

WERNHER VON SCHUSSENRIED, *Modus legendi abbreviaturas in utroque jure* (Method of Reading Abbreviations in Canon and Civil Law)

In Latin, decorated manuscript on paper

Germany (Saxony?), c. 1450-1480(?)

i (nineteenth-century paper) + 44 + *i* (nineteenth-century paper) folios on paper, watermark "tête de bœuf, à yeux, croix entre les cornes sommée d'une fleur" nearly identical to Briquet no. 14547 (Innsbruck, 1454), modern foliation in pencil, 1-44, complete (collation i-iii¹² iv⁸), frame ruling in brown ink (written space 245 x 140 mm.), written in brown ink in Gothic cursive bookhand in single column on 40 lines or in two columns on 42 lines, capitals touched in red, chapter marks in red, 2-line initials and the large opening initial (6 lines) decorated in red, minor water damage in the lower margins of some leaves, few corners torn off, f. 44 smaller and browned (especially on the verso), in overall excellent condition. Bound for Ampleforth Abbey in 1870 in half calf over marbled boards, flat spine on which pasted a partly torn shelfmark label "M/16/S.S.," in overall excellent condition. Dimensions 283 x 196 mm.

An important handbook of abbreviations of canon and civil law used by both law students and lawyers for centuries. Written in hexameters, the text presents an artful tour de force of style and a fascinating example of medieval memory technique. Although widely circulated in print, manuscript copies are evidently quite scarce and little studied (only the present manuscript is listed under this title in the Schoenberg Database). Slightly earlier, or perhaps contemporary, with the earliest printed editions, our manuscript emerges as an important witness of the transmission of the text.

PROVENANCE

1. The manuscript was likely made in Germany around 1450-1480. The watermark on the paper is almost identical to no. 14547 localized by Charles-Moïse Briquet in Innsbruck (Austria) in 1454, but variants of this watermark (nos. 14545-14558) were very popular and were used widely in Germany, with some found also in Switzerland and northern Italy, from the 1440s until the sixteenth century (see Online Resources). The nearly contemporary inscription added on f. 44v at the end of the manuscript might suggest that the manuscript was made in Magdeburg in Saxony (see Provenance note 2 below), but more research is needed to identify the origin of this manuscript with certainty.
2. The beginning of a letter in German from Ernst II (1464-1513), duke of Saxony and archbishop of Magdeburg, to Albrecht of Brandenburg (1490-1545), who followed him as archbishop of Magdeburg in 1513, and was elected archbishop of Mainz in 1514 and cardinal in 1518 is copied on f. 44v, which is part of the original manuscript and has the same watermark.
3. In the library of Ampleforth Abbey in North Yorkshire, MS 16: the purple-blue ink stamp of the abbey on the front flyleaf and the shelfmark label "M/16/S.S." on the pastedown and spine. In 1977, Neil Ker catalogued the manuscript as part of this library

(Ker, 1977, p. 26, no. 16). The book was probably brought to Ampleforth with a number of other German manuscripts and early printed books by Fr. Adrian Towers, a prior of the abbey in 1830-1834. Towers had been a monk of Lamspringe Abbey, an English Benedictine house in exile near Hildesheim, where he remained until its dissolution in 1802, before coming to Ampleforth, founded in 1802 in Yorkshire (see Ker 1977, p. 24). The monks came to Ampleforth mainly from Dieulouard (Lorraine; where until 1793 there had been a monastery inhabited by English monks) and the monastery of Lamspringe. Although the majority of the library, which belonged to the Prussian state after secularization, remained in Germany, part of it went to England; in 1830 books and manuscripts from Lamspringe were also auctioned at Sotheby's (cf. *Lamspringe* 2004).

The manuscript was bound at the abbey in 1870 with a number of other German manuscripts in the library.

4. Sotheby's, December 5, 2017, lot 48; sold with six other manuscripts from Ampleforth, lots 43-49.

TEXT

ff. 1-43v, incipit, *Incipit liber dans modum legendi abbreviaturas in utroque jure*, incipit, "Quia preposterus ordo et prius humana petere subsidia ut illis deficientibus divini favoris gratia postuletur ut de con di.i c. Omnis christianus infi. Et in primo Apparatus ... sive usus feudorum habet titulos lxxxi," *Explicit libellus docens modum studendi et legendi contenta ac abbreviata utriusque juris tam canonici quam civilis in se continens titulos sive rubricas eiusdem juris de quo deo laus sit per infinita secula seculorum amen.*"

Wernher von Schussenried, *Modus legendi abbreviaturas in utroque jure*; the opening and closing sections of our text follows the text in the edition printed by Pierre Levet in Paris in 1488 (Goff, M. 748) closely (see Online Resources). Note that the textual tradition of the editions is complex and the text circulated with additions (See Feenstra, "La genèse," pp. 222-3; and Feenstra, "La diffusion").

The following sections can be identified in the text:

ff. 1-8, [introduction], incipit, "Quia preposterus ordo...";

ff. 8-18, [alphabetically arranged lists of abbreviations], incipit, "Premissis itaque nominibus...";

ff. 18-22, *Decretum metricatum et abbreviatum...*;

ff. 22-27v, "Decretum abbreviatum...";

ff. 27v-41, "Incipiunt tituli legales secundum ordinem alphabeti ..."

ff. 41-43, "Incipiunt rubrica institutionum...";

f. 43rv, Summary of the tituli in the digests;

f. 44rv, [originally a blank end flyleaf; on f. 44v was copied in the early sixteenth century the beginning of a letter in German from Ernst II of Saxony (1464-1513) to Albrecht of Brandenburg (1490-1545)], incipit, "Ernest ... Magd... Saxonie... Den hochgebornnen fursten herren Albrechten des heyligenn Romschen Reich ...".

This practical handbook on frequently used abbreviations in civil and canon law was composed in 1207 in Vicenza by a well-read canon lawyer, Wernher von Schussenried (and not in Paris in the fifteenth century as Henri Omont wrote in 1902, cf. Omont, 1902, p. 6). It was not until 1911 that his authorship of the work was discovered, when Victor Scholderer noticed that in the section about the rubrics to decretals the capitals at the beginning of each line form an acrostic that reads: "UUernherus monstat, ut sic distinctio fiat; Sancti Germani Spire Canonicus cuius erat patria Schuscinriecht in Suevia. Discere causarum quarumlibet ordine membra Optas et doceo: sic non sis deses et instes. Instanti dabitur: quod tu vis, quod petis, istud Efficiet sic te munitum, si sit ut ipsum Usu doctrina tutum tu constituas te" (see f. 18 onwards in our manuscript) (Scholderer, 1911). The author informs the reader that his name is Wernher, that he comes from Schussenried in Swabia, and that he is a canon of St. German monastery in Speyer (dedicated to St. Germanus of Paris, located south of Speyer in Western Germany).

Wernher von Schussenried was canon of St. German in Speyer at least by 1203, when he is mentioned as such in a document by Konrad III von Scharfenberg, bishop of Speyer (cf. Kniep, 2016, p. 2). In 1205 and in 1206, he is documented as rector at the university of Vicenza (in 1205 four men held this position, in 1206 only two). In 1205 he was a spokesman for a group of rebellious students and teachers that had left Bologna and moved to Vicenza. Wernher von Schussenried is the earliest known person from Upper Swabia to be concerned with canon law and one of the earliest Germans identified by name who studied this modern jurisprudence in Italy. The scientific study of canon law had only emerged a half century earlier in Bologna, where it appeared in the 1130s and 1140s, and developed into an academic science.

The text contains an introduction to juridical science, lists of frequent abbreviations of words, phrases and names of authors, rubrics of the most important works in canon and civil law: *Decretals* of Gregory IX, of *Liber sextus* of Boniface VIII, of *Constitutiones Clementis V*, of *Decretum* of Gratian, of Roman law (*Digest*, *Codex Justinianus*, *Institutes*, *Novellae Constitutiones* of Justinian), and *Libri Feudorum* on feudal customs. The work served as an introduction to law, an aid to memory, and perhaps also as a guide for reading and writing glosses (cf. Feenstra, 1998; Kondratuk, 2007, p. 54). In his own words, Wernher wanted to create a "compendium" to the *Decretum* of Gratian, the pioneering work that became the basis of canon law. In the very popular section of the work, known generally as the "*Decretum versificatum*" (ff. 18-22 in our manuscript, rubricated, *Decretum metricatum*), Wernher provides prose excerpts on Gratian's 100 doctrines and 171 questions in one-line headings written in hexameter. In the manner of a very skillful aide-memoire, the initial letters of these 271 headings form an acrostic poem, written itself in hexameter and making its own sense, beginning with Wernher stating his authorship "UUernherus monstat...".

Two thirteenth-century manuscripts are significant for the transmission of the work: Kynžvart Castle (Czech Republic), MS 20-H-27, formerly in the imperial monastery of Ochsenhausen, and Abbey Library of Saint Gall, MS 683. The former is closer to the original, and in the latter,

at the end of the introduction, the author gives the date and place where he completed his work: "Anno MCCVII [1207] factum est opusculum Vincentia" (cf. Boháček, 1962, p. 472; Kniep, 2016, pp. 3-4).

The work was first printed in 1475 and was in such demand that there were 35 editions before the end of the century (cf. Feenstra, "La genèse..."), and 70 more in the sixteenth and seventeenth centuries (cf. Feenstra, "La diffusion..."). Its success reflects not only the need to be able to read abbreviations frequently used in juridical texts, but also the growing professionalization in the fields of both canon and civil law. The success of handbooks on abbreviations also demonstrates the continuing importance of the manuscript tradition. Elaborate systems of abbreviation had been developed over the centuries, and their use continued in printed books, especially in the fifteenth and sixteenth centuries. Our manuscript is an important source for further research on this text and its circulation.

LITERATURE

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ONLINE RESOURCES

Wernher von Schussenried, *Modus legendi abbreviaturas in utroque jure*, printed by Pierre Levet in Paris, 1488

https://archive.org/details/OEXV778_P1

Watermark variants of "tête de bœuf" in Briquet Online

<https://briquet-online.at/BR.php?IDtypes=145&lang=fr>

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