

Miscellanea

Medieval canonical collections of the Norbertine Abbey of Weissenau in the Hermitage of St. Petersburg*

The Norbertine Abbey of Weissenau was founded in 1145 by Gebizo of Ravensburg, and was secularized in 1802¹. The first provost of the monastery was Wernher in 1145; the first abbot was Heinrich I (1257-1266); and the last at the time of secularization was Bonaventura Brem (1794-1803; † 1818)². Due to the Napoleonic War, the material of the abbey's library was scattered to Berlin, Prague, St. Petersburg and other places. The monastery library of Weissenau is known to have had a rich collection of books that had been collected since the middle of the 12th century³. In 1932, Paul Lehmann listed several manuscripts of Weissenau that ended up in the

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¹ Cf. Hermann TÜCHLE, *Mehr als 650 Jahre Prämonstratenserstift*, in: Peter EITEL (Hg.), *Weissenau in Geschichte und Gegenwart. Festschrift zur 700-Jahrfeier der Übergabe der Heilighlutreliquie durch Rudolf von Habsburg an die Prämonstratenserabtei Weißenau*, Sigmaringen 1983, pp. 27-58, especially 27-28; Helmut BINDER, *Schicksale der Weißenau Bibliothek nach der Klosterauflösung*, in: Helmut BINDER (Hg.), *850 Jahre Prämonstratenserabtei Weißenau 1145-1195*, Sigmaringen 1995, pp. 489-505; Elke WENZEL, *Die mittelalterliche Bibliothek der Abtei Weißenau* (Europäische Hochschulschriften, Reihe XV: Klassische Sprachen und Literaturen, 73), Frankfurt am Main 1998, pp. 11-23.

² Norbert BACKMUND, *Monasticon Premonstratense id est historia circariarum atque canoniarum Candidi et Canonici Ordinis Praemonstratensis*, Tom. I, Straubing 1949, pp. 88-89; cf. TÜCHLE, *Mehr als 650 Jahre Prämonstratenserstift* (see note 1), pp. 51-52.

³ Paul LEHMANN, *Handschriften aus Kloster Weissenau in Prag und Berlin*, in: DERS., *Erforschung des Mittelalters*. Ausgewählte Abhandlungen und Aufsätze, Bd. 3, Stuttgart 1961, pp. 40-82; Ursula WINTER, *Weißenauer Handschriften in der Deutschen Staatsbibliothek Berlin*, in: *Über Bücher, Bibliotheken und Leser*. Gesammelte Beiträge zum 60. Geburtstag von Horst Kunze, Leipzig 1969, pp. 237-241; BINDER, *Schicksale* (see note 1), pp. 489-505; WENZEL, *Bibliothek* (see note 1), pp. 14-15.

Latin collection of the Hermitage⁴. This Latin collection had been previously moved to the Imperial Public Library of St. Petersburg in the middle of the 19th century⁵. Revising and analyzing precisely the forty-one Latin manuscripts of this collection⁶, we found four codices (i.e. Ermit. lat. 11, 12, 25, 26) which are witnesses of the canonical literature of the Norbertine Abbey⁷. Among them is an admirable elaborated exemplar of the *Decretales Gregorii IX*⁸ from the 14th century and a colligatum for the daily discipline and activity of the canons from the 13th-14th century.

1. The Rossiyskaya Nationalnaya Biblioteka Ermit. lat. 26 (St. Petersburg)

The Ermit. lat. 26 manuscript⁹ is a textual witness of the *Liber Extra*. The volume is covered with nice white leather that had been adorned

⁴ Ermit. lat. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 25, 26, 28, 29, 30, 31, 32, 34; Paul LEHMANN, *Verschollene und wiedergefundene Reste der Klosterbibliothek von Weissenau*, in: Zentralblatt für Bibliothekswesen 49 (1932), pp. 1-11. Cf. Helmut BINDER, *Bibliotheca Weissenaviensis*. Aus der Geschichte der Klosterbibliothek, in: EITEL (Hg.), *Weissenau* (see note 1), pp. 231-244, especially 233. 241; WENZEL, *Bibliothek* (see note 1), pp. 114-119.

⁵ *Отчетъ Императорскою Публичною Библиотекою представленный за 1814 годъ*, Санкт-Петербургъ 1815; cf. *Императорская Публичная Библиотека за 100 лет. 1814-1914*, Санкт-Петербургъ 1914, pp. 239-241.

⁶ *Рукописный каталог латинскихъ рукописей Эрмитажнаго собрания*, Ленинградъ 1959.

⁷ Szabolcz Anzelm SZUROMI, *Some 12th century textual-witnesses of the family of the Ivonian Panormia* (A Comparative Analysis of St. Petersburg, Rossiyskaya Nationalnaya Biblioteka Ermit. lat. 25 with BAV Barb. lat. 502 and other Ivonian manuscripts), in: *Ius Ecclesiae* 20 (2008), pp. 369-387; Id., *Some impressions on the 12th century textual witnesses of Ivo's canonical work*, in: *Studia Canonica* 42 (2008), pp. 347-365.

⁸ On the *Decretales Gregorii IX* cf. Péter ERDŐ, *Storia delle fonti del diritto canonico* (Istituto di diritto canonico San Pio X, Manualia 2), Venezia 2008, pp. 120-123; Johann Friedrich von SCHULTE, *Die Dekretalen zwischen den 'Decretales Gregorii IX' und 'Liber Sextus Bonifacii VIII'*, in: *Sitzungsberichte der Akademie der Wissenschaften, Phil.-hist. Klasse* 55 (Wien 1867), pp. 701-797; Stephan KUTTNER, *Raymond of Peñafort as Editor: The "decretales" and "constitutiones" of Gregory IX*, in: *Bulletin of Medieval Canon Law* 12 (1982), pp. 65-80; Martin BERTRAM, *Die Dekretalen Gregors IX.: Kompilation oder Kodifikation?*, in: Carlo LONGO (ed.), *Magister Raimundus: Atti del Convegno per il IV Centenario della Canonizzazione di San Raimondo de Penyafort (1601-2001)* [Institutum Historicum Fratrum Praedicatorum, Dissertationes Historicae 28], Roma 2002, pp. 61-86; Thomas WETZSTEIN, *Audivimus (X 3.45.1) and the Double Failure of Raymundus de Peñafort*, in: Uta-Renate BLUMENTHAL et al. (ed.), *Proceedings of the Twelfth International Congress of Medieval Canon Law* (Washington, D.C. 1-7 August 2004) [Monumenta Iuris Canonici C/13], Città del Vaticana 2008, pp. 251-287.

⁹ WENZEL, *Bibliothek* (see note 1), p. 118.

with clasps. Originally there were four brass mountings on the corners of both covers, and one in the center of the covers. Now there is only one pair of ornamented brass clasps – of the original two – on the front and the back cover. The cover of the codex, which comes probably from the 17th century, is made from wood on both sides. The manuscript was written on refined, white, but not too thin parchments. The majority of the pages have been frequently used; sometimes they are clean, but there are several greasy parts. The whole codex, which contains 263 folios, was trimmed on three sides. The codex was made from ten-folio quires (five bi-folios). The size of the folios is 446 x 285 mm, and the ruling is deep. For the regular iniciales, red and blue colors were used, but the illuminator inserted miniatures into the codex at the beginning of every single book and ornamented them with blue, rose, red and green colors. The text is organized into two columns which are surrounded by the *Glossa Ordinaria* of the *Liber Extra*, composed by Bernardus Parmensis¹⁰, whose name is indicated on almost every recto side of the folios.¹¹ But there is a reference to Accursius († 1263)¹², compiler of the *Glossa Magna* to the *Corpus Iuris Civilis*¹³, The script style of the main text's basic hand, which also copied the *Glossa Ordinaria* (n° 1), indicates the first part of the 14th century. However, there are supplements as *addenda* by a 15th century (n° 2) and also by a 16th century hand (n° 3)¹⁴. Small characters of the third hand are also seen in further marginal notes in the entire codex. There is an inscription of the possessor on the back side of the front cover (*Biblioth. Weissenau*) and we can find there the red sealing wax of the Abbey of Weissenau too. Based on the quality of the parchments and the script style, the place of origin is probably in Germany.

¹⁰ Johann Friedrich VON SCHULTE, *Die Geschichte der Quellen und Literatur des canonischen Rechts*, vol. II, Stuttgart 1877, pp. 114-117; Stephan KUTTNER, *Notes on the Glossa ordinaria of Bernard of Parma*, in: *Bulletin of Medieval Canon Law* 11 (1981), pp. 86-93; Péter ERDŐ, *Geschichte der Wissenschaft vom kanonischen Recht. Eine Einführung* (Kirchenrechtliche Bibliothek 4), Berlin 2006, pp. 87. 92.

¹¹ I.e. "dominus bernardus doctor decretorum" or "dominus bernardus doctor decretalium".

¹² Rafael DOMINGO, (ed.), *Juristas Universales*, vol. I, Madrid / Barcelona 2004, pp. 421-427.

¹³ Ermit. lat. 26, fol. 161rb.

¹⁴ E.g., Ermit. lat. 26, fol. 5r, 43r, 68r, 131r, 207r.

2. Some impressions on the text of the *Liber Extra* in Ermit. lat. 26

On the very first folio of this particular codex we can read the whole text of the bulla *Rex pacificus* of Pope Gregory IX (1227-1241) which promulgated the decretal collection on September 5th, 1234: *Gregorius episcopus servus servorum dei [...] Rex pacificus pia miseratione [...] auctoritate sedis apostolicae speciali*¹⁵. Right before the bulla is a sentence in red: *In nomine domini. Amen*. If we turn our attention to the canons of the *Liber Extra* in this particular exemplar, we realize that the numeration of canons is missing from the manuscript. Nevertheless, the basic themes are projected into the margin as short notes in order to facilitate the daily consultation of the volume. The text body of the *Liber Extra* begins on fol. 1va with the indication of the first book: *Incipit primus de summa trinitate et fide catholica*, which is the title of the creed of Pope Innocent III (1198-1216)¹⁶, professed at the Fourth Lateran Council (1215). This creed is placed together with the same council's first constitution as the first two canons of the collection¹⁷. Here Christ gently introduces Book I, in teaching pose together with two angels on either side. The miniatures are remarkably fine and elaborate, and there is one at the opening of each of the five books¹⁸. Book II, which is dedicated to canonical cases¹⁹, is illustrated by a bishop wearing a red robe and holding a book, surrounded by two bishops and three other religious on either side²⁰. This particular part of the manuscript yields considerable peculiarities which help to identify the field of usage of this codex by the

¹⁵ Ermit. lat. 26, fol. 1ra-1rb; cf. Szabolcz Anzelm SZUROMI, *Remarques concernant la nécessité de la promulgation de la loi ecclésiastique*, in: *Periodica* 98 (2009) 565-580, especially 567-573.

¹⁶ Cf. Werner MALECZEK, *Die Rekonstruktion des dritten und vierten Jahrganges der Register Papst Innocenz' III., vor allem aus kirchenrechtlichen Sammlungen*, in: BLUMENTHAL (ed.), *Proceedings* (see note 8), pp. 531-564.

¹⁷ *Firmiter credimus et simpliciter confitemur [...] Deo ad aeternam merentur beatitudinem pervenire. // Damnamus ergo reprobamus libellum [...] doctrina non tam haeretica censenda sit quam insana*. COD pp. 230-233. Cf. X 1.1.1-2: FRIEDBERG II, col. 5-7.

¹⁸ Book I: foll. 1va-68rb; Book II: foll. 68rb-131ra; Book III: foll. 131ra-188rb; Book IV: foll. 188rb-207va; Book V: foll. 207va-263va.

¹⁹ X 1.2.1: *De Quodvultdeo Centuriensi episcopo, quem, quum adversarius ipsius eum petiisset ad concilium nostrum introduci, interrogatus, an cum eo vellet apud episcopos experiri, primo id promiserat, et altera die respondit, hoc sibi non placere, atque discessit. Placuit omnibus episcopis, ut nullus eidem Quodvultdeo communicet, donec satisfactione praemissa fuerit absolutus. Nam adimi sibi episcopatum ante causae eius exitum nulli potest iure videri*. FRIEDBERG II, col. 239.

²⁰ Ermit. lat. 26, fol. 68rb.

Norbertine community of Weissenau. Book III summarizes the canonical norms on the life of clerics²¹. There is a nice illustration drawn of a priest celebrating Holy Mass, surrounded by a deacon, subdeacon and acolyte. In this part, we can find marginal references by hand n° 3²². Book IV explains the discipline of the Church regarding engagement and marriage²³, and the miniature expresses well the effect of the Fourth Lateran Council's decision concerning marriage, i.e. Canon 51²⁴, which prescribes public weddings in a church and also requires that there be a public proclamation of the marriage before the wedding. Following the canonical regulation, the illustration contains a priest in the center, wearing a chasuble, and on either side appear the two families, each presenting their children; in addition four other people, two on either side. In the opening miniature of Book V – which treats of accusations²⁵, simony, license to teach, heretics, homicide, martial actions, crimes, privileges, purgation, penitence and excommunications – there is recognizable an archbishop (wearing a pallium and red chasuble) holding a book in the center, and another archbishop at his left side also holding a book. Around them are a monk and two clerics, as well as a person leaning on a cane. This book is the second most consulted part of the entire codex.

If we focus on Books I, II and V, we can find an extraordinarily good example on fol. 4r to discover the field of usage of the Ermit. lat. 26. The reader held his hand at the middle of the glossa of this folio, which made it greasy. The main canonical text at this very glossa belongs to Title II of Book I, namely *De constitutionibus*, in the form of a quotation from the Register of St. Gregory the Great (i.e. Cap. 2) about the law which basically comes into force for affairs of the future²⁶. The parchments are very greasy and frequently used again on foll. 5r, 6r, 10r, 10vb, 11r, 11v-12r, 14rb, 18r, 20ra, 24r, 39v, 45v-46r, 50v, 52ra, 53ra, 56rb, 57v-58r, 59rb, 61v-62v, 63v, 64v-65vb. Among them, fol. 5r is remarkable, which begins the theme of “rescriptum” (i.e. *De rescriptis*) by a decretal letter of Pope

²¹ Cf. X 3.1: *De vita et honestate clericorum*. FRIEDBERG II, col. 449.

²² Ermit. lat. 131r.

²³ Cf. X 4.1: *De sponsalibus et matrimoniis*. FRIEDBERG II, col. 661.

²⁴ Concilium Lateranense IV, Const. 51: COD, p. 258.

²⁵ Cf. X 5.1: *De accusationibus, inquisitionibus et denunciationibus*. FRIEDBERG II, col. 733.

²⁶ Ermit. lat. 26, fol. 4ra: *Canonum statuta custodianur ab omnibus, et nemo in actionibus vel iudiciis ecclesiasticis suo sensu, sed eorum auctoritate ducatur*. – Cf. FRIEDBERG II, col. 7.

Alexander III (1159-1181), dated 27th February 1173²⁷. Here the glossa was supplemented with addenda by the second and the third hand too (n° 2; n° 3). This means that the user was interested in the principles of the canonical system. Nevertheless, in the middle of this title is placed the chapter on Norbertine abbots and convents (X 1.3.21), but there the parchment is not any more frequently used than the whole codex in general²⁸. The folios of this noted manuscript become greasy at the theme of customary law (i.e. *De consuetudine*²⁹), postulation of prelates (i.e. *De postulatione praelatorum*³⁰), election (i.e. *De electione et electi potestate*³¹) – where we can see again hand n° 2 and n° 3 together –, and at the title on the ordination of slaves (i.e. *De servis non ordinandis et eorum Manumissione*³²), the office and authority of the delegated judges (i.e. *De*

²⁷ X 1.3.1: *Regesta Pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, ed. Philippus JAFFÉ – Gulielmus WATTENBACH, curaverunt Samuel LOEWENFELD [JL] – Ferdinandus KALTENBRUNNER [JK] – Paulus EWALD [JE]; Lipsiae 1885, vol. II, JL 1293: Ingel(amo) episcopo et canonicis Glasguensibus decimas et ecclesias quasdam asserit. – Cf. FRIEDBERG II, col. 16: Sicut Romana [...] quod eius in hac parte appellatio non debet admitti, postquam est causa iudicibus appellatione remota commissa, quia speciale mandatum derogat generali.

²⁸ X 1.3.21: *Edoceri per vestras literas postulastis a nobis, utrum per literas adversus abbates vestri ordinis, nulla mentione habita de suis conventibus, impetratas, teneantur abbates ipsi super causis, quae ad conventus pertinent et eosdem, de ipsis querelantibus respondere, ac, licet inhibita sit appellatio, per appellationis obiectum possint, ne respondeant, se tueri. Super quo vobis duximus respondendum, quod iidem abbates, nisi alia causa rationabilis suffragetur, per appellationem se tueri non possunt, quo minus debeant auctoritate literarum huiusmodi legitime respondere, quum ex officio suo teneantur abbates congregationum suarum negotia procurare, nisi forte abbatibus et conventus negotia essent omnino discreta.* FRIEDBERG II, col. 25.

²⁹ Ermit. lat. 26, fol. 10vb; cf. X 1.4.1: *Consuetudines, quae ecclesiis gravamen inducere dignoscuntur, nostra nos decet consideratione remittere.* FRIEDBERG II, col. 36.

³⁰ Ermit. lat. 26, foll. 11va-12rb; cf. X 1.5 – FRIEDBERG II, col. 41-46.

³¹ Ermit. lat. 26, fol. 14rb; cf. X 1.6.1: *Nullus in ecclesia, ubi duo vel tres fratres fuerint in congregatione, nisi eorum electione canonica presbyter eligatur, et eisdem convocatis, et parochianis, atque in unum consentientibus.* Si vero aliter quis ecclesiam adeptus fuerit, eo, quod per cupiditatem illam acquisierit, atque contra canonicae regulae disciplinam egerit, expellatur. FRIEDBERG II, col. 48. – Ermit. lat. 26, fol. 18ra; X 1.6.22: *Dudum ad audientiam nostram quaestione perlata, quod, vacante praepositura Colocensis (...) praepositi sanctorum Apostolorum electione appellatione remota cassata, electionem confirmarent ipsius, et ei facerent praeposituram assignari praedictam, et de cetero tanquam praeposito responderi.* FRIEDBERG II, col. 64-66. – Ermit. lat. 26, fol. 24ra; X 1.6.44: *Nihil est, quod ecclesiae Dei magis officiat, quam quod indigni assumantur praelati ad regimen animarum. [...] Munus vero benedictionis seu consecrationis recipiant, sicut hactenus recipere consueverunt.* FRIEDBERG II, col. 88-89.

³² Ermit. lat. 26, fol. 39vb; X 1.18.8: *Dilectus filius G. diaconus proposuit, quod I. miles ea occasione, quod patrem ipsius hominem suum esse proponit, licet mater sua, cuius debet imitari conditionem, libera esse noscatur, ne promoveatur in presbyterum,*

*officio et potestate iudicis delegati*³³), the office of legates (i.e. *De officio legati*³⁴), the office of the ordinary judges (i.e. *De officio iudicis ordinarii*³⁵), obedience (i.e. *De maiestate et obedientia*³⁶), transactions (i.e. *De transactionibus*³⁷), procurators (i.e. *De procuratoribus*³⁸), the canonical effect of fear (i.e. *De his, quae vi metusve causa fiunt*³⁹), the “in integrum restitutio”⁴⁰, and finally, questions about special cases (i.e. *De alienatione iudicii mutandi causa facta*⁴¹). From this long list, it is very clear that the manuscript was consulted in day-to-day tribunal work. Moreover, those parts of the manuscript which are witnesses of all of the three

impedire praesumit. Quocirca mandamus, quatenus, si tibi constiterit de praemissis, eundem militem ab huiusmodi impedimento cessare compescas. FRIEDBERG II, col. 143.

³³ Ermit. lat. 26, foll. 45va-46rb; X 1.29.5: Praeterea super hoc, quod nos consulere voluisti, utrum liceat iudici delegato non ordinario, *sine literis commissoriis* cogere contumacem [...] quia ex eo, quod causa sibi committitur, super *his* omnibus, quae ad causam ipsam spectare noscuntur, plenariam recipit potestatem. FRIEDBERG II, col. 159.

³⁴ Ermit. lat. 26, fol. 52ra; X 1.30.1: Quum non ignoretis, *venerabilem fratrem nostrum* Cantuariensem archiepiscopum vobis non solum metropolitico, sed etiam legationis iure praeesse [...] audire potest et debet, sicut qui in provincia sua vices nostras gerere comprobatur. FRIEDBERG II, col. 183.

³⁵ Ermit. lat. 26, 53ra; X 1.31.2: Si sacerdos sciat pro certo, aliquem, esse reum aliquius criminis, vel si confessus fuerit, et emendare noluerit, nisi iudiciario ordine quis probare possit, non debet eum arguere nominatim [...]. Sed debet eum admonere, ne se ingerat, quia nec Christus Iudam a communione removit. FRIEDBERG II, col. 186-187.

³⁶ Ermit. lat. 26, fol. 56rb; X 1.33.1: Quum certum sit, *pro omnipotenti Deo* [...] ut ipse prior et maior habeatur, qui prius communitalis consilio et concordia fuerit actione ordinatus. FRIEDBERG II, col. 195.

³⁷ Ermit. lat. 26, fol. 59rb; X 1.36.2: Statuimus, ut, si super decimis inter vos et aliquam personam ecclesiasticam de assensu episcopi vel archiepiscopi sui compositio facta fuerit, rata *perpetuis temporibus* et inconcussa persistat. FRIEDBERG II, col. 206.

³⁸ Ermit. lat. 26, foll. 61va-62rb; X 1.38.10: Accedens ad apostolicam sedem (*Et infra:*) Mandamus, quatenus D. nobilem mulierem, quae sub tua potestate tenetur, plenae restituas libertati, faciens ipsam ad castrum de Massa Lucanae dioecesis secure perducere [...] procuratorem idoneum ad praesentiam nostram mittas, qui ad agendam et respondendum plenam habeat potestatem. FRIEDBERG II, col. 216.

³⁹ Ermit. lat. 26, fol. 62va; X 1.40.1: Prelatum est ad audientiam nostram, quod, quum quidam *vir* nobilis et potens (...) ipsam ad monasterium redire, et habitum depositum reasumere censura ecclesiastica compellatis. FRIEDBERG II, col. 218-219.

⁴⁰ Ermit. lat. 26, fol. 63va; X 1.41.1: Requisivit *a nobis* tua fraternitas, quid agendum sit de possessionibus laicis sub modico censu concessis? [...] Providendum est tamen, ne, si forte coloni possessiones illas expensis ac labore suo reddiderint meliores, sumptibus, quos bona fide fecerunt, debeant defraudari. FRIEDBERG II, col. 222-223. – Ermit. lat. 26, fol. 65va; X 1.41.9: Causa restitutionis in integrum coram iudicibus ordinariis administrationem habentibus vel delegatis ab eis tractari poterit et finiri [...]. In matrimoniali quoque, liberali vel criminali causa, quum maiores iudices exigant, arbiter nequit assumi. FRIEDBERG II, col. 228.

⁴¹ Ermit. lat. 26, fol. 65vb; X 1.42.1: Ex quorundam certa relatione audivimus, quod, quum aliqui [...] appellatione cessante cogatis sub vestro examine iuris aequitati parere. FRIEDBERG II, col. 229.

hands are very significant. There is only one place where the parchment is not worn because of frequent consultation. This is fol. 42va, where there are supplementary *addenda* by hand n° 3 about the duty of the archdeacon. This can give further evidence as to the identification of the user's activity. If we pay attention to the single offices and their obligations, it is obvious that there is no folio that shows signs of frequent usage at the themes of archdeacon, archpriest⁴², sacristan⁴³, vicar⁴⁴, etc.; and only one of these parts was enlarged by an attached *extra addenda* (i.e. the office of archdeacon). It seems that for the users, the canonical regulations of the ecclesiastical offices were not important except for only that particular one which has a strong bond to the ecclesiastical tribunal system, namely the archdeacon, whose function was prominent for the cathedral's court. Hand n° 3 inserted commentary or emphases to the theme of rescript (fol. 5r), election (14v), ordination of slaves (39v), the archdeacon's office (42va), delegated judges (45ra), and to the office of ordinary judge (53ra). Book I consequently gives strong evidence that supports our impression of the daily tribunal use of this codex. However, if we continue our observation with Book II, there can be found other important signs of this tribunal activity. The folios were used many times at foll. 68r-76ra, 79v-80v, 89r, 92r-93v, 98r, 103v, 110r. Moreover, on folios 68r (*De iudiciis*)⁴⁵, 78v (*De ordine cognitionum*)⁴⁶ and 119v (*De appellationibus, recusationibus, et relationibus*)⁴⁷ the *addenda* appear in hand n° 3. The themes which are explained on the indicated places are considerable. Fol. 68rb is particularly important because this is the beginning of the first title of Book II compiling canons on the cases at the ecclesiastical tribunal and it gives us to understand why this part of the

⁴² X 1.24: De officio archipresbyteri – Cf. FRIEDBERG II, col. 153-155.

⁴³ X 1.26: De officio sacristae – Cf. FRIEDBERG II, col. 155.

⁴⁴ X 1.28: De officio vicari – Cf. FRIEDBERG II, col. 156.

⁴⁵ Ermit. lat. 26, fol. 68rb; X 2.1.1: De quodvultdeo Centuriensi episcopo [...] Nam adimi sibi episcopatum ante causae eius exitum nulli potest iure videri. FRIEDBERG II, col. 273.

⁴⁶ Ermit. lat. 26, fol. 78vb; X 2.10.1: Intelleximus ex literis tuis, quod, quum quaedam mulier peteret quendam in virum, testes ad suae intentionis assertionem induxit [...]. Quo facto virum ab impetitione mulieris, prout exposcit ratio iuris, absolvas. FRIEDBERG II, col. 273.

⁴⁷ Ermit. lat. 26, fol. 119va; X 2.28.1: Dilecti filii nostri priori et clerici de Gisebergen gravem admodum et difficilem nobis querimoniam transmiserunt [...]. Super quibus omnibus si veritate per idoneas personas et famam loci sollicitè inquisita inveneritis ecclesiarum concessionem taliter factas, nisi prior et canonici malitiose distulerint eas, quantum ad se pertinet, ordinare, nullius appellatione obstante auctoritate nostra in irritum revocetis easdem. FRIEDBERG II, col. 409-410.

manuscript is one of the most often used: because the entire Book is dedicated to cases and to juridical process. Book V also deals with some questions in relation to the cathedral's court.

3. Peculiarities of the Ermit. lat. 12

The Ermit. lat. 12 is a unique textual witness of the basic canonical knowledge of a Norbertine religious community. The compilation summarizes the biblical readings (i.e. *Lectionarium*) with canonical norms and customs about the daily administration of the sacraments and sacramentals, as well as the common prayers which sanctified the whole day, particular liturgical rules and the precise schedule of the day, week, or the entire year (i.e. *Manuale Parochialium*). The compiled biblical texts, disciplinary sources, theological statements and inveterate customs which are registered in this handbook can give a clear overview on the daily life of the community of the canons regular in Weissenau, particularly about their canon law culture.

The Ermit. lat. 12 is a 13th-14th century manuscript which was rebound in the same form as we have already seen concerning the Ermit. lat. 26. The cover of the codex, therefore, comes probably from the 17th century⁴⁸, is made from wood on both sides which had been adorned with white leather and brass clasps. There is a possessor's inscription on the back side of the front cover (*Biblioth. Weissenau*) and we can find there the same red sealing wax of the Abbey of Weissenau which is in the Ermit. lat. 26 too. The whole codex contains 235 folios and was trimmed; hence, a strip about 15 mm wide is missing from the original margins of the twelve-folio quires (six bi-folios). The size of the folios is 470 × 420 mm, and the ruling is deep. The elaboration of the parchment is not regulated: some parts are quite thin and refined⁴⁹, but some are thick⁵⁰. Based on the quality of the parchments and the script style, the place of origin is probably the Low Countries. The texts are organized into two columns – except on foll. 149r-156v where there is only one column – and testify to the work of seven different hands. The first and earliest hand certainly comes from the first part of the 13th century and appears as the

⁴⁸ Different opinion by Elke Wenzel; cf. WENZEL, *Bibliothek* (see note 1), pp. 25-26.

⁴⁹ E.g., Ermit. lat. 12, foll. 1ra-62vb, 157ra-168vb.

⁵⁰ E.g. Ermit. lat. 12, foll. 149ra-156vb.

basic hand on fol. 1ra (n° 1)⁵¹. After the first quire, the script style changes from fol. 13ra, and the copier uses smaller letters with peculiarities belonging to the second part of the 13th century (n° 2)⁵². On fol. 63ra, we can identify a new hand also from the second part of the 13th century (n° 3)⁵³, then there is another hand on fol. 157 from the first part of the 14th century (n° 4)⁵⁴. On fol. 169ra begins the parochial manual (i.e. *Incipit manual parrochialium sacerdotum*) which was inserted by a hand which has peculiarities of the first part of the 13th century but differs from the first hand of the analyzed manuscript (n° 5)⁵⁵. This hand finishes the work on fol. 211vb, and from fol. 213ra, there are notes on ecclesiastical feasts by another hand (n° 6)⁵⁶ originated from the first part of the 14th century. The last and seventh hand of the manuscript appears on fol. 223 with characteristics of the first part of the 13th century (n° 7)⁵⁷. Through these various script styles and several hands, it is certainly obvious that the Ermit. lat. 12 is a compilation which was enlarged many times in the 13th and 14th centuries in order to help the confreres in their parochial work.

Keeping in mind the above indicated facts, if we focus our attention on the themes of this extraordinarily interesting compiled textual witness, we can see, first, the basic disciplinary introduction to the *Lectionarium* (i.e. *De noctibus dominicali*) which is followed in one column by the biblical readings of the single ecclesiastical feasts (e.g., Sts. John and Paul⁵⁸, Sts. Peter and Paul⁵⁹, St. John the Baptist⁶⁰, Confessors⁶¹, Martyrs⁶², the feast of a Dedication⁶³, etc.). The parchments are reasonably thick at this part, which is an aid to frequent consultation. From fol. 157ra, the text is a commentary on the Holy Mass right before the *Incipit Sacra Missa*⁶⁴, and is further facilitated by marginal thematical inscriptions. In

⁵¹ Ermit. lat. 12, foll. 1ra-12vb.

⁵² Ermit. lat. 12, foll. 13ra-26vb.

⁵³ Ermit. lat. 12, foll. 63ra-156vb.

⁵⁴ Ermit. lat. 12, foll. 157ra-168vb.

⁵⁵ Ermit. lat. 12, foll. 169ra-211vb.

⁵⁶ Ermit. lat. 12, foll. 213ra-222vb.

⁵⁷ Ermit. lat. 12, foll. 223ra-235va.

⁵⁸ Ermit. lat. 12, fol. 153v.

⁵⁹ Ermit. lat. 12, fol. 154r.

⁶⁰ Ermit. lat. 12, fol. 152r.

⁶¹ Ermit. lat. 12, fol. 151v.

⁶² Ermit. lat. 12, fol. 150r.

⁶³ Ermit. lat. 12, fol. 149r.

⁶⁴ Ermit. lat. 12, fol. 158ra: *Incipit Sacra Missa*.

the second basic part of the manuscript, the rules of the daily administration of sacraments are explained by many rubrics. This part lists all of the seven sacraments and gives guidance for their administration. After the conclusion of this guide (i.e. *Explicit manuale parrochialium sacerdotum*⁶⁵) there is a supplement by the same hand concerning *capitula culparum*⁶⁶, the Holy Eucharist⁶⁷, the Extreme Unction⁶⁸, the church⁶⁹, and *speculum conscientiae*⁷⁰. This enlargement corroborates that the textual witness was not only used for the day-to-day pastoral work of the Norbertine confreres, but also within their community life in the monastery. Hand n° 6 made useful notes regarding instructions for different ecclesiastical feasts from fol. 213ra; and then a new independent part can be found by hand n° 7, namely a *Summa matrimonii*⁷¹, which firstly discusses the *Regula de arbore consanguinitatis* on fol. 223ra. This important supplement does not cite the usual form of the commentary to the *arbor consanguinitatis* which is in the textual families of the Ivonian canonical work or in the *Decretum Gratiani* (IP 7. 90⁷², ID 9. 64⁷³, Tr 3. 17 (18) un., C. 35 q. 5 c. 6)⁷⁴. However, it shows most evidently influence of pastoral work on the contents because this *regula* is followed by an *Arbor affinitatis*⁷⁵, and then the description of the meaning of marriage (i.e. *De matrimonio*)⁷⁶. When the matrimonial discipline is ended on

⁶⁵ Ermit. lat. 12, fol. 187vb.

⁶⁶ Ermit. lat. 12, fol. 188ra.

⁶⁷ Ermit. lat. 12, fol. 190va.

⁶⁸ Ermit. lat. 12, fol. 194va.

⁶⁹ Ermit. lat. 12, fol. 198ra.

⁷⁰ Ermit. lat. 12, fol. 201va.

⁷¹ Ermit. lat. 12, fol. 223ra.

⁷² Bruxelles, Bibliothèque Royal MS 1817. foll. 126r-127v; Bibliotheca Apostolica Vaticana, Vat. lat. 1358. fol. 0v; Vat. lat. 1359. fol. 120v; Vat. lat. 1360. fol. 77v.

⁷³ Cf. Bibliotheca Apostolica Vaticana, Vat. lat. 1357. fol. 157v; London, British Library Royal 11 D VII foll. 217ra-217vb; Cambridge, Corpus Christi College Ms. 19 fol. 211vb; Paris, Bibliothèque Nationale lat. 14315. fol. 200r.

⁷⁴ *Primo gradu superiori linea continentur, pater et mater, inferiori filius et filia. [...]* In his vii gradibus omnia propinquitatum nomina continentur, ultra quas affinitas inveniri, nec successio potest amplius propagari. PL 161, col. 1303-1304. FRIEDBERG I, col. 1275-1277. Cf. Szabolcs Anzelm SZUROMI, *A 12th century pastoral pocket book* (Some impressions on National Library of Scotland, Edinburgh, Adv. Ms. 18. 8. 6, as compared with Bruxelles, Bibliothèque Royal MS 1817), in: Id. (ed.), *Medieval Canonical Sources and Collections up to the Decretum Gratiani* (Bibliotheca Instituti Postgradualis Iuris Canonici Universitatis Catholicae de Petro Pázmány nominatae III/8), Budapest 2006, pp. 65-96.

⁷⁵ Ermit. lat. 12, fol. 224rb.

⁷⁶ Ermit. lat. 12, fol. 225vb.

fol. 232va, the witness continues with some various canonical texts⁷⁷ and the schedule of the liturgical year⁷⁸.

Conclusion: The important role of the Norbertine Canons in disseminating the elementary doctrine and discipline of the Church

We intended to illustrate above the those facts which can be inferred directly or indirectly from some medieval manuscripts of the Abbey of Weissenau about the canon law culture of this particular Norbertine Community. Our basic impression, which was already settled by Ermit. lat. 25 and its enlargements⁷⁹, has been improved by both of the textual witnesses analyzed above from the canonical material found in the Latin collection of the Hermitage. In Weissenau, therefore, there must have been a flourishing and vigorous canon law culture. Several questions may arise based on this narrow analysis, but among them, one is most reasonable: what was the proper activity of this community of canons regular that gave rise to a profound canonical knowledge in the confreres of this monastery? Based on the circumspect observation of the material of the Hermitage's Latin collection, and also on the detailed comparative textual-critical, codicological, and paleographical analysis of the above-described two manuscripts, in conjunction with the results of our previous research on Ermit. lat. 25, we can find an adequate answer in the peculiarity of the Norbertine (or Premonstratensian) life in the High Middle Ages⁸⁰. The Abbey of Weissenau was a new foundation which did not build on an already established cathedral chapter, as several Norbertine provostries had done. Nevertheless, like many other Praemonstratensian communities, right from its foundation date, the religious community took its place in the instruction of ecclesiastical doctrine and discipline, enabling the ecclesiastical tribunal to function, and cooperating with the Episcopal court, which latter is well represented by the good relations of the community to Friedrich I, 'Barbarossa' (1152-1190), who granted an Imperial charter

⁷⁷ Ermit. lat. 12, fol. 232vb.

⁷⁸ Ermit. lat. 12, fol. 234ra.

⁷⁹ SZUROMI, *Some impressions* (see note 7), pp. 364-365.

⁸⁰ François PETIT, *La spiritualité des prémontrés aux XII^e et XIII^e siècles*, Paris 1947, pp. 197-200. 210-212; Bernard ARDURA, *Prémontrés. Histoire et Spiritualité* (Travaux et Recherches VII), St. Etienne 1995, pp. 18-20; Joseph Anselm GRIBBIN, *The Premonstratensian Order in Late Medieval England* (Studies in the history of medieval religion, 16), Woodbridge 2001, pp. 1-3.

to the Abbey of Weissenau in 1164⁸¹. Within the 12th century collection⁸² of the Weissenau Abbey library could be found exemplars of some works of St. Augustine⁸³, the Bible⁸⁴, and Ivo's canonical work (i.e. *Panormia*)⁸⁵. Among the 13th-14th century material⁸⁶, we can recognize further significant manuscripts – besides the analyzed pastoral handbook and the *Liber Extra* – such as writings of Cassiodorus⁸⁷, the Rule of St. Augustine⁸⁸, the works of Aristotle⁸⁹, Avicenna⁹⁰, as well as the *Summa Pisana*⁹¹, a *Liber precum*⁹², a *Formularium*⁹³, a *Lectionarium*⁹⁴, and a *Sermones de sanctis*⁹⁵. These volumes clearly indicate a theologically ambitious milieu and activity within this religious community. Therefore, the particular life of canons regular (i.e. *vita mixta*) gave rise to two concrete fields of religious activity: 1) the regulated prayerful religious life within the monastery; 2) the active pastoral work in many parishes which required serious knowledge of sacraments and sacramentals, but also of ecclesiastical discipline, especially concerning the sacraments of initiation, the casuistics of penance, and, naturally, the experience required to prepare for marriage. The canon law culture, therefore, was able to flourish in Weissenau because of two essential reasons: first, a precise, up-to-date familiarity with ecclesiastical discipline was indispensable for instruction and for the suitable interpretation and application of the canonical norms and cases at the ecclesiastical tribunal. The material of the Ivonian *Panormia* –

⁸¹ BINDER, *Schicksale* (see note 1), p. 51.

⁸² WENZEL, *Bibliothek* (see note 1), pp. 38. 137-139; cf. *Рукописный каталог латинских рукописей Эрмитажного собрания*, Санкт-Петербург 1959.

⁸³ Ermit. lat. 1: AUGUSTINUS, *Contra Faustum hereticum*; Ermit. lat. 2: AUGUSTINUS, *De sermone domini in monte*.

⁸⁴ Ermit. lat. 5.

⁸⁵ Ermit. lat. 25.

⁸⁶ Cf. WENZEL, *Bibliothek* (see note 1), pp. 41, 139-142; BINDER, *Schicksale* (see note 1), p. 496.

⁸⁷ Ermit. lat. 6: CASSIODORUS, *De anima* (s. XIII).

⁸⁸ Ermit. lat. 3 (s. XIV).

⁸⁹ Ermit. lat. 23: ARISTOTELES, *De anima* (s. XIV); Ermit. lat. 30: ARISTOTELES, *Physica de nova translatione* (s. XIII); cf. Ermit. lat. 34: *Physicorum – De generatione et corruptione*.

⁹⁰ Ermit. lat. 28: AVICENNA, *De rebus medicinalibus libri V* (s. XIV).

⁹¹ Ermit. lat. 11: BARTHOLOMEUS DE PISIS, *Summa de casibus* (s. XIV). Ed. *Bartholomeus de pysana ordinis fratrum predicatorum*, 1475. Cf. ERDÖ, *Geschichte* (see note 10), pp. 100. 118.

⁹² Ermit. lat. 17 (s. XIII).

⁹³ Ermit. lat. 7 (s. XIV).

⁹⁴ Ermit. lat. 13: *Lectiones de vitis sanctorum* (s. XIII).

⁹⁵ Ermit. lat. 21: *Sermones de sanctis* (s. XIV).

which can be found in the Ermit. lat. 25 – testifies to this eminently, particularly in those inserted *canons* and *dictums* which copied a very early textual form and structure of the *Decretum Gratiani* into the Ivonian collection as enlargements. It supports also our hypothesis about an exemplar of the *Decretum Gratiani* which would have belonged to the library of Weissenau. However, this profound culture of canon law is supported by that admirable elaborate exemplar of the *Liber Extra* which is known now as Ermit. lat. 26 and was explained above. It is particularly true concerning those parts of the indicated manuscript which contain further supplementary addenda or sentences to the *Glossa Ordinaria*. We must pay further attention to those manuscripts of Weissenau that do not copy canonical norms or disciplinary texts, as, for example, the works of Aristotle or Avicenna, because these sources give further arguments to the teaching activity of the Norbertine chapter of canons. The second reason is based both on the pastoral aspect of the community of canons regular and on their religious – monastic and active – life. This required the day-to-day application of canonical norms during their daily pastoral work, particularly in the fields of the administration of sacraments and sacramentals, but also in the accurate celebration of the ecclesiastical solemnities and feasts. This is explicitly confirmed by the just described Ermit. lat. 12 manuscript. Nevertheless, we shall not forget an important 14th century exemplar of the Latin collection of Weissenau, which is a copy of the *Summa Pisana* as Ermit. lat. 11. This *Summa* could provide very substantial assistance to the administration of penance, and its presence in this religious library clearly indicates the active participation of the confreres in the penitential service of the faithful. The two reasons indicated have indeed left their impact several times on the same manuscripts, as is recognizable in the frequently used parts of Ermit. lat. 25 and Ermit. lat. 26.

Weissenau is not the only Norbertine abbey where the confreres had a serious and profound canon law culture through the study of canonical sources and collections (e.g., Schäftlarn⁹⁶, Windberg⁹⁷, Laon⁹⁸, etc.) because of their participation in the activity of the ecclesiastical tribunals, and also in pastoral service. These basic peculiarities – within the form of life of the *vita mixta* – made this order of canons regular flourish in

⁹⁶ Norbert BACKMUND, *Die mittelalterlichen Geschichtsschreiber des Prämonstratenserordens* (Bibliotheca Analectorum Premonstratensium, fasc. 10), Averbode 1972, pp. 47-50,

⁹⁷ Ibid., pp. 3-8.

⁹⁸ Ibid., pp. 252-254. 267-272.

the High Middle Ages. The Norbertine communities, therefore, played an important and fundamental role in the wide dissemination of the basic doctrine and discipline of the Church.

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