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Spain, s. XIV-XVI¹

Cistercian statutes

1. f. 1r-v Constituciones dadas por el papa Benedicto XII a los Cistercienses el año 1434 [sic] [title s. XVIII]. [f. 1v:] Benedictus episcopus, servus servorum Dei, ad perpetuam rei memoriam. Fulgens sicut stella matutina in medio nebule sacer Cysteriensis ordo in ecclesia militanti strenue militat ... acie interne devotionis et caritatis aspiciamus et ea, que ipsius salutem et prosperitatem respiciant, quatinus eterni Patris beneplacitis gratificari credimus, favorabiliter promovemus. Hoc est principium bulle gracie consimilis sequenti.

Benedictus XII papa (1334-1342), *Constitutio pro reformatione Ordinis Cisterciensis* (1335), c. 1, first part; J.-M. Canivez, ed., *Statuta capitulorum generalium Ordinis Cisterciensis, ab anno 1116 ad annum 1786*, v. 3 (Louvain, 1935), pp. 410-411.

2. ff. 2r-27v *Incipiunt constitutiones factas [sic] per sanctissimum patrem et dominum, dominum Benedictum papam XII de ordine Cysteriensis*. Benedictus episcopus, servus servorum Dei, dilecto filio Guillelmo abbati monasterii Cysteriensis, Cabilonensis dyocesis, salutem et apostolicam benedictionem. Ad statum sacri tui ordinis in ecclesia Dei diffusa radorum multitudine rutilantis nostre dirigentes actentionis intuitum illum ... iniunctisque ipsis pro delicti qualitate penitentia salutari et aliis que de iure fuerint iniungenda plenam atque liberam concedimus tenore presentium potestatem. Nulli ergo omnino hominum liceat hanc paginam nostre concessionis infligere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit, indignationem omnipotentis Dei et beatorum apostolorum Petri et Pauli eius se noverit incursum. § Data apud Pontem Sorgie Avinione diocesis III [l. III] id. Iulii pontificatus nostri anno primo [12 July 1335]. § Facta est hec collatio de verbo ad verbum cum originali. In cuius rei testimonium sigilli mei fratris Durandi de Firmitate procuratoris Cysteriensis ordinis in Romana curia generalis presenti pagine est inpressum.

Benedictus XII papa, *Constitutio pro reformatione Ordinis Cisterciensis* (1335), cc. 1 (second part) - 42; Canivez, v. 3, pp. 411-436. The text of chapters 1, 2 and 42 differs considerably from the edition by Canivez. Of the remaining chapters, the following are the only ones opening with a heading and an initial, apart from the first one: 4 (final section), 5, 6, 8, 9, 12, 13, 15-17, 19, 20, 22, 23, 25, 28, 31, 38 and a chapter inserted into c. 42 (f. 27r).

3. ff. 27v-31v *Hec sunt statuta edita apud Cyster. capitulum generale in annis Domini M CCC XXXV*. In primis gratias agimus cum iocunditate spiritus Patri luminum qui splendorem proprie maiestatis ostendit in filiis lucis sue ... quatinus diffinitionem pefatam faciant observari strictius, penas taxatas delinquentibus imponendo et rebelles in huiusmodi severitate debita puniendo.

Statutes of the General Chapter of Cîteaux of 1335. Canivez, v. 3, pp. 436-440. The order of the chapters in the manuscript is as follows: 1, 2, 4, 5, 9, 13, 8, 7, 11, 12, 10, 6. Chapter 14 is missing. Chapter 6 is followed by two statutes: the first one ordering the making of a chest (“armarium”) for the archives of the General Chapter and beginning “Ita ut futuris periculis ...”; the other, forbidding the nuns’ monasteries to receive Mendicants, is c. 3, which had been skipped in the main text.

4. ff. 31v-32r *Constitutio edita per summum pontificem de apostatis* ****. Benedictus, servus servorum Dei, episcopus etc. Ad perpetuam rei memoriam. <Regularem > vitam professis sic expedit subtrahi omnem inquietudinis et turbationis materiam ... non obstantibus privilegiis apostolicis quibuscumque concessis in contrarium dictis ordinibus mendicantium seu eorum prelati aut aliquibus eorundem; que quo ad hoc nullius ex nunc fore decrevimus firmitatis. Nulli igitur etc. Si quis autem etc. Data Avinionis 4^o non. Iulii pontificatus nostri anno primo.

Benedictus XII papa, *Bulla “Regularem vitam professis”*, 4 July 1335.

5. ff. 32r-35r *Super eodem satis digna*. Benedictus episcopus, servus servorum Dei. Ad futuram rei memoriam. Pastor bonus, diligens, operosus et pervigil ... volumus et mandamus quod ordinariis prelati apostatis et religiosis predictis penitentibus iuxta quatatem casuum eorundem oportunitatem ipsis licere apostolice concedantur. Nulli ergo omnino hominum liceat hanc paginam nostram votum ordinat. mandatorum et concessionis infringere vel ausu temerario contrahere. Si quis autem hoc attemptare presumpserit, indignatione<m> omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se noverit incursum. Datum Avinionis XV kal. Iulii pontificatus nostri anno primo.

Benedictus XII papa, *Bulla “Pastor bonus diligens”*, 17 June 1335.

6. ff. 35r-36r *Diffinitio edita a capitulo generali anno M^o CCCC^o XXII^o*. Nos, frater Ioannes, abbas Cistercii, ceterique diffinitores capituli generalis anno Domini M^o CCCC XXII^o in Cistercio celebrati, notum facimus universis quod in nostro capitulo generali fuit facta quedam diffinitio, cuius tenor sequitur in hec verba. Attendens capitulum generale quod modernis istis temporibus caritas Dei in cordibus, heu! multorum sic refriguit ... et non mittentes scolares ad studia generalia propter rebellionem et contumaciam quorundam abbatum, vult idem capitulum generale perdurare in suo robore, etc.

Statute of the General Chapter of 1422, c. 24; Canivez, v. 4, pp. 247-248.

7. f. 36r-v Abbas Cistercii. In vacantibus monasteriis ad novi pastoris substitutionem nullatenus procedatur, nisi patre abbate vel eius commissario requisito primitus et presente ... et hec diffinitio extenditur ad ordinis moniales. Quoniam frequenter ad tantam temeritatem indocta simplicitas etc. Huic morbo pestifero cupiens capitulum generale de medela providere, opportune statuit, ordinat et diffinit quatenus, quotienscumque in monasteriis monialium electiones celebrari contingerit ... illas personas eligere studebunt,

quas noverint pro regimine monasteriorum meliores; et que contra fecerint tanquam periure puniantur.

Part of the statute of the General Chapter of 1422, c. 23; Canivez, v. 4, p. 246.

8. ff. 40r-107v § *Libellus statutorum Cisterciensis ordinis, illorum videlicet que ad regularem observantiam, correptionem morum viteque disciplinam pertinere noscuntur.* § *Incipiunt capitula prime distinctionis, que continet XIII, scilicet V in corta et octo in Clementina.* § *Capitulum I. De uniformitate ordinis in moribus et cantu ... [f. 42r:] Incipiunt capitula XV distinctionis, que sunt IV ...* Capitulum IV. De institutione abbatissarum, cappellanis et conversis monialium. [f. 42v:] *Incipit prologus super cartam caritatis.* Antequam ordo Cisterciensis esset plurimum dilatatus, dominus Stephanus abbas Cistercii in conventu suo ... omnis exactionis gravamen propulsans solam caritatem et animarum utilitatem in divinis et humanis exequitur. Explicit prologus. Incipit carta caritatis de uniformitate ordinis in moribus et cantu. Capitulum primum. Quia unius veri regis et domini et magistri nos omnes servos, licet inutiles, esse cognoscimus ... precipitur ut hanc distinctionem diffinitionum ad eas specialiter pertinentem cum libro regule alligatam habeant in quaterno vel conscriptam et in capitulo suo coram conventu ex integro annis singulis perlegere teneantur et observent ipse ac faciant ab aliis firmiter observari. *Expliciunt diffinitiones capituli generalis.*

Carta caritatis, a later version of the original constitution of the Cistercian Order. See J.A. Lefèvre, B. Lucet, “Les codifications cisterciennes aux XIIe et XIIIe siècles d’après les traditions manuscrites”, *Analecta Sacri Ordinis Cisterciensis*, 15 (1959), pp. 3-22; the preface of this version is printed p. 18. Running headlines starting f. 44v: the number of the distinctio on the verso page, a word marking the content of the distinctio on the recto, e.g. “Distinctio prima” – “Ordinat”, “Distinctio secunda” – Indulget”.

9. ff. 107v-109v Anno Domini M CCC XVII statuta sunt hec apud Cystercium in capitulo generali. In primis ut gloriose virginis Marie memoria iugiter devote inprimatur et a nobis congruis honoribus veneretur ordinavit generale capitulum et diffinit, quod de cetero commemoratio beate Marie fiat et dicatur antiphona Spiritus Sanctus superveniet ... monachi etiam et conversi pro culpa emittendi, si in monasteriis ad que mittentur moram // [catchword: trahere]

Statutes of the General Chapter of 1317, incomplete at the end: cc. 1-13; Canivez, v. 3, pp. 332-336.

Parchment, ff. 106??, 135 x 100 mm. Foliation s. XVII in ink “2”-“109”, but ff. “37”-“39” are missing.

I¹⁰ (ff. 2-11), II⁸ (ff. 12-19), III¹⁰ (ff. 20-29), IV¹⁰ ??(- ... = ff.”37”- “39”, probably no loss of text; ff. 30-36), V-XI¹⁰ (ff. 40-109). Horizontal catchwords in the centre, often framed. In the lower outer corners of ff. 102r and 103r (quire XI) signatures are visible in the shape of three respectively four parallel sloping lines.

The ruling, for one column, when visible, is traced with lead for 25 lines below top line (ruling type 11); on the other pages the number of lines varies from 22 to 28. The parts by later hands (artt. 1, 6, 7) have no ruling and are partly copied in the margins.

The original text (artt. 2-5, 8, 9) is probably copied by a single hand (A) writing a small Gothica Textualis/Semitextualis Libraria. The additional texts are copied in s. XVI¹ hands: artt. 1 and 6 in Gothica Hybrida Libraria by hand B, who wrote also the majority of the marginal notes and additions; art. 7 by hand C, who used a bold Humanistica Cursiva.

The additional texts are not decorated. The original parts have red headings, red paragraph marks, and red 2- or 3-line plain initials. Art. 2 opens f. 2r with a 7-line littera duplex with extensive penwork and extension in the inner margin in red and blue; art. 8 opens f. 42v with a 3-line flourished initial (Prologue) and a 4-line littera duplex with penwork, as in art. 2 (text). All initials are half inset and have guide letters in the margin.

Binding s. ??: blind-tooled white parchment over wooden boards, decorated with fillets in a frame and lozenges pattern. Spine with two raised bands.

Hands A and B both occasionally have *i longa* and other features which probably point to Spain as the country of origin of the manuscript. The title on f. 1r and the s. XIX note "109 ojas" on f. 109v anyway prove that the codex resided in that country in the eighteenth and nineteenth centuries. The original sections (artt. 2-5, 8, 9), copied by hand A, date from the fourteenth century; after art. 5 the last 6 pages of quire IV (ff. 36v-39v) were probably originally left blank and art. 8 begins on the first page of quire V. The additional texts (artt. 1, 6, 7) were copied in the first half of the sixteenth century, artt. 6-7 on the blank pages of quire IV; the numerous and often extensive marginal notes are mostly from the same period and by the same hand B. Later ff. 37-39 were cut out. Was item 13 in a sale catalogue ... Purchased on the Edwin J. Beinecke Fund.

Albert Derolez