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UNKNOWN FRAGMENTS OF PETRUS
DE TRYSA IN THE CODEX BASEL,
UNIVERSITÄTSBIBLIOTHEK A-X-44*

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The codex Basel, Universitätsbibliothek A-X-44, from the collection of the medieval Dominican convent of Basel, has been mentioned in a few recent publications in connection with the names of Nicholas of Dinkelsbühl¹ and Jean Buridan². With just a one-line quotation (on f. 12) from Buridan's *Quaestiones super X libros Ethicorum*³, the manuscript is hardly a new witness of Buridan's work, but it is an extremely valuable testimony, still unexplored, of the first years of intellectual activity in the Faculty of Theology of the medieval university of Vienna.

The codex, dated around 1394-1397⁴, gathers together unique questions (*quaestiones et notae variae*) belonging to the first generation of professors

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1. See the list of new manuscripts of Nicolaus of Dinkelsbühl in M. Brinzei, C. Schabel, «The Past, Present, and Future of Late Medieval Theology: The Commentary of Nicholas of Dinkelsbühl», in P.W. Rosemann (ed.), *Medieval Commentaries on the Sentences of Peter Lombard*, Vol. 3, Leiden, Brill, 2014, pp. 174-266, here p. 264.

2. See also the list from Mirabile: <http://www.mirabileweb.it/author/iohannes-buridanus-n-1300-ca-m-11-10-1358-1361-author/19592>; B. Sere, «Liberté et lien social chez Buridan dans son commentaire sur l'Éthique (VIII-IX)», *Recherches de Theologie et Philosophie médiévales* 74/1 (2007), pp. 119-168, here p. 166.

3. Actually it is just a reference to Buridan extracted from Book 10, q. 5 of *Quaestiones super X libros Ethicorum* (*Quinto queritur utrum humana felicitas sic consistat in actu intellectus vel in actu voluntatis?*), conc. 4 et ultima. In our manuscript the passage is the following: *Magister Jo. Buridan in questione finali circa 10 Ethicorum sic dicit: 'melius placet michi ponere quod in apprehensione seu intellectione perfecta ipsius Dei consistat humana felicitas quam in actu amandi et volendi consequente, et hec sit conclusio ultima quam ego teneo – hec ille.*

4. This date has been established based on internal indications found in the codex; for example: f. 36v: *Anno domini 1397*; f. 44v: *ego respondi in aula magna anno domini*

from this academic milieu⁵. The scribe of the largest part⁶ of the codex is Henricus de Rinfeldia, another significant character, since he was the first Dominican from Basel sent to study in Vienna⁷. As a whole, the codex looks like a notebook of a student that summarises various lectures. The unicity of the codex is revealed by the fact that in many cases we have texts from authors from whom nothing else has survived (Stephan of Entzensdorf, Andrew of Langenstein, John Rusbach, and Leonard Schauer). In addition to this, we also find fragments of more famous authors, such as Nicholas of Dinkelsbühl, Henry Totting of Oyta, and Henry of Langenstein. The title of each question has been published in the catalogue of the Basel Universitätsbibliothek and I will not repeat them here⁸. In this note I will focus my attention on a case-study from which I will try to give a first impression about the nature of the composition of this codex. Among

1395; f. 84r: *scriptum anno domini 1396*; f. 110r: *scriptum 1397*; f. 116r: *1396*. Concerning the date from f. 84r (*in quo anno francigene fuerunt interfecti a turcis*) it is interesting to point out that this is a reference to the Battle of Nicopolis of 25 September 1396, when the Ottomans crushed the efforts of the European Kings to reverse the Turkish expansion into the Balkans. The statement that the Franks were defeated might express some affinity with France. The last element of dating is inserted at the end of the manuscript on f. 149r: *1474*; it appears in a fragment of a question of Henry Totting of Oyta.

5. A similar situation can be found in the mss. Erfurt, Amploniana CA. 2° 60, CA. 2° 151 and CA. 2° 173, which also contain fragments of disputed questions from the first generation of professors from Vienna's Faculty of Theology. I would like to thank here Edit Lukacs for sharing with me this information.

6. Other hands can be identified on some inserted sheets and in the last part of the text, where we find on ff. 148r-153r: Henricus Langenstein de Hassia, *Continuatio homilie s. Augustini de festo lancee et clavorum*; ff. 153v-158r: Henricus Langenstein de Hassia, *Tractatus de dici de omni in theologia*..

7. He paid his taxes to read the *Sentences* in 1396 and in 1400 he was a *bacularius formatus Wynnensis*. From 1405 he was back in his convent in Basel, where he died in 1433. He was well known for being the author of the first treatise on the moral benefit of playing card games (see *Ludus cartularum moralisatus*, ed. A. Jönsson, «Der Ludus cartularum moralisatus des Johannes von Rheinfelden», in D. Hoffmann (ed.), *Schweizer Spielkarten 1. Die Anfänge im 15. Und 16. Jahrhundert*, Berne, Museum zu Allerheiligen Schafhausen & Cartophilia Helvetica, 1998, pp. 135-147). Although I.W. Frank composes a very detailed notice on Rinfeldia, he doesn't give any information about his manuscripts. See G. Boner, *Das Predigerkloster in Basel 1233-1429*, Basel, 1935, pp. 185-186; I.W. Frank, OP, *Hausstudium und Universitätsstudium der Wiener Dominikaner bis 1500* (Archiv für österreichische Geschichte, 127), Vienna, 1968, pp. 196-197. In the medieval library of the Dominican convent from Basel we can find some other manuscripts copied by his hand: Basel, Universitätsbibliothek A-IX-92; A-X-24 and fragments in A-X-73, ff. 111r-119v. We should also add that the present codex contains on f. 89a in an inserted sheet an *Epistula Ulrici Theobaldi provincialis Teutonie OP ad Henricum de Rinfeldia studentem Viennesem data* which shows again the personal aspects of this codex.

8. See M. Steinmann, *Die Handschriften der Universitätsbibliothek Basel*: Register zu den Abteilungen AI – AXI und O, Basel, Verlag der Universitätsbibliothek, 1982.

the different names from the manuscript I have chosen to present Petrus de Treysa.

Petrus de Treysa is a key character for understanding theological teaching in the new universities of Eastern Europe during the late Middle Ages. Dean of the Faculty of Arts of the University of Vienna in 1394, he became one of the first doctors of the Faculty of Theology of this university. Later on, in 1403 and 1404, we find Petrus de Treysa as rector of this faculty and in 1406 he became the first rector of the University of Würzburg⁹. Harald Berger¹⁰ has also demonstrated that he is not the same person as the Petrus de Treysa who was a student from Prague who copied two treatises of Henry of Langenstein¹¹.

Beside the dates that help us to place this *magister* in his time, his intellectual production or his texts will better highlight his profile. In this respect, the contribution of Harald Berger from 2006¹² brought to our attention the existence of new fragments that have been saved from his pen besides the *Tractatus de rhetorica* (ms. Vienna, Österreichische Nationalbibliothek, 3829, ff. 145r-157r), which belongs to his activity as an arts student. According to Berger we can attribute to him two sermons: *Sermon tempore scismatis factus per magistrum Petrum de Treisa* (ms. Erlangen (Nürnberg), Universitätsbibliothek 553, ff. 21-24), *Sermon* (ms. Graz, Universitätsbibliothek 680, ff. 156ra-161rb); and also a *Tractatus de fide Christi* (ms. Mainz, Stadtbibliothek, Hs I 134, ff. 197r-207v).

The present *notula* aims to add to Berger's list two other fragments of texts that are connected with his activities in the Faculty of Theology. In the codex Basel, Universitätsbibliothek A-X-44, we find a summary, made probably by Rinfeldia, of Petrus de Treysa's question about the possibility of a soul separated from the body to have knowledge of the thing itself (*Utrum anime a corporibus separate cognoscant res in proprio genere*). The summary of this question has *marginalia* by the same hand at the bottom of folio 11v where an inserted passage refers to another question of Treysa: *H. m. Petrus de Treysa in questione de resurrectione Domini*. We may wonder what the style and the

9. P. Uiblein, «Beziehungen der wiener Universität im Mittelalter», in J. Paquet, J. Ijsewijn (eds.), *Les Universités à la fin du Moyen Age. Actes du Congrès international de Louvain 26-30 mai 1975*, Louvain, Institut d'études médiévales U.C.L, 1978, p. 184.

10. H. Berger, «Berichtigungen und Ergänzungen zur Bio-Bibliographie des Wiener Professors Petrus de Treysa. Ende 14. Und Anfang 15. Jahrhundert», in *Mitteilungen der Österreichischen Gesellschaft für Wissenschaftsgeschichte* 24 (2006), pp. 195-200, here pp. 195-196.

11. H. Szklenar, «Magister Nicolaus de Dybin Vorstudien. Zu einer Edition seiner Schriften. Ein Beitrag zur Geschichte der literarischen Rhetorik im späteren Mittelalter», (*Münchener Texte und Untersuchungen zur deutschen Literatur des Mittelalters*, 65), Munich 1981, pp. 214-215.

12. Berger, «Berichtigungen und Ergänzungen», pp. 197-198 (with a description of manuscripts).

nature of this question are. We lack sufficient information to determine if this question is a trace of Treysa's *Sentences* commentary. If it is such, then it is either from book I on the soul or from book IV concerning the resurrection.

Some details concerning the structure of the question lead us to conclude that it is more likely a disputed question from the Vienna Faculty of Theology. This is a genre that still needs more investigation¹³, but based on some recent publications¹⁴ we can recognize some standard characteristics. First, the simplicity of the structure, divided into three conclusions each followed by three *correlaria*. This seems to be a mandatory request imposed by the Statutes of the Faculty¹⁵.

We can also notice that in this particular case each *correlarium* is not developed, but simply states a single thesis. This may also be the result of the summarizing work done by Rinfeldia himself. There are no authoritative references in the *correlaria*. The only places where we can find quotations are in the development of the conclusions: two in the first conclusion, one to Augustine and one to *quidam doctor*, and another to Jerome in the third conclusion. In the *oppositum* to the question we trace a biblical reference to Luke 16, 25 that is repeated in the third conclusion, where we can also find the solution to the question.

13. C. Bazan does not provide any information about the Faculty of Theology of Vienna in his «Les questions disputées, principalement dans les facultés de théologie», in B.C. Bazan, J.W. Wippel, G. Fransen, D. Jacquart (eds.), *Les questions disputées et les questions quodlibétiques dans les facultés de théologie, de droit et de médecine*, (Typologie des sources du Moyen Age occidental, 44-45), Turnhout, Brepols, 1985, pp. 15-149; B. Lawn mentions the practice of debate in this faculty, but more from the perspective of the reception of the Mertonian model. See B. Lawn, *The Rise and Decline of Scholastic 'Questio Disputata', With Special Emphasis on Its Use in the Teaching of Medicine and Science*, Leiden, Brill, 1993, pp. 63-65.

14. E.A. Lukacs, «Kleine Mitteilungen. Disputieren an der theologischen Fakultät der Universität Wien um 1400», *Mitteilungen der Österreichischen Gesellschaft für Wissenschaftsgeschichte* 124/2 (2016), pp. 418-427; W.J. Courtenay, «Theological Disputations at Vienna in the Early Fifteenth Century. Harvard Ms. Lat. 162», in *Bulletin de philosophie médiévale* 53 (2011), pp. 385-401; O. Weijers, *A History of Disputation Techniques from Antiquity to the Early Modern Times*, Turnhout, Brepols, 2013; O. Weijers, *Queritur utrum. Recherches sur la 'disputatio' dans les universités médiévales*, (Studia Artistarum 20), Turnhout, Brepols, 2009, pp. 13-102 for disputation in the Faculty of Theology. See also for a general presentation D. Trapp, «The Portiuncula Discussion of Cremona (ca. 1380). New Light on the 14th Century Disputations», *Recherches de Théologie ancienne et médiévale* 22 (1955), pp. 79-94.

15. R. King, *Geschichte der kaiserlichen Universität zu Wien. 2. Statutenbuch der Universität*, Vienna, 1854, 107f: «Item ordinamus, quod questiones in Theoloyca facultate publice disputande sint racionabiles et seriose utiles materias practicas vel speculativas tangentes et quod earum tytuli sint clari, breves, decenter formati sine superfluis Rythmis et verbis fictis seu peregrinis inepte inculcatis. Item de conclusionibus intelligimus questionum decisivis, quas ternarium numerum in publicis disputacionibus excedere non permittimus». I quote here from Lukacs, «Kleine Mitteilungen», p. 420.

Speaking about quoted authorities, it is interesting to pay attention to the following detail. In the first conclusion, which deals with the impossibility of the human being's rejoining her soul to her body once it has been separated from it (*nulla creatura potest animam a corpore separatam sibi reunire*), Petrus of Treysa points out that this is justified by the fact that the ability to resuscitate is reserved to the divine nature. He reinforces this idea by quoting Augustine (*quod nichil mirabilius in operibus divinis quam mortuos suscitare*) and then he quotes *quidam doctor* that I have not yet been able to identify, but who may be even a participant in the debate¹⁶.

According to this *doctor*, either a creature or an angel can reconnect a separated soul to its body. At the end of this quotation we find in the manuscript a sign for inserting *marginalia* almost like a modern footnote, where we can read a fragment of eight lines written by the same hand but with smaller characters. It seems that is a passage extracted from another text of Treysa, since at the end of the passage we read: *H .m. Petrus de Treysa in questione de resurrectione Domini*. We find here the name of *Treysa* written with an *y*, while in the head of the question it is written *Treisa*.

In the *marginalia*, Treysa answers the arguments of the mentioned *doctor* and even gives an evaluation of them when he mentions: *secunda ratio minus habet coloris quam precedens*. Since the fragment is extracted from a different question, we can raise the following question: is Petrus of Treysa debating with the same *doctor* also in another question, i.e., the one on the *resurrectione Domini*? Unfortunately we have not yet found any trace of this question and we are not able to advance any other hypothesis.

We now reach the end of this *notula* emphasising the importance of the trace of these two questions of Petrus of Treysa transmitted in the codex Basel, Universitätsbibliothek A-X-44. This account provides new information about the theological debates in the new Faculty of Theology of Vienna at the end of the fourteenth century.

Transcription of the question, Basel, Universitätsbibliothek A-X-44, ff. 11v-12r:

Utrum anime a corporibus separate cognoscant res in proprio genere.

Arguitur quod non, nam si cognoscerent, hoc esset per species; sed post separationem non habet¹⁷ species per quas cognoscit; igitur. Minor probatur, quia non per species innatas, quia anima in instanti sue creationis est nuda,

16. Usually we find a *respondens* and an *opponens*. In her paper E.A. Lukacs shows that in the *questiones disputate in aula* in the case of the Faculty of Theology of Vienna the debate could be with a *baccalarius formatus*, a *magister* or the chancellor. See Lukacs, «Kleine Mitteilungen», pp. 422-423.

17. habet *post corr.* habent

nec per species abstractas, quia non habet organa ad abstractionem specierum sensibilium; igitur.

Oppositum arguitur, quia *dives epulo* novit Abraham in limbo inferni, igitur. Antecedens patet per illud Luce 16 <25> ubi dicitur: *recordare, quia recepisti bona in vita tua*, etc.

Conclusio prima: sicut nulla creatura potest animam a corpore separatam sibi reunire, ita nulla indispositio corporis quo ad qualitates primas sufficit ipsam a corpore separare. Prima pars probatur, quia animam corpori reunire est mortuum suscitare; sed mortuum suscitare non convenit creature; igitur. Minor probatur per dictum beati Augustini¹⁸, I *De trinitate*, c. 9: *Quod nichil mirabilius in operibus divinis quam mortuos suscitare*.

Ex quibus verbis infert quidam doctor duo. Primum quod anima separata corpori quantumcumque disposito non posset se unire per modum forme, quia si sic tunc posset facere supremum mirabilem Dei. Secundum quod angelus non posset animam sic separatam corpori formaliter coniungere, quia si sic tunc posset facere supremum mirabilem Dei¹⁹. Et rationem primi assignat, quia causa formalis non potest coincidere cum efficiente in eodem effectu. Ratio secundi secundum eum est quia angelus non continet virtualiter compositum quod resultat ex tali unione.

Sed ille rationes non videntur sufficere, ymmo potius deficere, quia nullam repugnantiam includit, ut videtur, efficiens et formam coincidere posse in eodem²⁰ effectu. Similiter secunda ratio minus habet coloris quam precedens, quia proculdubio natura angelica est perfectior humana, ergo continet compositum humanum virtualiter perfecte. Quapropter relinquitur verisimile esse animam separatam corpori suo disposito pro operationibus debitibus in eo exercendis se posse reunire, ymmo corpori sic disposito se reuniret nisi supernaturaliter teneretur in suspenso. Ex quo ulterius patet quod verisimile est animam Christi in dominica resurrectione ad reunionem ipsius cum corpore effectualiter concurrisse. Nam non minus videtur animam Christi benedictam in instanti resurrectionis donis spiritualibus fuisse supernaturaliter sublimatam quam quod corpus suum fuit dotibus corporalibus ultra nature ordinem exaltatum; sed de corporis dotalitiis nemo fidelium habet dubitare; ergo nec de dotibus anime benedictae. Unde licet secundum ordinem nature presentem et communem Dei influxum suscitatio mortuorum sit soli Deo principaliter reservata, tamen multis sanctis Dei suis est ministerialiter concessa, ymmo absolute possibile videtur fore Deum posse communicare creature mortuorum suscitationem non solum ministerialiter, sed et causaliter effective. Hec magister Petrus de Treysa in questione de resurrectione Domini²¹.

18. Cf. Augustinus, *De trinitate*, I, c. 6, 11.

19. Here we find in the manuscript the sign for inserting the *marginalia*.

20. in eodem] eodem in *ms*.

21. Et rationem primi ... de resurrectione domini] *add. marg.*

Ex quibus concluditur quod nulli creature est communicabile mortuos suscitare, quia quecumque esset illa posset facere supremum mirabilium Dei.

Secunda pars probatur, quia anima ad unionem constitutivam cum materia non determinat sibi aliquam complexionem qualitatum primarum, igitur qualitercumque variarentur propter hoc non oporteret animam a materia separari. Antecedens probatur, quia ad constitutivam unionem sufficiunt pura potentialitas²² ipsius materie ad²³ animam et actualis innitentia ipsius anime ad corpus, ita quod cum complexione mundi circumscripta illa duo adhuc essent innata constituere unum.

Correlarium primum: preter agentia particularia complexionem materie ad operationes hominis requisitam corruptentia, actio alicuius specialiter agentis est necessaria que animam separet a materia. Patet ex conclusione.

Secundum: falsa est positio que dicit quod si forma substantialis hominis sibi ipsi derelicta coexisteret materie aeris, faceret unum cum illa materia.

Tertium: quod non oportet animam exutam alicubi supernaturaliter teneri suspensam ne informative illabatur materie alicuius electi. Ambo patent ex prima parte conclusionis.

Conclusio secunda: anime a materia separate a corpore non repugnat suppositaliter existere. Probatur conclusio: nam supposito non repugnat non suppositaliter existere, ergo non supposito non repugnat suppositaliter existere. Tenet consequentia, quia nulla est diversitas. Et confirmatur, quia non videtur maius inconueniens quod aliqua res plus /12 r/ obediatur divine virtuti et ad hoc plus inclinetur quam ad quodcumque aliud quod sibi convenit ratione communis cursus omnipotentie nature, igitur.

Correlarium primum: licet aptitudo innitendi non possit ab anima auferri totaliter, stat tamen ipsam nulli inniti actualiter et vere existere personaliter. Patet ex conclusione.

Secundum: nulli non supposito repugnat suppositaliter existere.

Tertium: ad completam anime beatitudinem non est necessaria ipsius ad corpus informativa unio. Patet cum stat eam personaliter existere.

Conclusio tertia: licet certum sit animam exutam a corpore cognoscere <res> in proprio genere, ipsam tamen quandoque moveri in cognoscendo ab intrinseco quandoque ab extrinseco est probabile.

Prima pars patet per illud Luce 16 <25>: *nam dives epulo* qui fuit in inferno vidit Abraham et Lazarem in sinu eius et non cognitione in verbo, ergo in proprio genere.

Secunda pars probatur, quia in anima exuta manent species intelligibiles acquisite quando fuit corpori coniuncta et iste movent quandoque animam ad cognoscendum ea que in corpore novit, igitur. Tenet consequentia, et

22. potentialitas] anime *add. et dell. ms.*

23. ad] *add. et dell.*

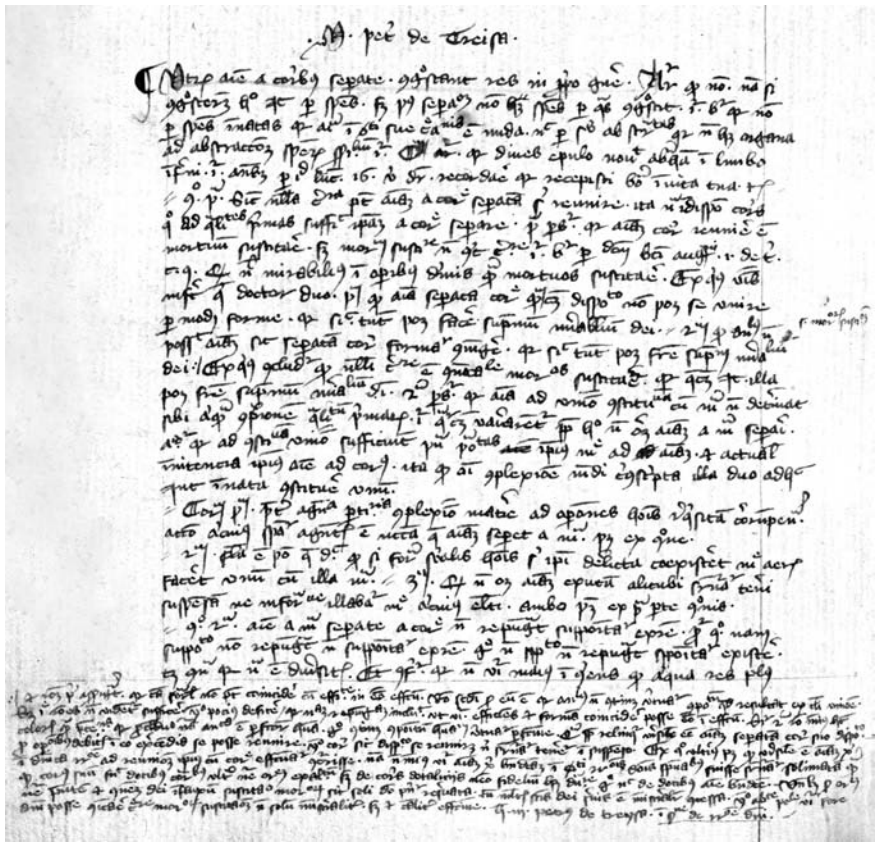
antecedens probatur per Ieronimum²⁴ in *Epistula ad Paulinum* dicentem: «discamus in terris, quorum scientia perseveret nobis in celo». Quod etiam aliquando movetur ab extrinseco patet, quia *dives epulo* novit Abraham, et non movebatur ab intrinseco, igitur ab extrinseco.

Correlarium primum: exitus anime de corpore non est quasi recessus de statu visionis ad statum cecitatis vel recessus²⁵ de statu lucis ad regionem tenebrarum.

Secundum: non omnis cognitio animarum pro quo tempore quo exute sunt est supernaturaliter²⁶ a Deo a spiritibus bonis vel malis immissa.

Tertium: questio, ut proponitur, est vera.

Basel, Universitätsbibliothek A-X-44, f. 11v (frag.)



24. Heronimus, *Epistula ad Paulinum Presbyterum*, 53, c. 10, p. 464, l. 5-6, in *Epistularum Pars I. Epistulae I-LXX*, edidit Isidorus Hilberg (Corpus Scriptorum Ecclesiasticorum Latinorum 54), Vienna, 1996.

25. de sunt] *add. et dell.*

26. supernaturaliter] *supernaturalis ms.*

