The Manuscripts and Editions of William Durant the Younger's "Tractatus de modo generalis concilii celebrandi."

CONSTANTIN FASOLT / NEW YORK

There is no thorough study in existence which does full justice to William Durant the Younger's (c. 1267—1330) Tractatus de modo generalis concilii celebrandi, written on the occasion of the council of Vienne. It is one of the most important treatises in the early history of conciliarism and has, accordingly, found a place in most of the literature dealing with conciliarism and the political theory of the 13th and 14th centuries. But it is obviously far too long, and too complex, to be exhausted by the kind of treatment which is possible in such general works. One must, therefore, turn to the specialized literature devoted to Durant's life, dedicated to some aspects of his thought, or specifically to the Tractatus. But again one is disappointed. Where one had hoped to find analysis, one is presented with paraphrase, sometimes embellished with acute observations and detailed information, but paraphrase none the less. One suspects the dense technicality of Durant's book of being the reason why the attention given it has never led to a comprehensive inquiry, but whatever the reasons for its absence, if one wants to understand Durant's argument and how systematic it was, if one wants to give it a definite place in the history of conciliarism, a detailed examination of the ideas presented in the treatise is necessary.

The first obstacle to a full understanding is the fact that the manuscripts have never been listed in one place, much less collated with the printed editions. To proceed on a sound basis, one first needs, therefore, a complete list of the manuscripts containing the whole or parts of Durant's treatise, and, second, these texts must be compared with each other and the printed editions.


4 Even P. Viollet, who seems to have been the only scholar to use several manuscripts in his work on the treatise, mentions only our ms. P, C, Ma, Tr and Tu. It escaped him not only that P divides the text in a manner quite different from that of the printed editions, but also that there is no difference between the second parts of the treatise as found in P, C, Ma and Tr (Tu is fragmentary, see below p. 297—98), since all of these manuscripts contain a section in part two which is identical with titles 3 — 30 of the third part of the printed editions. Viollet noticed this only with regard to Tr and then mistakenly identified the transposed section with the entire part three of the printed editions. See: P. Viollet, Guillaume Durand, 79 n.2, 82 n.1. The manuscripts VO, R and Z of this survey are entirely unknown in the literature on William Durant the Younger.

5 The editions will be briefly discussed below, pp. 306—07.

6 Given the state of manuscript cataloguing, it is impossible to be sure that one has a complete list of all manuscripts of a certain text. But an effort has been made to cover all possibilities. This is the place to thank those librarians — their number is now approaching 300 — who have assisted me in my search by answering a circular letter. The fact that these answers added not one new manuscript to the list (except, in a way, for R, of which I was made aware almost simultaneously by U. Morelli of the Biblioteca Nazionale Centrale in Rome and by Dr. M. Bertram) may also be taken to corroborate my claim for completeness. It goes without saying that I would be very grateful for any additional information.
also be briefly considered. There will be no attempt, however, to weigh the merits or defects of one copy of the text against the others.

There is, however, one point concerning the manuscript copies of the text which may be brought up to avoid confusion. The division of the text into three parts, as it occurs in the printed editions, is also seen in the manuscripts, but with an important difference. Whereas the printed editions contain 72 titles in the second part and 63 in the third, i.e. a total of 135 titles in parts two and three together, the manuscripts have 100 titles out of that total in part two, and the remainder in part three, which is, accordingly, considerably shorter in the manuscripts than in the printed editions. As a result, titles II 72 — II 99 in the manuscripts appear as titles III 3 — III 30 in the printed editions, and title II 100 in the manuscripts as II 72 in the printed editions. The explanation for this confusion and the reasons for adopting the order of the text as it is found in the manuscripts will not be considered here.

But it must be borne in mind that in the following discussion the manuscripts are taken as the basis. If, therefore, "part three" is said to be missing, what is meant is that the short version of part three, as it is found in the manuscripts, is missing, and not the long version of the printed editions. Accordingly, if a manuscript is said to contain "parts one and two", it is understood that part two includes those titles which appear as titles 3 — 30 of the third part of the printed editions.

Each manuscript will be identified by a siglum and by both the actual and older shelf-marks. The sections entitled "description" provide information about the contents of the manuscripts and references to catalogues describing them. Extensive descriptions are given only where such information could be obtained, usually through correspondence, in order to supplement insufficient printed catalogues. The two manuscripts which were seen by the author and not studied only in microfilm are marked with an asterisk.

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Paris, Bibliothèque Nationale, ms. lat. 1443 (Colbert 2530; Regius 4239). Description: mbr., s. XIV—XV, 112 ff. The manuscript contains the entire text of Durant's treatise, inc.: In dei nomine amen. Incepit prima pars.

7 I hope to address that problem at another time.

8 I am indebted to Denise Bloch (conservateur) for information on the composition and history of this manuscript.

Scribitur in concilio toletano quod bone rei... Des.:... et regnat per omnia secula seculorum amen. Ista dictata fuerunt in concilio generali vienne celebrato per Reverendum patrem dominum G. dei gratia episcopum Mintensem. The decoration — in blue, red and purple (f. i) and illuminated initials (ff. xxiv*, xxv, xxvii,...) — appears to be of Southern French origin. The titles are rubricated. There are contemporary marginal notes and corrections, especially on the first folios. Marginal notes of the late XVIth — early XVIIth centuries (ff. lxxii, lxxxi) draw attention to differences between this manuscript and the one used for the printed edition.


History: The first known owner of the manuscript was M. de Rignac, counsellor at the Cour des Aides in Montpellier, whose manuscripts were given to Colbert on Feb. 6, 1682. The list of manuscripts received contained a Durandus de modo concilii celebrandi, as shown by a catalogue drawn up by BALUZE (Bibl. Nat., ms. lat. 9364, f. 74v). Since Colbert 2530 is the only Colbertine manuscript with Durant's treatise, it must be identical with the one originating in M. de Rignac's collection. The fact that the manuscript's provenance can thus be traced to Montpellier agrees well with the Southern French style of its decoration. In 1732 the manuscript entered the royal library together with the other Colbertine manuscripts.

a M München, Bayerische Staatsbibliothek, clm 6605 (Fris. 405).

Description: cart., s. XV, 1 + 474 + 3 unnumbered ff. The manuscript contains ff. 2 — 69* the complete text of Durant's treatise, inc.: Jesus. Tractatus Guilielm. Durandi de reformacione ecclese universalis. Scribitur in Concilio Toletano quod bone rei... Des.:... et regnat in secula seculorum amen. Explicit tercia pars. Ista dictata fuerunt in concilio generali vienne celebrato per Reverendum patrem dominum Guilielnum dei gratia episcopum Mintensem. On ff. 70 — 141* one finds JOHN OF SEGOVIA's De auctoritate conciliorum generalium 10, on ff. 142 — 305 PAUL OF BURGOS' Dialogus de Judaeeis 11.


10 Cf. U. Frommherz, Johannes von Segovia als Geschichtsschreiber des Kanzils von Basel, Basel 1960, 152 nr. 6, for information on this work.

11 This text goes under varying names, e.g. Dialogus Pauli et Sului contra Judaeeos, sine scrutinium scripturarum, or, most frequently, Scrutinium scripturarum; see: A. L. Williams, Adversus Judaeeos, Cambridge 1935, 267 — 276; L. F. Hartmann, Paul of Burgos, in: New
and on ff. 306 — 473 Nicolaus of Cues' *De catholica concordantia*. Initial letters are occasionally rubricated.

See: Catalogus codicum Latinorum Bibliothecae Regiae Monacensis I 3, München 1873, 117 nr. 869.


*History:* The most that can be said about this ms. is that it cannot have been finished before 1436 when Paul of Burgos completed his work (see f. 305), and that it belonged to the cathedral library of Freising before the secularization. Since 1802 it has been the property of the Bayerische Staatsbibliothek.

*C Mues, St. Nikolaus-Hospital, ms. 168.*

*Description:* cart., s. XV, 212 ff. The manuscript contains on ff. 1 — 95 parts one and two of the *De modo generalis concilii celebrandi*, inc.: *Incipit liber Guillermi durandi spe [culatoris] de modo generalis Concilii celebrandi. Scribitur in concilio Tholotano ... Des.: ... et quod cibiberent se a gravaminibus ecclesie. Ecteetera — — — Deo gratias.* There are some marginal notes in the hand of Nicolaus of Cues, ff. 99 — 211 contain a medallion collection of original and copied pieces from the council of Basel, usually not exceeding the length of one or two folios each. Initial letters are rubricated.


*History:* Since the second part of the manuscript is a collection probably made by Nicolaus of Cues himself at the council of Basel, it is not unlikely that Nicolaus also acquired Durants treatise there. The important fact, however, is that this manuscript provides direct evidence for the familiarity of one of conciliarism’s major thinkers with Durants treatise. The manuscript has been in Cusanus’ library since the 15th century.

Ma Paris, Bibliothèque Mazarine, ms. 1687 (1010).

*Description:* mbr. and cart., s. XV, 295 ff. The manuscript contains parts one and two of Durants treatise on ff. 1 — 82, inc.: *Incipit liber Guillelmli durandii spe. de modo generalis concilii celebrandi. Scribitur in concilio tholotano quod bone reti ... Des.: ... et quod cohiberent se a gravaminibus ecclesie. Explicit.* There follows a considerable collection (15 pieces in addition to Durants treatise) of treatises, letters, and occasional pieces connected with questions of conciliarism and of the authority of church and state. The most important authors are Geoffrey de Monte, abbot of Lérins (1420 — 1431), Anthony de Butrio, Konrad of Gelnhausen, Hadrian IV, John of Paris, Jordan Brice, and Martin V. There are no decorations.


*Bibliography:* P. Violett, Guillaume Durant, 3 n.4, 79 n.2, 99 n.1, 99 n.4.

*History:* The *terminus a quo* for this manuscript appears to be given by the fifth piece contained in it (ff. 105* — 106) which is dated April 24, 1439. At the end of the 15th century the manuscript was in the possession of Louis Pinelle, the rector of the college of Navarre since 1497, later chancellor of the University of Paris and bishop of Meaux. It is the only text of Durants treatise, for which a direct connection with the University of Paris, one of the centers of the conciliar movement, can be proven. After Pinelles death the manuscript passed into the library of the college of Navarre, where Baluze was able to use it for his edition of JORDAN BRICE’S treatise against cardinal Capranica. At the time of the French Revolution the manuscript entered the Bibliothèque Mazarine.

Tr Troyes, Bibliothèque Municipale, ms. 786 (ancien fonds Pithou II 52).

*Description:* Since the description given in the printed catalogue is incomplete, it will be necessary to offer more detail.

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14 See P. Lehmann, loc. cit.
15 I am indebted to Pierre Gaspault, conservateur en chef, for information about this ms.
17 See R. Baluze, Miscellanea III, Paris 1762, 301 — 350.
18 I am indebted to F. Biblot for information about the history of this ms.
catalogue of that collection, will prove that the texts contained in Troyes ms. 786 are identical with the texts contained in Mazarine ms. 1687 ff. 1 — 121°. The variants appear to be so few that presumably both manuscripts have a common and not too distant ancestor.

For some information about the first text in this manuscript, see Catalogue Général des Manuscrits des Bibliothèques Publiques des Départements (quarto series) II, Paris 1855, 324.


History: The manuscript bears the old shelf-mark II 52 of the ancien fonds Pithou, but it is impossible to tell whether it was acquired by the older Pierre Pithou (1496 — 1554), by his son François Pithou (1543 — 1621), or by Pierre Pithou the Younger (1539 — 1596) 40. Pierre Pithou the younger must have known the book, at any rate, so that there is evidence to suggest a connection between Durant's treatise and the ideas expressed in Pierre Pithou's book Les libertés de l'égli`se gallicane, Paris 1594. The work of Pierre Pithou may thus have been the channel through which Durant became known to 17th-century Gallicanism and especially to Bossuet 41. Seeing that Pithou's work has also been called "le texte classique ou puisèrent les parlementaires, notamment au XVIIIe siècle" 42 one is even tempted to investigate the traces Durant's ideas may have left in 18th-century political theory. After Pierre Pithou's death the library was divided. The part containing manuscript Tr was guarded by Pierre's brother François and, after the latter's death in 1621, donated to the Collège de Troyes. The Collège was, by royal order, turned over to the Oratorians in 1630, who kept the library until 1790. At that date their library was incorporated into the municipal library of Troyes, where it then formed the fonds des Oratoriens du Collège 43.

Tu Tours, Bibliothèque Municipale, ms. 237 (320; St. Gatien, 202).

Description 44: mbr. and cart., s. XV, 77 ff. The manuscript contains part one of Durant's treatise and part two up to the middle of title 71, breaking off in the middle of a sentence, inc: Incipit liber Guillemi durandi spe de

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s. XV, 255 ff. (not 154 as in the catalogue).

ff. 1 — 179: De modo generalis concilii celebrandi, parts one and two, inc: Inceptis liber gillermi durandi spec. de modo generalis concilii celebrandi. Scribatur in concilio toletano quod bone rei... Des:...et quod cohibent se a graumanius ecclesie. Explicit.

ff. 179° — 197°: Treatise by one THEOLOPHORUS 19 and his companion, brother EUSEBUS, on the state of the Church in the Old and New Testaments and on the schisms suffered by the church in that time. Inc.: Qualis fuit status ecclesie in veteri et novo testamento, et quateri ecclesie fuit recta... Des:...Talis autem resistentia convenienter fieri debet in concilio generali quod ecclesiam reprezentat.


ff. 208 — 222°: Treatise by the same author on the authority of a general council, inc.: Libellus de auctoritate sacri concilii generalis. Quia video nonnullis de veritate iuris forsan minus informatos de potestate et auctoritate sacri concilii Basiliscani dubitare... Des.:...quod correctioni et emendationi premissa omnia submitto. Eorum discipulus G. Lirinesis inter decretorum doctores novissimissimnos.

ff. 223 — 225: A short piece entitled Nota qualitates nationum, followed by a decree of the council of Basel, inc.: Veritas de potestate concilii generalis... Des.: In aliis vero quinque sequentibus conclusione pro tunc fuit conclusione supercensum.


A glance at the description of Bibl. Mazarine, ms. 1687, as provided by the

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19 Theolophorus might be identical with TELEPHORUS OF COSENZA, whose prophetical
libellus was widely read in the later middle ages. See: M. Reeves, The Influence of Prophecy in the Later Middle Ages, Oxford 1969, esp. 325 — 331. I owe this information to Prof. P. O. Kristeller.

21 That Bossuet knew and appreciated Durant has already been noted by P. Viollet, Guillaume Durant, 123 f.
23 Cf. Les Richesses de la Bibliothèque de Troyes, Troyes 1951, 34.
24 I am indebted to F. Bernier for information about this ms.
modo generalis Concilii celebrandi. Scribitur in concilio Tholetano quod boneret... Des.:... et ore promulgatus ad placiturnam [sic] sententiam, simul etiam cum suorum.

See: A. DORANGE, Catalogue descriptive et raisonné des manuscrits de la Bibliothèque de Tours, Tours 1875, 134 nr. 237; Catalogue général des Manuscrits des Bibliothèques Publiques de France, Départements (octavo series) 37, Paris 1900, 172 nr. 237.

Bibliography: J. F. v. SCHULTE, Geschichte der Quellen und Literatur des kanonischen Rechts II, Stuttgart 1877, 196 n. 4; A. POTTHAST, Bibliotheca historica medii aevi I, Berlin 1896, 556; P. VIOLLET, Guillaume Durante, 3 n. 4, 79 n.2, 82 n.1, 99 n.4.

History: Concerning the history of this manuscript, it is only known that prior to the French Revolution, when it became the property of the municipal library of Tours, it belonged to the library of the cathedral of St. Gatien, bearing the shelf-mark 202.

VB Vatican City, Biblioteca Apostolica Vaticana, ms. Barb. lat. 1487 (XXVI 24). Description: cart., s. XV, III + 403 ff. For reasons to be explained below a detailed description of the contents of this manuscript is necessary:

f. i: index.
ff. II — III* + f. 1: Tabula sequentis operis.
1) 1 — 38: Ad Eugenium III, Fratris Jo. LEONIS Rom. O.P. De synodis et eccl. potestate.
2) ff. 38 — 77: Gesta conciliorum ferrariensis et florentini sub Eugenio IV (same hand) ». ff. 77* — 78* vacant.
3) ff. 79 — 88*: RODERICUS SANCIIUS, libellus (sub Paulo II ed.) De appellatione a sententia Romani pontificis non informati ad se ipsum bene informandum... (another hand).
4) ff. 89 — 105: RODERICUS SANCIIUS utriusque iuris et artium prof., episcopus Palentinus, castellanus in castro S. Angeli de Urbe, Libellus de septem questionibus circa convocationem generalis synodi (same hand).
ff. 105* — 106* vacant.

5) ff. 107 — 156*: RODERICUS SANCIIUS, episc. Calaguritanus, praefectus in castro S. Angeli de Urbe, Libellus de remedii assiclitae ecclesiae... ad card. Bessarionem (same hand) 28.
6) f. 157: Exemplum litterarum super indulto concessio imperatorii FEDERICO III a PRO II (another hand).
7) ff. 157 — 161*: DOMINICUS episc. Torcellanus, Apparatus seu glossae factae ad requisitionem imperatorii FEDERICI... (same hand) 29.
8) ff. 161* — 169*: DOMINICUS episc. Brixienis quondam Torcellanus, Tractatus an sit oboediendum superiori praepicienti revelationem secreti (same hand) 30.
10) ff. 188* — 190*: NILLUS, arch. Treslongonensis, Oratio de causa disensionis inter ecclesiam latinorum et graecorum LEONELLO CHIEREGATO episc. Arbense interprete (same hand) 32.
11) ff. 190* — 210: Collecta et excerpta ex Summa BENEDICTI abbatis Massiliae contra errores diversos impugnatum fidem catolicam (same hand) 33.
12) ff. 210 — 218*: Flores sententiarum b. THOMAE DE AQUINO de auctoritate Summi Pontificis per magistrum JOAHANNEM DE TURRECREMATA in concilio Basiliensi a. d. 1437 (same hand) 34.
13) ff. 218* — 228: PETERUS DE ANCHARANO, De laico homicida qui effractis carceribus se promoveri fecit ad sacerdotium (same hand).

32 The speech in question by NILLUS CASABLAS (1298 — 1363) is printed in the original Greek version in Migne, PG 149, 683 — 700. See: E. CANDAL, Opus ineditum Nili Casablas de Spiritus Sancti procescione contra Latinos, in: Or. Christ. Period. 9 (1943) 247 ff, and E. CANDAL, Nili Casablas et theologia Sancti Thoma de procensione Spiritus Sancti, Vatican City 1945, 31. On the translation by LEONELLO CHIEREGATO see: P. PASCHINI, Leonello Chieregato, Rome 1935, 38 ff, and ANGIOLO GABRIELLO di Santa Maria, Biblioteca e storia dei quattro scrittori, etcie Vicenza III, Vicenza 1975, CXIX.
33 Perhaps this man is identical with BENEDETTO OF VEROLI, cf. ALBANES, Gallia christianae novissima, Rome 1889, 395 — 397, and P. CALENDINI, Benoît, évêque de Marseille, in: DHGE 8 (1935) 270.
by the stemma on f. 288, must initially have been Marco Barbo’s property, but there is no indication of the time when it was inserted into manuscript VB.


History: This manuscript is certainly the most interesting of those containing Durant’s treatise, although in the literature on William Durant only SAUER and SCHOLZ appear to have known of its existence — and SAUER was really writing on William Durant the Elder. JEDIN, however, called it „für die Geschichte der konziliaren Idee außerordentlich wichtige Handschrift“ 43, and the bibliography shows how much attention the manuscript has received.

Nevertheless it seems to have gone unnoticed that Barb. lat. 1487 must be identical with manuscript VII of the old library of San Giovanni in Verdana in Padua which was described by TOMASINI in 1639 44. In order to enable the reader to verify this conclusion, the description given above has been based exclusively on information obtained from the Vatican Library 45. Tomasinì adds a lot of interesting information, but there are also some differences between his description and the one above 46. But these differences are so small and so easy

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39 See: H. JEDIN, ibid., 223, 236 — 241 nr. 12.
40 See: H. JEDIN, ibid., 223, 257 — 263 nr. 17.
41 See: H. JEDIN, ibid., 223, 283 — 288 nr. 28.
42 See: H. JEDIN, ibid., 223, 257 — 263 nr. 17.
44 See: H. JEDIN, Studien über Domenico de’ Domenichini, 223.
45 J. F. TOMASINI, Bibliothecae Patavinae, Udine 1639, 12 — 15.
46 See note 25.

43 TOMASINI omits the indices on ff. I — 1, as well as nr. 20, a short piece of only 18 lines which can be easily overlooked. He confuses P. de Monte episc. Brixienis 1442 — 1457, the author of nr. 9, with Domenico de’ Domenichini episc. Brixienis 1446 — 1478. He gives f. 189 as the beginning of nr. 10 instead of f. 188, but f. 188 does, in fact, only carry the title of this work whose main part begins on f. 189. He gives f. 250 as the beginning of nr. 12, but
to explain that they cannot outweigh the fact that Tomasini's description coincides in every other detail with the one given here. Since it is inconceivable that there should be an identical copy of a miscellaneous manuscript as complicated as this one, one may conclude that Barb. lat. 1487 originated in the library of San Giovanni in Verdara in Padua. Apparently this is the only manuscript in the Vatican Library of which this has been ascertained. Tomasini gives some information about the people who contributed most to this library, which was only established in the 15th century, but since this manuscript carries no signs of the first owner, no certain connections can be established.

It is equally impossible to trace the ways through which the manuscript entered the collection formed by Francesco Barberini (1597—1679), but Tomasini's catalogue may well have brought the manuscript to his attention, or perhaps to that of his collaborator, Leo Allatius, who happened to be an acquaintance of Tomasini. The fact that Montfaucon mentioned the manuscript in 1739 as still existing in its old place does not really mean that the manuscript was still in Padua since Montfaucon may well have relied on Tomasini's catalogue.

The Barberini manuscripts were acquired by pope Leo XIII in 1902, when this manuscript received its present shelf-mark.

VO Vatican City, Biblioteca Apostolica Vaticana, ms. Ottoboni. lat. 823 (Bianchini: J.6.10).

Description: cart., s. XV, III + 219 + 1 ff. The manuscript contains the first part and, ending in the middle of a sentence, a fragment of the second part up to title II 7 of Durant's treatise on ff. 23 — 53, inc.: Incipit liber dominii Guillermi durandi de modo generalis Concilii celebrandi. Scriptor in Concilio toletano quod bone rei... Des.: Nom qui contemptit contemptur et dolus. ff. 125 — 157 VII contain Leodrisio Crivelli's translation of Orpheus, Argonautica, with a verse preface to Pius II, and ff. 158 — 159 a poem by Leodrisio

that is obviously a misprint for f. 210. Tomasini also does not describe the pieces in the order in which they appear in the manuscript, but that order can readily be ascertained by the folios, which he does indicate.

4o This is the opinion of Prof. P. O. Kristeller.

47 J. F. TOMASINI, op. cit., 10 f.


49 See the description.

50 I am indebted to Dr. Martin Bertram for the actual shelf-mark of this manuscript and to Miss Adriana Marucchi for further information.


History: The manuscript is Italian in origin. As many of the Ottoboni manuscripts, it initially belonged to Giovanni Angelo duke of Altemps, with whose collection it passed into the library of the cardinal Ottoboni.


Description: cart., s. XV, 310 ff.

ff. 1 — 81: ANDREAS DE ESCOBAR, Gubernaculum conciliorum, beginning with a dedication to Giuliano Cesari, inc.: Ad perpetuum Conciliorum gener alium memoriam. Des.: ... et sancta Romana civitas. The main body of the text inc.: Quod mundus regitur auctoritate pontifici et regum potestate. In primis pro fundamento... Des.: ... vestre beatitudini recommending semper humillim ad laudem etc. Explicit gubernaculum conciliorum Scriptum Basileae anno domini MCCCCCIIXVII. Sacro ibidem durante Concilio.

ff. 84*: Epitaphium D. Guillermi Durandi episcopi [senioris] Minatensis, inc.: His licet egregius... Des.: ... bac celebrare capella.

ff. 85 — 196*: parts one and two of EDOUARD DURANT’S treatise, inc.: Incipit liber Guillermi durandi spe. de modo generalis concili celebrandi. Scriptor in concilio Tholotano... Des.: ... cobitent se a gravaminibus ecclesie. Deo gratias.

ff. 199 — 310*: PSEUDO-ISIDORE, Decretal collection, inc.: Canones generalium Conciliorum... Des.: ... et cuius expetitio erat ante profulgium etc. Explicit quatuor concilii principalia.


Bibliography: H. MORDEK, Handschriftenforschungen in Italien 1: Zur
king and queen of France on the occasion of Durant's temporary conflict with the pope in 1318/19, that Durant had, to say the least, incurred the displeasure of Clement V at the council of Vienne, when Clement heard of Durant's book and the proposals made in it. But John XXII further tells us that Durant pretended to make up for his behaviour and dedicated the book to Clement V. This is an indication that there may have been a copy of the De modo generalis concilii celebrandi in the papal library almost as soon as the book was written. Unfortunately the 14th-century catalogues of that library contain no entry that would unquestionably confirm this conjecture. Yet, in the catalogue made in 1375 at the command of Gregory XI, we find under nr. 1201 the following entry: Consilia generalia et institutiones dominii Guillelmi episcopi Mimatensis. There is no such work either by the older or by the younger Durant on record. Ehrle, it is true, identified these Consilia generalia with the Instruciones et Constitutiones by William Durant the Elder, a book mainly concerned with the diocesan clergy and intended to provide the bishop with guidance how to instruct his subordinates. Ehrle's suggestion is a possibility, and there is a copy of the Instruciones et Constitutiones entered with its (almost) exact title into the same catalogue of 1375 as nr. 1161. But it is nevertheless not certain that Ehrle was right. Nr. 1201 not only bears a title which makes positive identification difficult, but it is also surrounded by works which are quite different

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36 In COULON, op. cit., nr. 849 col. 739: In consilio sigiadem Viennensi, contra felicis recordationis Clementem papam quintum, predecessorum nostrum, cuius ipsum fideltatis vesculum astringebat, seisma suscitare voluit et temptavit librum contra ipsum et Sedem bujsumodi, scific notum est fratibus nostris qui tunc adherent et multis aliiis, fabricando, et demum cum bec ad prefato predecessoris nostri nostriam pervenissent, librum ipsum cum humiliitate apparentes maxima, edem predecessori nostro, petita venia, assignavit sicut siwant qui reconciliatiam bujsumodi procurarent.
37 F. EHRLE, Historia Bibliothecae romanorum pontificum I, Rome 1890, 527 nr. 1201.
38 F. EHRLE, ibid., p. 527 n. 283 refers to p. 525 nr. 1161 which is undoubtedly the work by William Durant the Elder. In the index to Ehrle's Historia, however, p. 567, numbers 1161 and 1201 are both identified as Guillelmus Durandus episcopus Maldensis [sic] de concilio nr. 1161, 1201.
39 The book by the elder Durant was edited by J. BERTHELE, Les Instructictions et Constitutiones de Guillaume Durand le Spéculateur, d'après le manuscrit de Cessenon, in: Mémoires de la section des lettres de l'Académie des sciences et lettres de Montpellier, 2nd s., III, Montpellier 1900 — 1907, 1 — 148. There also remain a few undated incunabula of this work together with additions to it made by William Durant the Younger. These additions are only known through the incunabula. See: P. VIOLET, Guillaume Durant, 75 — 79, esp. 75 n.5, 76 n.1; L. FALLETTI, Guillaume Durand, in: Dict. de droit can. 5 (1953) 1057 — 1060.
40 F. EHRLE, op. cit., 525 nr. 1161.
in character from the *Instructiones et Constitutiones*, and which are much closer to a work such as the *De modo generalis concilii celebrandi*. The eight works surrounding nr. 1201 are by GILES OF ROME, ALEXANDER DE S. ELPIDH, AUGUSTINUS DE ANCONA, and by anonymous authors under the titles *Liber de primatu romane ecclesie, parvis libellis de ecclesiastica potestate, canones et decreta... in valde pulcro volumine, liber diversorum consiliorum sanctorum patrum, liber canonum*. The entire section in which these works are found is entitled *tabula librorum... romanorum summorum pontificum et imperatorum et de ecclesiastica potestate cum sermonibus de dominicis et festivitatisibus*. Judging from the contents of William Durant's book, it is obviously a work which would well have fitted into the place of nr. 1201. One should also remember that the title of nr. 1201 does by no means exclude identification with the *De modo generalis concilii celebrandi*, although the word *instituences* in the title may have led Ehrle to identify this item as Durant the Elder's *Instructiones et Constitutiones*. The exact or eventual title of Durant's treatise on the councils is not seen before the 15th century, and even then there was some uncertainty, the title being sometimes *De modo generalis concilii celebrandi* or *De reformatione ecclesie universalis*, or not given at all. There is no reason to believe that the treatise may not have been called *Consilia generalia et institutiones* at some time in the 14th century.

But unfortunately the evidence is too slim to allow any final conclusion. One is left with the possibility that there was a copy of Durant's treatise in the papal library in Avignon, but that is all one can assert with confidence.

**II**

A few words ought to be said about the printed editions, of which there were several in the 16th and 17th centuries. JOANNEES CRESPINUS, who produced the *editio princeps*, Lyons 1531, explains in his preface (ibid. ff. 2 — 2*) how he found a manuscript containing the *De modo* in a library which unfortunately he does not identify. Realizing the bad state of his text, Crespinus began to look for additional manuscripts, but had failed to find any when an acquaintance of his — again no names are mentioned — provided him with another copy, "exemplar paulo emendatius*. As he says himself, Crespinus made a considerable effort to establish a good text, but one of his manuscripts, or both, must have contained the titles in that confused order which has been mentioned in the introduction to this survey, an error which Crespinus was unable to correct and which was continued by the subsequent editions. It is of course possible that the confusion arose only in the printed edition but it is also very hard to believe that it should then have escaped the attention of Crespinus. If, as seems likely, it already existed in the manuscript(s) used by Crespinus it is also fair to say that he did not use any of the manuscripts considered in this survey as the basis for his text. But the vitiated order of titles is not the only characteristic of Crespinus' edition for, by identifying the author as William Durant the Elder, often also called the speculator, it perpetuated a mistake which is not uncommon in the manuscripts. On the basis of these two misjudgements, which are repeated by all other printed editions examined up to date, one may say that the edition of 1531 became the starting-point for all later editions.

In 1534 the edition of 1531 was reprinted in Lyons, only the frontispiece being changed. In 1545 the book was edited by the jurist PHILIPPIUS PROBUS in Paris, whose reason for so doing was the convocation of the council of Trent. In 1549, again in Lyons, the treatise was edited in a collection of works devoted to civil law. Summaries of each title were added by an editor and placed in front of each title heading, thereby facilitating the search for individual proposals. Another edition followed in Venice, 1562. The book was also included in the great collection entitled *Tractatus universi iuris*, Venice 1584, where the summaries found in the edition of Lyons 1549 were repeated. The last edition to be mentioned is a reprint of Philippus Probus' edition of 1545 in Paris 1671. This, together with the text in the *Tractatus universi iuris* and that of 1545, are the most widely used editions. It was photographically reprinted in 1963 (?)...
What conclusions may be drawn from the history of Durant's book? It seems obvious that the third part of the treatise played a minor role in the influence Durant may have exercised on the conciliar movement, since it is preserved only in two copies, P and M. But parts one and two form a self-sufficient whole and all of the arguments found in the third part can be traced back to the first two. As a result, part three was not really needed by someone looking for political or ecclesiological arguments. In manuscript Z we may observe that at this late time interest seems to have narrowed further as it contains only part one with most of the important theoretical material. The numerous proposals regarding certain, often very specific "abuses" in the second part were perhaps no longer interesting enough to be copied in its entirety by a humanistically trained scribe such as Peter Nümmgen who was looking for generally applicable principles.

It is also striking that all manuscripts date from the 15th century, and that most of them must have been copied at the time of the council of Basel or later in the 15th century. There remains, in other words, no trace of the paths by which the book was transmitted to the 15th century, and no record of its influence, if, in fact, there was one, at the council of Constance. Even assuming that many manuscripts have been lost, it still seems fair to say that the council of Basel revived interest in Durant's book, and that probably his real influence has to be sought in that period. But if on the basis of the manuscript tradition a real interest in Durant's ideas cannot be documented before the council of Basel, the printed editions allow one to assert that, once awakened, interest continued to exist for well over 200 years, particularly in France and in Gallican circles.

As for the geographical distribution of the manuscripts, it may be noted that there is none to be found in Spain, England and Scandinavia. France has the greatest number (4). Italy furnishes three, and just as it is worthwhile to recall the connection of Ma with the university of Paris, it is significant that VB comes from Padua, where Francesco Zabarella, one of the greatest canonists and conciliar thinkers of the 15th century, taught, and where one may presume interest in conciliar theories to have been particularly strong. The Swiss manuscript belongs to the tradition of the council of Basel and that futile attempt to revive it in 1482. Germany has two manuscripts. There is nothing unusual in this if one considers the areas where the conciliar movement itself was prevalent.