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INNOCENT III, *Canons of the Fourth Lateran Council*; PETRUS RIGA, *Aurora*;  
GUILIELMUS DURANDUS (?), *Opus aureum sive memoriale omnium sacerdotum*;  
LAURENTIUS HISPANUS, *Apparatus in tractatum de poenitentia*, (part)

In Latin, decorated manuscript on parchment

Austria or Southern Germany, composed of four manuscripts: c. 1215-1220; c. 1225-50; c. 1300-1350; c. 1300-1350.

153 folios, modern foliation in pencil, top, outer corner recto, throughout; four manuscripts of independent origin bound in 1470 by Leonhard Hämerl of Supronio (presumably Sopron, just across the Hungarian border from Austria about twenty miles south-east of Wiener Neustadt), a professed monk of St. Katherine's at Stainz; this was the first book he bound after learning how to bind a book (inside back cover: "Codicem illum illigavit dominus leonardus hämerl de supronio monasterii huius professus anno domini etc. 1470 et est primus liber quem idem illigavit post informacionem") in dark brown leather over wooden boards, with triple rules forming a frame and saltire design, blind-stamped with stamps of foliage in a rectangle, a scroll possibly lettered "maria," and a rectangle with adorsed birds on each side of foliage, sewn on three tawed leather thongs, stubs remain of clasps, lower board, catch-fastenings now missing, once fastened back to front, binding worn, with stains on both covers, spine cracking along hinges and has been partly repaired; in a modern brown quarter morocco fitted case, with the title in gilt and with the initials of J. R. Ritman's Bibliotheca Philosophica Hermetica (BPH) on the front cover. Inside front cover, pastedown assembled from fourteenth-century alphabetical dictionary; back pastedown consists of leaves from a thirteenth-century manuscript of Ovid, *Metamorphoses*, Bk. III, lines 73-118, and 517-72, discussed below. Dimensions, 260 x 185 mm.

**I. ff. 1-30:** 30 folios on parchment (well-prepared, velvety), (collation, i<sup>8</sup> ii<sup>8</sup> [3, f. 11, and 6, f. 14, are single] iii<sup>8</sup> iv<sup>6</sup> [2, f. 26. and, 5, f. 29, are single], no catchwords or signatures, ruled lightly in lead with the top two horizontal rules full across on some folios, double full-length vertical bounding lines, prickings, outer and top margins (justification, 210 x 135-133 mm.), copied above the top line in a romanesque minuscule in thirty long lines, guide letters for initials and instructions for the rubricator in outer margins, red rubrics, two-line red initials, many with decorative flourishes, f. 1v, large four-line red initial extending into the margin, small brown stains, ff. 1v, 2rv, and 30, partially obscuring a small amount of text, and some soiling, but overall in excellent condition.

**II. ff. 31-87:** 57 folios on parchment (some original holes, a few with sewing holes, for example, f. 65; ff. 67 and 69, lack bottom corners due to the shape of the original skin), (collation, i-vi<sup>8</sup> vii<sup>10</sup> [-1, before f. 78, cancelled with no loss of text]), no catchwords or signatures, ruled in brown crayon with the top two, sixth and seventh, bottom two, and fifth and sixth from the bottom horizontal rules full across, double full-length vertical bounding lines, inside and outside, with three rules between the columns used for the first majuscule in each line of verse, prickings, top, bottom, and outer margins (justification, 215-213 x 130-120 mm.), written below the top line in an upright gothic bookhand in two columns of fifty-

nine lines, red rubrics and paragraph marks, one- to two-line red initials, books begin with six- to three line red initials with red pen decoration, f. 50v, six-line red initial with pen decoration extending into the margin almost full-length of the column, ending with a dragon, f. 31, bottom margin, drollery with two facing heads in red ink, bottom margin, f. 31v, bottom margin, drawing in red of three hares arranged like the sails of a windmill so that they share three ears between them, and two diagrams in red, f. 34, of deck-plans of Noah's Ark, stained outer margin, ff. 42-54, with no loss of text.

*III. ff. 88-115:* 28 folios on parchment, (collation, i<sup>2</sup> ii-iii<sup>8</sup>), no catchwords or signatures, ruled in ink with the top, third, bottom, and third from the bottom horizontal rules full across on some folios, full-length vertical bounding lines, inside, outside and between the columns, prickings in three outer margins (justification, 202-200 x 135-133 mm.), written below the top line in a mature gothic bookhand in two columns of forty-eight lines, guide letters for initials and notes for rubricator, red rubrics, paragraph marks in red and in blue, two-line red initials, four-line parted red and blue initial, f. 88, with simple pen flourishes, in excellent condition.

*IV. ff. 116-153,* 38 folios on parchment (thick and velvety), (collation, i<sup>0</sup> ii-iii<sup>2</sup> iv<sup>8</sup> [-5 through 8, after f. 153, cancelled with no loss of text]), no catchwords or signatures, ruled in ink with the top, third, penultimate and bottom horizontal rules full across, or with the top two and bottom two horizontal rules full across, full-length vertical bounding lines, inside, outside and between the columns, prickings in three outer margins on some folios (justification, 168 x 108-105 mm.), written below the top line in a mature gothic bookhand in two columns of thirty-nine lines; ff. 116-130v, include separate ruling for the gloss, surrounding the text in all four margins, ruled in ink with all vertical rules full-length (justification, text and gloss: 250-245 x 180-177 mm.), gloss written below the top line in a gothic bookhand in four columns of seventy-nine to sixty-four lines, red rubrics, red or blue paragraph marks, a few folios with running titles in red and blue, two- to one-line alternately red and blue initials, some with contrasting pen decoration, f. 116, eight-line parted red and blue initial with red and blue pen decoration, in excellent condition apart from discoloration on some folios, heading on f. 116, trimmed.

Medieval manuscripts assembled from different manuscripts of independent origin are not uncommon. This one is unusual, however, since it includes a note identifying the giving the name and place of the binder who bound the manuscript in 1470, and probably also assembled these texts together for the first time. All of the texts are of interest, and would repay careful study: the manuscript of the Canons of the Fourth Lateran Council is a very early copy; that of Peter Riga's *Aurora* includes an unusual diagram; and the final two Canon law treatises are both unpublished. Included also is a bifolium from a thirteenth-century copy of Ovid's *Metamorphoses* used as a pastedown.

## PROVENANCE

1. The manuscript was bound in 1470 by Leonard Hämerl, a canon at the monastery of St. Katherine's in Stainz, in Styria, southeastern Austria (inside back cover, see description of binding, above), and it includes two ex-libris notes from St. Katherine's, on ff. 1 and 88, bottom margin: "Iste liber est monasterii sancte Katherine in Stencz." The monastery was a house of Augustinian Canons which was founded in 1229 by a local Count. It was dissolved in 1785; in 1850 its buildings were secularized and today remains the family home of the Counts of Meran.

It seems likely that it was Leonard who assembled the four manuscripts that now make up this one volume. Three manuscripts he chose included canon law texts--the Canons of the fourth Lateran Council, and the two treatises on penance--demonstrating that this house of Canons

took their pastoral responsibilities seriously. The fifteenth-century text on f. 1 is an intriguing list of abbreviations used by canon law authors, and it was probably added when this volume was being assembled. The fourth text, the *Aurora*, which retold the Bible with commentary in verse, was popular throughout the Middle Ages; this context suggests that it might have been used as a source for sermons.

Each of the component manuscripts has an independent origin. Section I, ff. 1-30, must date after 1215, the date of the Fourth Lateran Council, but it is copied in a very old-fashioned Romanesque minuscule, with no gothic features (only "pp" with letter unions, and "ae" is written e-cedilla). Without the evidence of the date of the text, it would be easy to believe that this manuscript dated from the second half of the twelfth century. Characteristics of the script support the fact that the scribe was German, and especially given the chapters on the Augustinian Order found at the end of the text, it seems clear that this is contemporary copy of the Council's Canons, perhaps copied by someone from St. Katherine's who attended the Council and brought back this manuscript. It includes early *nota* marks, and thirteenth-century notes added, f. 30.

The script and decoration of the second manuscript, ff. 31-87, suggest a date in the middle of the thirteenth century, perhaps c. 1240-60, in Southern Germany or Austria; it certainly seems possible that this text was copied at St. Katherine's, or acquired by the monastery from a local source.

The last two manuscripts, ff. 88-115, and ff. 116-153, can be dated on the basis of script and decoration to the first half of the fourteenth century. Both show the influence of University manuscripts. The first manuscript is similar to manuscripts copied at northern Universities including Paris, although details of its script suggest the scribe was not French. The second section clearly shows the influence of Canon Law manuscripts copied in Italian centers such as Bologna in general layout, although again this is clearly not an Italian manuscript. Both manuscripts could have been copied by Canons of St. Katherine's who had studied in Paris or Bologna; alternatively, their general layout and decoration may show the influence of their exemplars.

3. Sold by Antiquariat Heribert Tenschert, *89 Libri Manuscripti 89 illuminati vom 10. bis zum 16. Jabrbunderts*, by Eberhard König, *Leuchtendes Mittelalter 1*, Cat. 21, 1989, pp. 28-33, no. 5 (Schoenberg database, no. 11713), to J. R. Ritman.

4. Belonged to Joost R. Ritman (b. 1941), the Dutch businessman and well-known collector of both art and books. Today his library the "Bibliotheca Philosophica Hermetica," includes more than 20,000 volumes, including around 600 manuscripts, with perhaps 70 dating before 1550. His collection reflects his interest in spirituality, especially the hermetica, alchemy and mysticism, and the beliefs of such groups as the Gnostics, the Cathars, and the Rosicrucians.

5. Sold at Sotheby's, July 7, 2000, lot 1 (Schoenberg database, no. 13640), and at Quaritch, 2005, lot 13 (Schoenberg database, no. 61005)

## TEXT

Back pastedown; Ovid, *Metamorphoses*, book III, lines 73-118, and 517-72, from a thirteenth-century manuscript: one bifolium of a small-format manuscript, now trimmed on the left and bottom margins, (justification, 162 x 58 mm.), copied in a very small early gothic script in forty-six long lines Dimensions 180 x 115 mm.

Ovid's *Metamorphoses* was a popular text during the Middle Ages, surviving in over four hundred manuscripts; a new edition has recently been prepared by Richard Tarrant in 2004. Other discussion of its transmission are found Reynolds, 1983, pp. 276-282; and Munari, 1957.

I. f. 1, *Incipiunt breuiatur [?] <uiti?> secundum alphabete*, incipit, "Ala, Alanus, Ap re, Appellacione remota, Ar ex, argumento, Ap se, apostolica sedes ... De fo conpe, deforo competenti."

This is an alphabetical list of abbreviations (with a few added entries at the end, not in alphabetical order) used in legal texts added to the manuscript in the fifteenth century; similar texts are found in Uppsala, MS C.III, and Soest, Stadtbibliothek, Cod. 25/1; see Paul Lehmann, 1929, pp. 23-5 and 37-44.

ff. 1v-26v, *Incipit liber constitutionum domini Innocentii pape III*, incipit, "Firmiter credimus et simpliciter confitemur .... Ut digne proficiant ad salutem, Amen; ff. 27-30, [three chapters on the reform of the Augustinian Order] *Incipit reformatio uitae regularis*, incipit, Quia regularis nostri ordinis observantia ... ; *De Regula obseruanda*, incipit, Secundum constitutionem in lateranensi concilio editam ad reformationem ordinis diligenter intendentes precipimus ut regula beati augustini ... ; *De familiaribus excessibus corrigendis*, incipit, "Constitutiones super obseruantia regulari hactenus promulgatae ... In aliis uero ecclesiis seculares instituat [f. 30v, blank].

The Fourth Lateran Council of 1215 was called by Pope Innocent III (pope 1198-1216) as a response to the threat of heresy, especially the Cathar heresy in southern France, and to call for a new crusade to the Holy Land; it was attended by seventy-one patriarchs and metropolitans, 412 bishops, and 900 abbots and priors. Overall, the decrees of the Council stressed the need for a reformed church able to meet the pastoral needs of the faithful, and stressed the importance of Communion, Confession, and preaching. The first decree is a new profession of faith, defining transubstantiation for the first time, the second and third decrees condemn the Cathars and the Waldensians, and the following sixty-three decrees deal with numerous matters, including church discipline, the reform of clerical morals, the need for an educated clergy, Episcopal elections, taxes, canonical suits, matrimony, tithes, and simony, concluding with decrees concerning the relationship with Jews and Muslims, and the call for a new crusade.

This copy of the Council's decrees was copied by a German scribe, and was probably brought back to the monastery of St. Katherine in Stainz by a monk or abbot who attended the Council, who also copied the chapters at the end of the manuscript related to the Augustinian order; edited by Antonio García y García, 1981 who knew of sixty-six manuscripts, including those with commentaries, plus fourteen additional manuscripts whose location was unknown to him.

II. ff. 31-57v, *Incipit prologus in pentateuco mosi*, incipit, "Frequens sodalium meorum peticio cum quibus conuersando ..."; [f. 31] *Incipit primus liber de vi dierum*, *Hic incipit Aurora liber petri*, incipit, "Primo facta die duo celum terra leguntur ... Dat finem petrus finit et ipse suum." *Explicit aurora*. [f. 55v, *Recapitulationes*] *Sine a.a.a*, incipit, "Principio rerum post v dies homo primus/ ... Barnabas et Titus hi docuere fidem." *Finis adest operis, scriptori laus sit honoris, Non videat christum, qui librum subtrahat istum*.

The *Aurora* has been called "the best-known poem of the Middle Ages," an opinion which is easily supported given the number of surviving copies from across Europe. Its author, Petrus Riga, is known to have studied in Paris in 1165 and later became an Augustinian in Reims and a canon of the cathedral; he probably died in 1209. The *Aurora* was not simply a narrative retelling of the Bible in verse; its editor, P. E. Beichner explains, "With its emphasis on allegorical and moral interpretation, it might more accurately be termed a verse commentary on the Bible (1965, p. xi)." Throughout the Middle Ages, it was read in the schools, by the laity, and in monasteries and convents. Stegmüller, *Repertorium biblicum*, nos. 6823-25, lists more than 250 manuscripts.

Several versions of Petrus Riga's text exist (see Beichner, 1965, pp. xvii-xx); the text in this manuscript belongs to Peter's second version which includes Tobit, Daniel, Judith, Esther, a more complete version of the Gospels, and the *Recapitulationes*, a catalogue of Old Testament figures who are seen as types or figures of subsequent things. The *Recapitulationes* are composed as a lipogrammatic, or letterdropping book, where one letter of the alphabet is avoided in each section, so that in the first section the letter "a," is avoided, in the second, the letter "b," and so forth. The plan of Noah's Ark on f. 34 includes rooms such as the larder (*apotheca*), hold (*sentina*) and latrines (*stercoraria*).

III. ff. 88-110v, *Incipit opus aureum siue memoriale omnium sacerdotum seu confessorum*, incipit, "Cum sit ars arcium regimen animarum ut Extra, De etate et qualitate (Liber decr. I, 14,14). Cum sit ignominiosum fore convincitur electos ad hoc regimen ... [f. 88], *Ista scire debent omnes sacerdotes, Et quidem scire debent librum sacramentorum .... Extra qui matri ac pos. c. fi. Si numquam post purgacionem ... popularibus de hec extra e. ex tuarum*."

ff. 110v-115v, *Casus totius iuris in quibus est aliquam ipso facto excommunicatus*, incipit, "Sciendum est quod duplex est excommunicatio ... In rubrica casus in quibus aliquis est ipso iure excommunicationis iusi."

The *Opus aureum* or *Memoriale omnium sacerdotum seu confessorum*, is an unpublished text on confession, focusing on the discussion of the Sacrament in the legal texts of the church, including chapters on the inquisition, absolution, and excommunication. In Graz, UB, MS 538, f. 48, it is attributed to Guilelmus Durandus, an attribution that is repeated in Giovanna Murano's "Initia operum iuris canonici medii aevi." Guillelmus Durantis, or Durandus (1236-1296), was the author of one of the most widely used medieval procedural treatises on civil and canon law, the *Speculum iudiciale*, as well as other works of canon law, and the well-known commentary on the liturgy, the *Rationale divinarum officiorum*. This text certainly deserves to be the focus of a scholarly study, which addresses the question of its authorship, and the complicated question of its transmission.

In addition to Graz, UB MS 538, other manuscripts of this text likely include Aschaffenburg, Stiftsbibliothek und Stiftskirche, MS Pap 17; Augsburg, UB, Cod. II.1.fol.42, Southern Germany,

1435, ff. 121-163v; Frankfurt, Stadt und UB, MS Barth 103, f. 258, Heidelberg(?), first half fifteenth century; Graz, UB MS 892; Krakau, Biblioteka Jagiellonska, Cod. 327 and possibly 399; and Uppsala, UB C 200, ff. 71v-79, Sweden, first half of the fourteenth century. The text in the manuscript now in Uppsala is followed by chapters on Excommunication, as it is in the manuscript described here.

The question of manuscripts of this text is, however, complicated by the fact that there are a number of other treatises on confession with very similar incipits; this is not the treatise by Bartholomaeus de Chaimis, OFM (see Morton W. Bloomfield, Morton W. *Incipits of Latin Works on the Virtues and Vices, 1100-1500*, Cambridge, Massachusetts, Mediaeval Academy of America, 1979, no. 1051, and Michaud-Quantin, *Sommes caustique*, p. 76), nor is it the text by Johannes de Ehenheim (cf. Bloomfield, no. 1235), or the text in Munich BSB Clm 27400, f. 135; the text listed as Bloomfield, no. 1234 may also be a different text.

IV. ff. 116-153, incipit [gloss], "Quia formavit quasdam incidentes questiones et solvit ...," [text] incipit, "Hiis breviter expeditis in quibus extra negotii finem ... non valent in irritum deduci."

This is an unpublished collection of glosses on "De penitentia," from the works of the eminent canon lawyer, Laurentius Hispanus (fl. 1200-1248), who taught at Bologna, and later served as bishop of Orense, from 1218 until his death in 1249. He was the author of one of earliest glosses on the *Compilatio tertia* of Innocent III, as well as the *Glossa Palatina* on Gratian's *Decretum*.

This manuscript is now incomplete; the text of the "De penitentia" from Gratian's *Decretum*, C. 33, q. 3, was copied first, and then ruling for the Gloss was added on ff. 116-130v. The scribe then began copying the commentary in a very small script, carefully linking the glosses to the text with letters of the alphabet, completing ff. 116-122, and 125v-127.

The text is discussed in Antonio García y García in 1956, which includes an appendix on the version of the text found in Vatican City, BAV, Cod. Pal. Lat. 623, pp. 93-148, identifying more than two-hundred and fifty manuscripts; see also Kuttner, *Repertorium*, p. 80 (listed below), identifying it as the *recensio altera*.

According to Kenneth Pennington, Laurentius wrote a large number of glosses on the "De penitentia," many of which he gathered together into a treatise that circulated independently such as the one found in this manuscript. This work also is found with the *Glossa Palatina* and with other *Decretum* apparatus. The transmission of these glosses is very complicated; the manuscripts show numerous variations from one another, and are not easily grouped into textual families.

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## ONLINE RESOURCES

Monasteries of Styria:

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Stainz:

<http://www.stainz.at/stainz/schloss.htm>

Schloss Stainz:

<http://schloss.stainz.at/index1.html>

Canons of Lateran IV, in English:

<http://www.dailycatholic.org/history/12ecume1.htm>

Canons of Lateran IV, in English, "The Internet Medieval Sourcebook":

<http://www.fordham.edu/halsall/basis/lateran4.html>

Canons of Lateran IV, English text, with some commentary and background:

<http://www.ewtn.com/library/councils/lateran4.htm>

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