Arguing the law with Nicolaus Everardi

In the early sixteenth century some changes become already visible in the way lawyers approached the law. Not only was there a growing interest in the history of Roman and canon law, but lawyers began to free themselves from the framework offered by these legal systems. One of the signs of this are the titles of legal treatises, the growth itself of this genre, and a more systematic approach of law. Nicolaus Everardi's book on legal argumentation, his *Topicorum seu de locis legalibus liber* (Louvain 1516) is an example of this development. The book of this Dutch lawyer who presided the Court of Holland and the Great Council of Malines became almost a bestseller because of the reprints published everywhere in Europe. Printers in Bologna, Basel, Paris, Lyon, Strasbourg, Venice, Frankfurt am Main and Cologne printed this book until the mid-seventeenth century. I have found eight reprints of the first edition and eighteen of the second edition.

On the blog of the Arbeitsgemeinschaft Frühe Neuzeit Klaus Graf recently criticized sharply the new database Early Modern Thought Online (EMTO) of the Fernuniversität Hagen that enables you to search for editions of texts in the broad field of early modern philosophy and thought. The EMTO database notes in the search results the availability of online versions. In this respect Graf saw major shortcomings, because EMTO does not harvest its results from some of the major sources for early modern texts online. During my searches in digital libraries I have often looked for a digitized copy of an edition of Nicolaus Everardi's book on which I wrote my Ph.D. thesis. Against all expectations it was EMTO that finally brought me to a digitized edition of the Topicorum liber, often printed with the title *Loci argumentorum legales*. More in line with Klaus Graf's review is the fact EMTO includes only one digitized edition from a library where in fact several editions of it have been digitized, including the *editio princeps* of 1516. Graf ends his short review with recommending a search strategy. The German Wikisource website has a page on the creation of bibliographies and the collection of bibliographical data which amounts to a guide for searching digitized books. The proof of the pudding of a search strategy or a database is its practical use and effectiveness, so let's proceed to test it for Nicolaus Everardi (around 1492-1532).

EMTO points to an edition of Everardi's book made available by Google Books. However, a quick look at the book shows a shelf number and a book mark of the Bayerische Staatsbibliothek in Munich. Google Books indicates more editions have been digitized, and it is strange EMTO does not include this information. Until recently the Digitale Sammlungen formed the only gateway to the books and manuscripts digitized at Munich. These rich collections contain digitized works of Everardi's name sake, Nicolaus Everardi of Ingolstadt (1495-1570). The new OPACPlus offers more search possibilities then the Digitale Sammlungen. It appears not only editions of the Topicorum liber have been digitized but also his *Consilia* (Arnhem 1642, a late edition) and even four editions of the Synopsis locorum legalium, a reworking by Georg Adam Brunner (Magdeburg, around 1555, Darmstadt 1610, Ingolstadt 1643 and Regensburg 1671).

The Bayerische Staatsbibliothek has digitized the *editio princeps* of 1516, the reprints Bologna 1528, Paris 1543 and Basel 1544. A second augmented edition appeared for the first time in Louvain in 1552, posthumously edited by sons of Everardi, and the reprints Lyon 1564, Venice 1567, Lyon 1579, Frankfurt 1581, 1591, 1604 and 1620, Cologne 1662. Thirteen digitized versions is more than I could have imagined!

Searching Nicolaus Everardi

Which books by Nicolaus Everardi do you find following the bibliographical strategy recommended by Klaus Graf? I will use also Graf's general *Leitfaden*, his compact guide at the NetbibWiki. The Karlsruher Virtueller Katalog (KVK) is the first major tool to use. This meta-catalogue searches in library catalogues and collecitve catalogues worldwide and increasingly indicates digitized books. To show its range and depth I will take the example of the edition Paris 1543, the only result given by EMTO. When working on my thesis I had only found copies of this reprint in Munich, one at the Bayerische Staatsbibliothek, the other one at the other side

of the Ludwigstrasse in the university library of the Ludwig-Maximilians-Universität München. The KVK shows copies of the 1543 reprint in Rostock, Halle, Dresden and Washington, D.C. in the Library of Congress. Somewhat surprising remains its absence in French collections. The German Wikisource has a fine list of digital collections. Searching in them will take more time, but is the obvious thing to do. To this German list I would add for completeness' sake in the field of wiki's the list of digital library projects on the English Wikipedia.

Let's continue with the search tips of the Wikisource list. OAIster is since a few years integrated with WorldCat, an initiative to search in library catalogues worldwide. After having seen the results found by the KVK OAIster's harvest is very minimal, just one book written by the Ingolstadt namesake of Nicolaus Everardi, and not surprisingly digitized at Munich. OAIster's slogan "Finding the pearls" sounds a bit hollow to me. At this moment six of his works have been digitized. The Bielefeld Academic Search Engine BASE does find only these six works at Munich, because only the documents in the Digitale Sammlungen are among the repositories harvested by BASE. Using the Europeana library portal brings you to twenty results. Only one Munich copy of an edition of the Synopsis by Brunner is noted here, the six works of the Ingolstadt Everardi are present, and nine results from Munich specifically for my Everardi. The university library at Ghent has digitized the reprint Lyon 1579, and the Göttinger Digitalisierungszentrum the reprint Frankfurt 1604. Europeana finally shows bibliographical information for the reprint Bologna 1528, Venice 1539 and 1567 with images of the title pages made available for the census of Italian imprints of the sixteenth century.

The Wikisource list continues with a number of German tools. The BAM portal, a portal to German libraries, archives and museums, mentions almost 200 search results for Everardi, fourteen of them for Nicolaus Everardi, three for the Ingolstadt law professor and one for a Memoriale juridicum created by Georg Bucksulber from Everardi's work. BAM finds the Consilia of the Ingolstadt Everardi (2 vol., Frankfurt 1603-1604), but not one digitized book for this test case. The list mentions ZEVEP which searchs in repositories and publishers' catalogues, and the OPUS site at Stuttgart mainly presenting modern materials in digital repositories of German universities, with nothing for my example. EROMM, the European Register of Microforms and Digital Masters, does bring just one result for my case. The Zentrales Verzeichnis Digitalisierter Drucke seems promising. It yields all digitized books in Munich of my example, but it succeeds in presenting as separate objects the parts of the alphabetical index in the edition Frankfurt 1604 held at Göttingen. I will not tediously list all German catalogues. One of the more interesting is the Okeanos server of the library centre for Nordrhein-Westfalen and Rheinland-Pfalz. This centre has also created Digibib which enables you to choose libraries anywhere in Germany, to use it as a meta-catalogue for all Germany, or to use links in its generous link selections. The HEBIS portal from Hessen is leaner than Digibib but brings less search results for my case. Intriguing and frustrating is the link to a digitized manuscript of Nicolaus Everardi Ingolstadtiensis at Stuttgart, Württembergische Landesbibliothek, HB VI 15, a persistent link unfortunately not – or not yet – correctly resolved. Searching directly at the website of the Stuttgart library did not bring me to this manuscript.

The overview at the German Wikisource has not forgotten other countries. In passing the TROVE website of the National Library of Australia is noted. The clear presentation of the different types of search results make it certainly look like a kind of treasure trove, but it brought me for this very specific case only a few useful results. The Pionier portal to Polish digital libraries is in principle the kind of tool which should bring results covering many or all digital libraries in one country, but alas without results for my Dutchman. Wikisource continues with a brief section on digitized manuscripts, scientific journals and newspapers. The low rate of digitization in Switzerland is lamented, but to E-rara one can at least add retro-seals for digitized journals, the mainly Francophone RERO DOC digital library of the West Swiss library association, and for manuscripts e-codices. Dana Sutton's Philological Museum deserves well-earned praise for his efforts to create an analytical bibliography and to locate copies of digitized books with texts in Neo-Latin written after 1500. As for now only the Ingolstadt Everardi is to be found here. Elsewhere Graf almost groans about finding out about the holdings of digital libraries in Japan, but here progress is surely possible as shown at the "DigiMisc" page of the NetbibWiki.

Some conclusions

Perhaps the Everardi case is too much a case of a rare book, a rather paradoxical conclusion for a book reprinted so often during 150 years and even having its own offspring in the form of a *Synopsis* and a *Memoriale*, but some conclusions seem clear. Using the major collective catalogues and meta-catalogues is indeed the best point of depart. The KVK and its sisters for theology and religious history, the Virtueller Fachbibliothek Theologie und Kirche and the Kirchlicher Verbundkatalog, combined with Digibib and the BAM portal, give Germany a very dense coverage. Given the fact that Europeana exists only a few year it is no wonder its results can sometimes seem meagre. Wikisource did not mention the European Library, the consortium of Europe's national libraries. The Wikisource page does offer a useful general approach to digitized books, and not just a handy list for checking bibliographical data. The NetbibWiki, an initiative of Klaus Graf, offers far more detailed pages on many aspects of libraries and digital collections, for example for incunabula. It helped me very much creating my own page on digital libraries with a focus on law and legal history.

To me the best practice seems to start using the major meta-catalogues, such as the KVK, Melvyl (California), the Belgian LIBIS network, URBS and maybe the Vatican Library as a class of its own, then to go to the large digital libraries and specific national digitization projects, and finally to use the collections assembled for the field of legal history, history and law. This is a world awaiting to be conquered, and surely searching digitized materials will still consume time. However, taking into account this triple approach means also you are following the path set out by Everardi who discussed among his forms of legal argumentation *a enumeratione partium*, "from counting the parts".

A postscript

Klaus Graf points at his blog Archivalia to a list of French digital libraries at Bibliopedia. Karen Reeds points to the Internet Archive, only briefly mentioned in the list on Wikisource. It contains a growing number of books from American and Canadian libraries, and the search possibilities of the Internet Archive deserve close attention.

For old juridical books it is never too late to check the holdings of the Max-Planck-Institut für europäische Rechtsgeschichte in Frankfurt am Main and this institute's catalogues of old editions created by Douglas Osler. National bibliographies, bibliographies of legal books – e.g. the *Bibliography of Early American Law* by Morris L. Cohen (6 vol., Buffalo, N.Y., 1998; supplement 2003) - and special bibliographies for old editions, some of them online such as the Short Title Catalogue Netherlands, the Short Title Catalogus Vlaanderen for Flanders, the German VD16, VD17 and VD 18 (with digitized copies), the English Short Title Catalogue, the Italian EDIT16 and the Catálogo Colectivo de Patrimonio Bibliográfico Español, should not be forgotten. Book History Online is a database of the Dutch Royal Library in which you can search for bibliographical literature.

Otto Vervaart

http://rechtsgeschiedenis.wordpress.com/2011/02/05/arguing-the-law-with-nicolaus-everardi/