: Thomas Aquinas, Giles of Rome, Duns Scotus and William of Ockham* (Oxford, 2012); Caroline Walker Bynum, *Christian Materiality: An Essay on Religion in Late Medieval Europe* (Boston, 2011).

⁵ Giles Constable, "The Ideal of the Imitation of Christ," in Constable, *Three Studies in Medieval Religious and Social Thought* (Cambridge, 1995), 145–248. This development, in turn, allowed the identification of the pope as Vicar of Christ, Jesus's representative on

desire for theological reassurance and practical succor similar to beliefs about the utility of relics, together with a fear that magical acts could be worked using stolen hosts.⁶ Dependence on such physical signs could be seen by some theologians and prelates as undermining reliance on faith, even leaving aside the frauds of some keepers of “wonder hosts” and other supposed relics. Nonetheless, belief in the benefits of the Eucharistic presence extended to ideas of spiritual communion by sight and a conviction that outrages committed on consecrated hosts might be requited with divine vengeance.⁷

A sixteenth-century version of Lyndwood’s *Provinciale*, translating a statute of John Peccham, archbishop of Canterbury, described viaticum processions as bearing “the king of Glory hidden in bread.”⁸ In such language, both clergy and laity affirmed the corporeal presence of the Lord in the consecrated host; but how the former taught the latter to honor that miraculous presence is an important part of this inquiry. In addition, there were challenges of inspecting and authenticating or disproving supposed sacramental miracles of the sort mentioned earlier. Wonder hosts that bled or manifested human flesh, often in the form of a child, might be regulated to prevent some clergy from defrauding the laity and to discourage substituting “miraculous” objects for true faith. Nonetheless, host cults like that at Wilsnack met a need for reassurance among many of the faithful that ideas of invisible presence might not provide.⁹

The available sources for medieval Eucharistic theology and sacramental practice are many and varied. The most important source material of this project has remained, however, the canon law broadly construed.¹⁰ The major normative texts, conciliar, papal, and patristic, of earlier periods were included in collections of canons. These eventually were represented in the

earth, see Michele Maccarrone, *Vicarius Christi: Storia del titolo papale* (Romae, 1952). The implication for the priest as Christ’s representative will be addressed in Chapter 1 of this book.

⁶ G. J. C. Snoek, *Medieval Piety from Relics to the Eucharist: A Process of Mutual Interaction* (Leiden, 1995).

⁷ Miri Rubin, *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven, Conn., 1999).

⁸ Lyndwood’s *Provinciale*, 104; Lyndwood, *Provinciale seu Constitutiones*, 249, “ut populus ad reverentiam debitam excitetur, qui ad prosterendum se, vel ad adorandum saltem humiliter informetur Sacerdotali prudentia, ubicunque Regem Gloriar sub panis latibulo e venerit deportari.”

⁹ Morimichi Watanabe, “The German Church Shortly before the Reformation: Nicolaus Cusanus and the Veneration of the Bleeding Hosts at Wilsnack,” in *Reform and Renewal in the Middle Ages and the Renaissance: Studies in Honor of Louis Pascoe, S.J.*, ed. Thomas M. Izbicki and Christopher M. Bellitto (Leiden, 2000), 208–223.

¹⁰ For a general introduction to the topic, see James A. Brundage, *Medieval Canon Law* (London, 1995).

Decretum or *Concord of Discordant Canons* of Gratian. Beginning in the mid-twelfth century, this was the textbook of the faculties of canon law in the new-born universities. These canons were commented at length by professors, and their students carried the law to the far corners of Europe. New conciliar canons and papal letters were added to the mix, eventually in collections authorized by the papacy. Most important were the decrees of the Fourth Lateran Council (1215). These conciliar decrees and the growing body of papal decretals were taught in the classroom and commented in written works, some of which eventually were printed. The inquiry, however, could not remain at the level of doctrine. Legal norms propounded at the highest levels were filtered down to the local level through local councils and synods. The Lateran norms for pastoral care, in particular, were implemented by local councils and synods during the thirteenth and early fourteenth centuries.¹¹ New enactments, like those implementing the feast of Corpus Christi on the local level, were issued throughout Europe well into the sixteenth century.

The messages of popes, bishops, and academic canonists must be assessed in the light of the realities experienced by local priests and the laity. These norms were transmitted by synods and enforced by bishops and archdeacons, especially through visitations.¹² Additional guidance was provided in manuals for pastors, confessors, and inquisitors.¹³ All of these must be consulted to show how norms were not just received but enforced down to the parish level, even in the face of dissent. Excerpts from some of these sources have been offered in translation. These are the author's own unless otherwise indicated. An additional problem is presented by changes in writings about the learned law. Late medieval and early modern canonists often were uninterested in the sacraments or simply repeated what their predecessors had said verbatim. Only after the Reformation challenged the system of seven sacraments did a new form of liturgical regulation appear. The decrees of the Council of Trent reaffirmed the sacraments, and Tridentine reforms were adopted locally as far from Rome as Mexico and Peru. These decrees and the decisions of the post-Tridentine Roman curia, especially the Congregation of Rites, made the medieval texts less relevant to teaching and pastoral care. That form of sacramental discipline remained largely intact until the Second Vatican Council introduced liturgical renewal leading to changes in rites and paraliturgical practices.

¹¹ On synodal statutes as a genre, see Odette Pontal, *Les statuts synodaux* (Turnhout, 1975).

¹² Noël Coulet, *Les visites pastorales* (Turnhout, 1977).

¹³ Antoine Dondaine, "Le manuel de l'Inquisiteur," *Archivum Fratrum Praedicatorum* 17 (1947), 280–312; Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au Moyen Age (XII–XVI siècles)* (Louvain, 1962).

Note that the quantity of the material exceeds the possibility of exploring every issue in detail. Some matters, like the mass as sacrifice and the fraction of the host before communion, although important, receive relatively little attention. Others, like the regulations for vessels, vestments, and altar linens, are all but omitted. Even penance for loss of a host, found in one of the penitentials, has been omitted as tangential to the main argument.¹⁴ It has not been possible, moreover, to examine every bit of surviving evidence about the celebration of the mass. Thus the author was not able to review many of the defects that might be found in the celebration of the mass by a negligent priest, and less is said about the failings of priest and parish in caring for the church and its furnishings. The interested researcher can find these matters treated in the same sources employed by the author.

This book could not have been written without the help of many other persons. Elizabeth Friend-Smith of Cambridge University Press guided this project from its inception. Outside readers provided useful recommendations for the development of the manuscript. Thomas Turley; Gary Macy; Ian Levy; Gerald Christianson; Chris Brennan; Joachim Stieber; Mary Sommar; Anders Winroth; Ryan Greenwood; and my wife, Margaret Schaus, have played roles in this project. Several libraries have provided access to rare texts or made loans of books and articles relevant to this project. These include the libraries of Rutgers University, the University of Pennsylvania, Princeton University, Johns Hopkins University, Bryn Mawr College, and the New Brunswick Theological Seminary. Manuscript books were consulted at the Vatican Film Library of St. Louis University, and the digital facsimile of the commentary of Paulus de Liazariis was provided by the Special Collections Department of the Hessburgh Library, University of Notre Dame. Nonetheless, responsibility for this project remains entirely mine.

¹⁴ *Medieval Handbooks of Penance: A Translation of the Principal "libri poenitentiales" and Selections from Related Documents*, ed. John T. McNeill and Helena M. Gamer (New York, 1938), 111, 114, 253, 275.

Citations to texts of canon law

All texts from the *Corpus Iuris Canonici* are cited from this edition: *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vols. (Leipzig, 1879; Graz, 1959).

The *Decretum* of Gratian

The Distinctions (*Distinctiones*) are cited in this form: Distinction and chapter (e.g., D.40 c.6).

The Cases (*Causae*) are cited in this form: Case, question, and chapter (e.g., C.24 q.1 c.6).

The *Tract on the Consecration of a Church* (*Tractatus de consecratione ecclesiae*) is cited in this form: Distinction and chapter (e.g., De cons. D.2 c.8).

The Decretal collections are cited by book, title, and chapter

Decretals of Gregory IX or *Liber extra* (e.g., X 5.38.12).

The *Liber sextus* of Boniface VIII (e.g., VI. 1.1.1).

The Constitutions of Clement V, *Constitutiones clementinae* or *Clementines* (e.g., Clem. 1.3.5).

The Ordinary Gloss [*Glossa ordinaria*] to a collection is cited in this form:

Ordinary Gloss at [text]. The individual glossed word or phrase in the text is indicated, where necessary, by v. [*verbum* or word] (e.g., Ordinary Gloss at D.40 c.6 v. Nisi).

The *Quinque Compilationes Antiquae*, the most important compilations of decretals before the *Liber extra*, are cited by collection, book, title, and chapter

For example, c. *Firmiter credimus* in *Compilatio quarta* is cited as 4 Comp. 1.1.1.

Note on commentators

Decretists

A Decretist was a commentator on Gratian's *Concordantia discordantium canonum* or *Decretum*, the fundamental textbook of canon law in the twelfth- and early thirteenth-century universities. These canonists composed glosses on the texts and occasionally wrote systematic treatments of the *Decretum*, usually called *summae*. Among the earliest of these writers were Paucapalea, Rufinus, and Stephen of Tournai. Later, toward the turn of the thirteenth century, Simon of Bisignano, Sicard of Cremona, and Huguccio of Pisa distinguished themselves. The work of the Decretists culminated in the Ordinary Gloss on the *Decretum*, composed by Johannes Teutonicus and later updated by Bartholomew of Brescia. The canonists concentrated thereafter on the decretals of the popes.

Decretalists

A Decretalist was a commentator on the official letters or decretals of the popes, especially those issued in the late twelfth and thirteenth centuries. These were collected at first by individual doctors but eventually by the papacy. The most important of these collections, the *Decretals of Gregory IX* or *Liber extra* (1234), became the main textbook of canon law, displacing Gratian's *Decretum*. The Ordinary Gloss on the *Gregorian Decretals* was composed by Bernard of Parma in the mid-thirteenth century. Among the most influential Decretalists were, in the thirteenth century, Pope Innocent IV, Geoffrey of Trani, Henricus de Segusio (Hostiensis), and, in the early fourteenth century, Johannes Andreae. They composed *summae* and commentaries that dominated the study of canon law later.

Canonists and collections

Anselm of Lucca (d. 1086) – Anselm succeeded his uncle as bishop of Lucca, when the latter became Pope Alexander II (r. 1061–1073). Anselm was a strong supporter of the Gregorian Reform. His collection of canons both supported reform and assembled important texts related to the sacraments.

Antoninus of Florence (d. 1459) – Antoninus, a Dominican of the Observant movement, was made archbishop of Florence in 1446. His works designed for pastoral care include a monumental *Summa moralis* and three manuals for parish priests and friars serving as confessors, each of which was written in Italian or translated from the Latin. Both theology and canon law supported his advice on pastoral care.

Antonius de Butrio (d. 1408) – Antonius taught Francesco Zabarella and commented on the *Gregorian Decretals*. His commentary primarily reflects received opinion on sacramental practice. Antonius also was involved, until his death, in unsuccessful efforts to end the Great Western Schism (1378–1417).

Astesanus (d. c. 1330) – Astesanus, a canonist from Asti in northern Italy, became a Franciscan. His *Summa Astesana* was a massive guide for confessors and others engaged in pastoral care, expounding legal and theological norms for their instruction.

Bartholomew of Brescia (d. 1258) – Bartholomew taught canon law at Bologna and revised the Ordinary Gloss of Johannes Teutonicus on Gratian's *Decretum*. This updated version of the glossed *Decretum*, with references to the *Gregorian Decretals*, was the most widely read after it appeared.

Bartholomew of Exeter (d. 1184) – Bartholomew, a canonist, was bishop of Exeter from 1161 to his death. The penitential he prepared for his diocese made extensive use of older texts, representing ideas of pastoral care preceding those evolved at the University of Paris and legislated by the Fourth Lateran Council (1215).

Bernard Gui (d. 1331) – Gui, a Dominican, served as an inquisitor in the south of France between 1307 and 1323. His writings included the

Practica inquisitionis hereticae pravitatis (*Practice of Investigating Heretical Depravity*). This manual included discussions of errors about the sacraments and formulas for renouncing those errors.

Bernard of Parma (d. 1266) – Bernard studied and taught at Bologna. William Durant the Elder was among his students. His commentary on the *Gregorian Decretals* became the Ordinary Gloss, read by all later canonists.

Burchard of Worms (d. 1025) – Burchard, a German noble, became bishop of Worms in 1000. He is best known for his *Decretum*, an influential collection of canon law texts including several related to the sacraments. Book 19, On Penance, became known as the Corrector; and it included evidence for abuses in past Eucharistic practice.

Collection in Seventy-Four Titles – The *Collection in Seventy-Four Titles* or *Diversorum sententiae patrum* was an early collection supporting the Gregorian Reform. It is believed to have been a source for the collection of Anselm of Lucca, but it offers little of the material Anselm included in his books about the sacraments.

Compilatio prima, or *Breviarium extravagantium* (c. 1190) – Bernard of Pavia compiled this collection containing older canons together with later papal texts. Also included are the canons of the Third Lateran Council (1179), held by Pope Alexander III.

Compilatio quarta (c. 1216) – The collection contains the later decretals of Innocent III. It also includes the canons of the Fourth Lateran Council.

Compilatio quinta (c. 1226) – Honorius III ordered creation of this collection, which includes his decretal *Sane*, authorizing the elevation of the host.

Compilatio tertia (c. 1210) – This collection was compiled by Peter of Benevento on the instructions of Innocent III. It contains the decretals from the early years of Innocent III's pontificate. The most influential commentary on this compilation was composed by Johannes Teutonicus.

Decretales Pseudo-Isidorianae or *False Decretals* – This collection combined genuine with forged texts, many supporting the papacy. It was composed c. 830 during the Carolingian period. Some of the oldest texts concerning the discipline of ecclesiastical rites appear in it.

Deusdedit (d. 1097/1100) – Deusdedit, a Benedictine, was made a cardinal by Pope Gregory VII (r. 1073–1085). His collection of canons was another to support the Gregorian Reform. Like the *Collection in Seventy-Four Titles*, it is more concerned with simony than with sacramental practice.

Francesco Zabarella (d. 1417) – Zabarella taught canon law until, as a teacher in Padua, he became involved in politics. The Pisan pope John

XXIII made him a cardinal in 1410, and he participated in the Councils of Pisa (1409) and Constance (1414 to his death). Among his writings were a commentary on the *Gregorian Decretals* and a *consilium* on resolving the Great Western Schism (1378–1417).

Geoffrey of Trani (d. 1245) – Geoffrey had a career teaching law before undertaking a career in the Roman curia. He died as a cardinal at the First Council of Lyon. His most influential work was a *summa* on the titles of the *Gregorian Decretals*.

Gratian – The *Concordia discordantium canonum* is traditionally attributed to Gratian of Bologna, described as a Bolognese monk, with an estimated date of 1130. The collection actually was created in multiple stages over several years. The final version included the *Tractatus de consecratione ecclesiae*, an exposition of the canon law of the sacraments.

Guido de Monte Rocherii or de Monte Rochen (c. 1331) – Guido was a priest in Teruel in the Crown of Aragon. His *Handbook for Curates* was grounded in both theology and law. It was widely diffused both in manuscripts and print, which made it one of the most important of medieval pastoral manuals.

Henricus de Segusio (Hostiensis) (d. 1270/1271) – Henricus de Segusio both studied and taught law before serving King Henry III of England. He then entered the Roman curia, becoming cardinal bishop of Ostia in 1261. His chief writings were a *summa* on the titles of the *Gregorian Decretals* and a commentary on that collection, the latter including extensive discussions of sacramental discipline.

Huguccio of Pisa (d. 1210) – After a career in canon law, Huguccio became bishop of Ferrara in 1190. His massive *summa* on the *Decretum* showed considerable creativity. His ideas on the Eucharist included an argument that the water in the chalice became Christ's phlegm, which was rejected by Innocent III.

Innocent III, pope (r. 1198–1216) – Lothar of Segni, a Paris-trained theologian, wrote on the sacraments before his election to the papacy. As pope, Innocent was the source of many influential decretals, including the decretal *Cum Marthae*, focused on the Real Presence in the Eucharist. His Fourth Lateran Council (1215) issued several canons concerned with the sacraments and pastoral care, including one requiring confession and communion at Eastertide, the Easter Duty that remains an expectation for all Roman Catholics.

Innocent IV, pope (r. 1243–1254) – Sinibaldo Fieschi, a canonist, became a cardinal in 1227 and pope in 1243. He convened the First Council of Lyon (1245), which both tried to depose the Emperor Frederick II and issued decrees later included in the *Liber sextus* of Boniface VIII. His *Apparatus in quinque libros decretalium* was one of

the most influential commentaries on the *Liber extra*, although it paid minimal attention to the mass and the Eucharist.

Ivo of Chartres (d. 1115) – Ivo became bishop of Chartres in 1190 and held that see until his death. Ivo supported reform and took a serious interest in sacramental theology and practice. His *Decretum*, an extensive canonistic collection, begins with a preface discussing the methodology for the interpretation of the canons.

Johannes Andreae (d. 1348) – This Bolognese canonist remained a layman, married with children. His writings on canon law included an extensive commentary on the *Gregorian Decretals*, summarizing previous teachings, and the Ordinary Gloss on the *Constitutions of Clement V*.

Johannes Teutonicus (d. 1245) – Johannes studied canon law at Bologna and later taught there. He compiled the Ordinary Gloss on Gratian's *Decretum*. Johannes also commented on the canons of the Fourth Lateran Council and *Compilatio tertia*.

John of Acton (d. 1350) – An Oxford-trained canon lawyer, John held ecclesiastical positions in the diocese of Lincoln. His commentary on the constitutions of the legates Otto and Ottobono was widely distributed within the ecclesiastical province of Canterbury.

John of Burough or Johannes de Burgo – John of Burough, a Cambridge-educated theologian, was the chancellor of the university. He composed the manual, *Pupilla oculi* (c. 1385), a revision of William of Pagula's *Occulus sacerdotis*. His manual brought Scholastic theology, as well as canon law, to the instruction of pastors in their duties.

John of Erfurt – This Franciscan composed a manual for confessors that comprised among others expositions of the things every priest should know, including in sacramental practice. The text was composed in the late thirteenth century and revised c. 1302.

John of Freiburg (d. 1314) – John, a Dominican friar, composed a revision of Raymond of Peñafort's *Summa de casibus conscientiae*. His revisions brought the theology of Thomas Aquinas into its instructions to pastors and confessors. An alphabetical version, the *Summa Pisanella*, was prepared by Bartholomew of San Concordio of Pisa.

Juan de Torquemada (d. 1458) – Torquemada, a Dominican theologian, was promoted to the cardinalate because he defended Pope Eugenius IV (1431–1447) at the Council of Basel (1431–1449). His commentary on Gratian's *Decretum* defended the papacy. Its exposition of the *Tractatus de consecratione* included a rare critique of Hussite Eucharistic errors in a work of canon law.

Nicholas de Tudeschis (Panormitanus) (d. 1445) – Tudeschi, a Benedictine monk, studied canon law with Francesco Zabarella. He pursued a career teaching and composing legal works, including a

massive commentary on the *Gregorian Decretals*. Nicholas later served Pope Eugenius IV as an envoy to the Council of Basel; and then he represented Alphonso V of Aragon in the same assembly, being named a cardinal by the antipope Felix V.

Nicholas Eimeric (d. 1399) – Nicholas, a Dominican, served as an inquisitor in the territories of the Crown of Aragon. His controversial actions, including attacks on the Eucharistic beliefs of the local Franciscans, led to two periods of enforced exile. Nicholas's *Directorium Inquisitorium* (c. 1377) attacked both condemned heresies and witchcraft. It was widely circulated and was republished with extensive additions by Francisco Peña in 1578.

Nicholas of Ausimo or Osimo (d. 1453) – Nicholas, a Franciscan Observant, had studied law in Bologna. He brought his background in theology and law to a supplement to the *Summa Pisanella*, a revision of the *summa* by John of Freiburg.

Nicholas of Cusa (d. 1464) – Cusanus, a German, studied canon law at the University of Padua and rose to the cardinalate. As papal legate in Germany (1450–1452) and bishop of Brixen (1450–1464), he promoted reforms in pastoral practice. His attack on the bleeding host cult at Wilsnack was not supported by Pope Nicholas V (r. 1447–1455).

Otto, cardinal legate (d. 1250/1251) – Otto appeared in England as a papal legate in 1237. His legatine constitutions were important to the English church and were coupled in transmission with those of Cardinal Ottobono. Among their focal points were matters of liturgy and the sacraments.

Ottobono, cardinal legate, briefly Pope Adrian V (d. 1276) – Ottobono was a nephew of Pope Innocent IV, who made him a cardinal in 1251. He was papal legate in England from 1265 to 1268, attempting to mediate between King Henry III (r. 1215–1272) and Simon de Montfort. His legatine constitutions and those of Cardinal Otto were glossed by John of Acton.

Panormia – This widely diffused collection of canon law was created in the late eleventh or early twelfth century. It once was attributed to Ivo of Chartres, but that attribution has been discarded. It contains extensive excerpts from theological discussions of the Real Presence in the Eucharist.

Paucapalea – Paucapalea, a twelfth-century canonist (c. 1140), is believed to have been the first commentator on Gratian's *Decretum*. His brief glosses on the *Tractatus de consecratione* were the earliest comments on the sacramental teachings in that section of the *Decretum*.

Paulus de Liazaris (d. 1356) – Paulus, a student of Johannes Andreae, wrote an extensive commentary on the *Constitutions of Clement V*.

Raymond of Peñafort (d. 1275) – Raymond, a canonist and Dominican friar, compiled the *Liber extra* or *Gregorian Decretals* for Pope Gregory IX (r. 1227–1241). The collection, arranged in five books on judges, judgment, the clergy, marriage, and crimes, was subdivided into topical titles containing the canons of the Fourth Lateran Council (1215) and major papal decretals, especially those of Innocent III. Raymond also composed a *Summa de casibus conscientiae*, an influential guide for hearing confessions and providing pastoral care.

Regino of Prüm (d. 915) – Regino, a Benedictine monk, became abbot of Prüm and then of Saint Martin's, Trier. His book *De ecclesiasticis disciplinis* combined questions about discipline and rites to be put to parish priests with canons supporting those rules of behavior. This work was employed by Burchard of Worms when compiling his *Decretum*.

Rufinus (d. 1192) – Rufinus taught canon law in Bologna in the twelfth century. Stephen of Tournai was among his pupils. Rufinus's *summa* on the *Decretum* (c. 1160) was widely influential.

Sicard of Cremona (d. 1215) – Sicard studied canon law and eventually became bishop of Cremona (1185). His commentary on Gratian's *Decretum* drew heavily on the work of Simon of Bisignano. His *Mitralis* was an extensive discussion of liturgical offices.

Simon of Bisignano – Simon taught canon law in Bologna in the 1170s. He wrote a commentary on the *Decretum* of Gratian; however, little is known otherwise.

Stephen of Tournai (d. 1203) – A pupil of Rufinus in Bologna, Stephen later became bishop of Tournai. The commentary *Fecit Moyses tabernaculum* on the *Tractatus de consecratione* was later attached to Stephen's *summa* on the *Decretum*.

Thomas of Chobham (d. 1233 / 1236) – Thomas studied in Paris under Peter the Chanter. He served in the diocese of Salisbury and composed a *Summa de poenitentia*, which gave practical advice to priests grounded in canon law.

William Durant the Elder (d. 1296) – William, a Frenchman, studied canon law under Bernard of Parma in Bologna. He served the papacy, becoming bishop of Mende in 1286. William wrote on legal procedure and composed an extensive exposition of the liturgy drawing on the works of Innocent III and Sicard of Cremona.

William Lyndwood (d. 1446) – William Lyndwood, who had studied canon law at Cambridge and Oxford, served both Church and Crown. He became a bishop in 1442. His *Provinciale* collected the canon law of the province of Canterbury, arranged on the lines of the *Gregorian Decretals* and glossed.

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xxii Canonists and collections

William of Pagula (d. 1332) – Although William of Pagula had a doctorate in canon law from Oxford University, he spent his remaining years as a parish priest. William's most important work was the *Occulus sacerdotis* or *Priest's Eye*. This manual instructed priests in the essentials of sacramental theology and the discipline expected in the performance of pastoral duties.

Abbreviations

<i>Constitutiones Concilii Quarti Lateranensis</i>	<i>Constitutiones Concilii Quarti Lateranensis una cum commentariis glossatorum</i> , ed. Antonio García García (Città del Vaticano: Biblioteca Apostolica Vaticana, 1981).
<i>Corpus Iuris Canonici</i>	<i>Corpus Iuris Canonici</i> , ed. Emil Friedberg, 2 vols. (Leipzig: Tauchnitz, 1879; Graz: Akademische Druck- u. Verlagsanstalt, 1959).
<i>Councils & Synods</i>	<i>Councils & Synods with Other Documents Relating to the English Church</i> , 2 vols. in 4, vol. 1, ed. Dorothy Whitelock, Martin Brett, and Christopher N. L. Brooke (Oxford: Clarendon Press, 1981); vol. 2, ed. F. M. Powicke and C. R. Cheney (Oxford: Clarendon Press, 1964).
<i>Decrees of the Ecumenical Councils</i>	<i>Decrees of the Ecumenical Councils</i> , ed. Norman P. Tanner, 2 vols. (Washington, D.C.: Georgetown University Press, 1990).
<i>Handbook for Curates</i>	Guido de Monte Rocherii, <i>Handbook for Curates</i> , trans. Anne T. Thayer (Washington, D.C.: Catholic University of America Press, 2011).
Hinschius	<i>Decretales Pseudo-Isidorianae et capitula Angilramni</i> , ed. Paul Hinschius (Leipzig: Tauchnitz, 1863; Aalen: Scientia Verlag, 1963).
Lyndwood, <i>Provinciale seu Constitutiones</i>	William Lyndwood, <i>Provinciale (seu Constitutiones Angliae) continens constitutiones provinciales quatuordecim</i>

xxiv List of abbreviations

	<i>archiepiscoporum Cantuariensium, viz. á Stephano Langtono ad Henricum Chichleium</i> (Oxford, 1679; Farnborough: Gregg, 1968).
Mansi	<i>Sacrorum Conciliorum nova et amplissima collectio</i> , ed. Giovan Domenico Mansi et al., 53 vols. (Paris: H. Welter, 1901–1927; Graz: Akademische Druck- u. Verlagsanstalt, 1961).
<i>Pastors and the Care of Souls</i>	<i>Pastors and the Care of Souls in Medieval England</i> , ed. John Shinnors and William J. Dohar (Notre Dame, Ind.: University of Notre Dame Press, 1998).
PL	Migne's <i>Patrologia Latina</i> accessed via the <i>Patrologia Latina Database</i> .
<i>Das Sendhandbuch des Regino von Prüm</i>	Regino of Prüm, <i>Das Sendhandbuch des Regino von Prüm</i> , ed. F. W. H. Wasserschleben and Wilfried Hartmann (Darmstadt: Wissenschaftliche Buchgesellschaft, 2004).
<i>Repertorium poenitentiariae Germanicum</i>	<i>Repertorium poenitentiariae Germanicum: Verzeichnis der in den Supplikenregistern der Pönitentiare Kirchen, und Orte des Deutschen Reiches</i> , 8 vols. (Tübingen: Niemeyer, 1996–2012).
<i>Synodicon Hispanum</i>	<i>Synodicon Hispanum</i> , ed. Antonio Garcia y Garcia and Francisco Cantelar Rodriguez, 11 vols. (Madrid: Biblioteca de Autores Cristianos, 1981–2013).