Mendicant Ecclesiology and the Apostolic Life in the Thought of the Oxford Masters, *c.*1250–1325



Amy Samantha Ebrey
St John's College
University of Oxford

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Contents

Acknowledgements **i**

Abbreviations **vi**

Short Abstract **vii**

Long Abstract **viii**

Introduction **1**

Trends in Medieval Ecclesiology 2

The Friars and the Universities 5

Chapter One: The *Manus* of Thomas of York **11**

The *Manus*: Author, Text, and Contexts 12

Secular-Mendicant Conflict in England 15

Thomas of York and the Oxford Franciscan School 18

The *loculos* 22

Bonaventure: *De perfectione evangelica* 23

The Early Franciscan Poverty Discourse 28

William of Saint-Amour: *De quantitate eleemosynae* and *De periculis* . . . 35

Thomas of York: The *Manus* 40

The *loculos*: Conclusion 45

The Papal Preaching Commission 46

Bonaventure: Papal *subauctoritas* 49

Saint-Amour: Apostolic Tradition 51

Thomas of York: Papal *plenitudo potestatis* 56

The 'Necessity or Utility' of Mendicant Preaching 65

The Mendicant Preaching Commission: Conclusion 75

Chapter Two: The *Correctorium* of William de la Mare 78

The *Correctorium*: Author, Text, and Contexts 80

William de la Mare 81

The *Correctorium* 82

Contexts 84

Ecclesiology in the *Correctorium* 87

Ecclesiastical States and Hierarchy 92

Perfection and Hierarchy 93

Strictness in the Religious Life 97

Poverty: The Religious Life 102

Poverty: The Apostolic Life 104

Poverty: Precepts and Counsels 121

The Religious Vow 142

Delation and Fraternal Correction 153

Chapter Three: The *Quodlibeta* and Poverty Treatises of Nicholas Trevet 171

Trevet the Theologian 172

Trevet's Ecclesiological *Quodlibeta* 176

The Appeal of the Oxford Dominicans 177

Quodlibets I-V 182

Quodlibet 'XI' 200

The Quodlibets: Conclusion 212

The Poverty Treatises: *De perfectione* and the *Scutum veritatis* 212

The Papal Poverty Consultation 213

The Poverty Legislation in England 219

Trevet and Apostolic Poverty 224

Conclusion **247**

Bibliography **253**

Abbreviations

ACP	*Acta capitulorum generalium ordinis Praedicatorum*, ed. B. M. Reichert, 2 vols., Monumenta Ordinis Fratrum Praedicatorum Historica 3-4 (Rome-Stuttgart, 1898–99)
AFH	*Archivum Franciscanum Historicum*
AFP	*Archivum Fratrum Praedicatorum*
AHDLMA	*Archives d'Histoire doctrinale et littéraire du Moyen Âge*
AL	Aristoteles Latinus
ALKGM	*Archiv für Literatur- und Kirchengeschichte des Mittelalters*
BF	Bullarium Franciscanum
CCSL	Corpus Christianorum, Series Latina
CF	*Collectanea Franciscana*
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
CUP	*Chartularium Universitatis Parisiensis*, ed. Heinrich Denifle and Émile Chatelaine, 4 vols. (Paris, 1889–1933)
EHR	*English Historical Review*
Friedberg	*Corpus Iuris Canonicis: Editio lipsiensis secunda*, ed. Emil Friedberg, 2 vols. (Leipzig, 1879–81; Graz, 1959)
FS	*Franciscan Studies*
FzS	*Franziskanische Studien*
GO	*Biblia latina cum Glossa Ordinaria: Facsimile Reprint of the Editio princeps [Adolph Rusch of Strasbourg]*, ed. Karlfried Froehlich and Margaret T. Gibson, 4 vols. (Turnhout, 1992)
JEH	*Journal of Ecclesiastical History*
OHS	Oxford Historical Society
PL	Patrologia Latina, ed. Jacques-Paul Migne
RSPT	*Revue des sciences philosophiques et théologiques*
RTAM	*Recherches de théologie ancienne et médiévale*
RTPM	*Recherches de théologie et philosophie médiévales*
SF	*Studi Francescani*

Since words are at a premium in doctoral theses, I have reproduced the Latin in footnotes only where the form of the word is particularly pertinent to my discussion, or where the text is available only in manuscript

Short Abstract

This thesis examines the texts and contexts in which three mendicants at the University of Oxford discussed certain ecclesiological themes in the late thirteenth and early fourteenth centuries. Although the secular-mendicant disputes at the University of Paris certainly provided a major impetus for the articulation of ideas about both the *vita apostolica*, as well as the structure of the contemporary Church and its orders, modern scholars have tended to impose certain artificial limitations upon their investigation into the effect of the mendicant orders' emergence upon the development of ecclesiological thought. Firstly, they have generally limited their examination to the Parisian schools, which bore witness to the fiercest episodes of antifraternal polemic; secondly, they have tended to downplay the role that burgeoning intrafraternal tensions played in the way that ecclesiological concepts continued to be explored and refined. By examining the works of three mendicant theologians associated with the University of Oxford – the Franciscans, Thomas of York and William de la Mare, and the Dominican, Nicholas Trevet – this thesis traces the articulation of mendicant '*aspects ecclésiologiques*' beyond the antifraternal debates at Paris. In doing so, it begins to illuminate the vitality and originality of much of the ecclesiological thought produced by mendicant theologians during this period.

Long Abstract

The study of the thirteenth- and fourteenth-century ecclesiological thought of the mendicant orders has hardly been neglected in modern scholarship, but existing studies have tended to frame its discussion within the rather narrow context of the secular-mendicant disputes at the University of Paris. These institutional conflicts were undoubtedly an important impetus for the articulation of ideas about the Church's hierarchical structure, with which the mendicant orders struggled to reconcile themselves. The disputes also prompted considerable discussion of the ideal of Christian perfection, which was inevitably based upon the apostolic *modus vivendi*. However, the prominence of the secular-mendicant controversy has unduly overshadowed other contexts in which the mendicants explored similar ecclesiological themes outside the Paris schools; and, indeed, outside a strictly secular-mendicant dichotomy. Accordingly, this thesis attempts to broaden the parameters within which modern scholarship has treated of mendicant ecclesiology by examining relevant themes in the work of three mendicant masters associated with the University of Oxford. In each case the main arguments are analysed and discussed with reference to the general, local, and intellectual contexts in which they were articulated.

The first chapter examines the *Manus quae contra Omnipotentem tenditur* (1256) of Thomas of York. During the early 1250s he served as the Franciscan regent master at Oxford, rather than Paris, and so his involvement in the burgeoning antifraternal polemic then underway in the Parisian schools cannot straightforwardly be accounted for. While Thomas plainly owed a debt to the disputed questions on evangelical perfection which had been prepared by his Parisian counterpart, Bonaventure, nonetheless the intervening criticisms of the secular master William of Saint-Amour prompted Thomas to refine and expand upon Bonaventure's arguments in distinctive ways in the *Manus*. He was also influenced by his close association with the circle of Robert Grosseteste, who consistently placed a strong emphasis on pastoral care and the

role of the mendicant orders in its provision. With particular reference to these factors, this chapter explores the two parts of the *Manus* that are now regarded as the most original or distinctive: the discussions of the apostolic *loculos* and of papal authority.

In the first part of the *Manus*, Thomas made an important contribution to Franciscan attempts to interpret the apostolic common purse or *loculos*, which had hitherto not been a major theme in early Franciscan discourse and seems only to have emerged as a contentious point of interpretation in the face of secular masters' criticisms of the mendicant orders. Thomas offered an idiosyncratic interpretation of the *loculos* that added flesh to the bones of the relatively limited Franciscan discourse, and which combatted Saint-Amour's depiction of the apostolic life as one that was characterised by individual poverty and the retention of common goods. By demonstrating that Christ's acts may be construed as simultaneously perfect *per se* while also being a concession to weakness or imperfection in others, Thomas made a significant contribution to the still-evolving Franciscan negotiation of the *loculos*, which sought ultimately to safeguard the crucial doctrine of absolute apostolic poverty that underpinned the Franciscan order's own poverty observance.

Later, in probably the best-known part of the *Manus*, Thomas examined the ecclesiastical hierarchy along Pseudo-Dionysian lines, especially the pope's role and powers as hierarch. He articulated an account of papal *plenitudo potestatis* that allowed the pope to alter existing legal norms in instances of 'utility or necessity', with the aim of defending the recent privileges that permitted mendicant participation in the pastoral sphere, particularly in the task of preaching. However, Thomas underpinned these claims with a serious and sustained argument for the inherent 'necessity and utility' of preaching, which has often been overlooked by scholars who are more interested in Thomas's conception of papal authority than the clear pastoral prerogatives that occasioned them. This chapter not only contends that this underlying pastoral interest is the most prominent and characteristic element of these chapters of the *Manus*, but also that Thomas was motivated by the strong commitment to pastoral work that is so characteristic of Grosseteste's *familia* in the English province.

The second chapter of the thesis examines the *Correctorium fratris Thomae* (*c.*1279) of William de la Mare, another Franciscan. The *Correctorium* is a wide-ranging critique of various works by de la Mare's Dominican contemporary, Thomas Aquinas, and de la Mare's 'glosses' enjoyed the endorsement of the Franciscan order. The work is usually regarded solely as a vehicle for the criticism of certain speculative doctrines, particularly the theory of unicity of substantial forms, but de la Mare also 'corrected' various 'errors' of an ecclesiological nature. Aquinas originally made many of these ecclesiological arguments in polemical works produced during the secular-mendicant controversy at Paris, where he twice served as a regent master, but they were imbued with a new authoritativeness by their subsequent incorporation into his more systematic works, especially the *Summa theologiae*. De la Mare criticised Aquinas for many of the views put forward during the university disputes, especially his failure to conflate poverty and perfection, and for his conception of religious vows – even though both friars maintained, in their different ways, the perfection of religious life. These *Correctorium* articles demonstrate the extent to which de la Mare's criticisms of Aquinas were rooted in the strong intrafraternal rivalry that predominated in the schools at both Oxford and Paris after the friars had successfully overcome the renewed threat posed by the secular masters during the early 1270s.

However, the mendicant orders did not simply revisit the main areas of disagreement that were disputed during the secular-mendicant controversy. The friars also disagreed on other points, as evinced by several other *Correctorium* articles in which de la Mare criticised Aquinas's conception of the process of fraternal correction. The differences in their accounts hinged on their interpretations of a priest's power in relation to his flock, especially his ability to enact a public delation. Fraternal correction was not a contested issue in the context of antifraternal polemic, but seems rather to have been a separate area of ecclesiological disagreement between the Dominican and Franciscan orders. Its presence in the *Correctorium*, and the sharpness of de la Mare's critique, further underscores the strength and pervasiveness of intrafraternal rivalry in the schools after the threat posed by the secular masters had receded. This chapter offers a deliberately synthetic account of the *Correctorium*'s ecclesiological articles, drawing

upon the unedited second recension of the text, and thereby brings into focus a less-appreciated strand of de la Mare's thought, while challenging modern scholarly criticism that he was a largely reactionary and unsystematic thinker.

The third and final chapter of the thesis examines certain theological works by Nicholas Trevet, who twice served as regent master for the Oxford Dominicans during the early fourteenth century, but whose theological output has been largely overlooked in modern scholarship. The first part of this chapter examines certain ecclesiological quodlibetal *quaestiones* disputed during Trevet's two regencies. Because of the unique nature of the quodlibetal genre, which allowed an unusually diverse audience to pose questions *de quolibet*, these disputations offer valuable insight into the theological preoccupations and concerns then current in the Oxford schools.

During his first regency, Trevet fielded numerous questions on matters pertaining to hierarchy and the perfection of different ecclesiastical states, as well as the pressing issue of mendicant participation in the hearing of confessions. These concerns reflect a more general re-emergence in England of tensions between the mendicant orders and the secular clergy within the pastoral sphere, which seems to have been reignited by the promulgation, after 1300, of a battery of papal decrees that attempted to strike a balance between safeguarding the clergy's jurisdictional rights while allowing the friars to fulfil their pastoral mission. Trevet was therefore called upon to consider a range of related hypothetical scenarios or 'cases of conscience' that touched, more or less obliquely, on the limitations of friars as confessors. He also dealt with more general questions about the limits of different orders within the ecclesiastical hierarchy, which illuminate his more fundamental beliefs about the ecclesiological status of different orders within the Church.

Trevet later returned to Oxford for a second regency in the wake of an unprecedented statutory conflict between the Dominicans and the University, which, it is argued, was itself a product of the more general pastoral conflict. While Trevet did not openly discuss the role of the mendicants in pastoral work in his final quodlibet, he offered a more guarded defence of the Dominican position via an examination of the

preceptive force of the Rule of Augustine. He aimed to preserve the Rule from Henry of Ghent's longstanding criticism that it provided an overly or impossibly strict form of observance, while offering a clear and coherent justification that could be understood even by junior members of the Dominican order itself. As such, Trevet proposed a fairly simple solution that was based upon the grammatical structure of the text of Augustine's Rule. In doing so, he provided a clear and fairly original interpretation of the Rule, which also reflected recent high-profile pontifical efforts to clarify the precepts and counsels in the Franciscan Rule.

The second part of chapter three attempts to reconstruct certain arguments that Trevet put forward during John XXII's consultation on apostolic poverty in 1323. Although Trevet's two poverty treatises are now lost, their key arguments can be reconstructed through the critical responses of two Franciscans, Walter Chatton and Richard Conington. Both Chatton and Conington evidently regarded Trevet as an important source of local opposition to Franciscan poverty thought, especially insofar as he defended a theory of apostolic *dominium in communi* that was incompatible with the Franciscan doctrine of absolute apostolic poverty. To prove that the apostles had not lived in absolute poverty, as the Franciscans maintained, Trevet harmonised certain aspects of the longstanding Dominican tradition concerning the apostolic life – such as their possession and use of the *loculos* – with a new and relatively original take on the origins of *dominium* in natural law, whereby he showed that it was impossible for the apostles (or, indeed, any human being) to renounce *dominium in communi*. These aspects of Trevet's poverty arguments appear to have remained fairly constant across both of the lost treatises, even though he altered other parts in response to the rapidly fluctuating papal position regarding both apostolic and Franciscan poverty.

Together, these three chapters demonstrate that ecclesiological ideas were discussed in vibrant and interesting ways outside the traditional parameters of secular-mendicant polemic, and indeed, outside the confines of the University of Paris. As members of a distinct and in many ways more regional university, the Oxford masters were hardly passive recipients of trends in Parisian ecclesiological thought. Their works

attest both to their own intellectual vitality and to the important role played by the local, contextual issues which guided their understanding of their orders' relation to the Church and the apostolic life.

Introduction

The emergence of the mendicant orders in the early thirteenth century provided an important impetus for ecclesiological discussion, which may broadly be defined as 'systematic reflection on the nature and purpose of the church'.[1] Prior to the late twelfth century the Church tended to be construed in more sacramental or mystical terms, but the friars' appearance coincided with the development of an inclination to discuss the Church as a juridical body of hierarchy and orders.[2] The friars themselves contributed to this more juridical conception of ecclesiology, since they claimed for themselves a distinctive *modus vivendi* which they regarded as a renewal of the *vita apostolica*, and which posed manifold practical and theoretical difficulties that precluded any consensus about the ecclesiastical hierarchy and its orders. These difficulties prompted a great deal of discussion – often of a polemical nature – among canonists and theologians, not to mention chroniclers and satirists, all of whom pondered the place of the mendicants within the Church, as well as the nature of the apostolic life after which they patterned themselves.[3]

[1] Paul Avis, 'Introduction to Ecclesiology', in id. (ed.), *The Oxford Handbook of Ecclesiology* (Oxford, 2018), pp.1–30, at 1, though there is also some value in Avis's slightly later discussion of 'comparative, critical, and constructive reflection on the dominant paradigms of the identity of the church'. Also valuable, though perhaps a little anachronistic, are the definitions of Nicholas M. Healy, *Church, World, and the Christian Life: Practical-Prophetic Ecclesiology* (Cambridge, 2000), p.1: 'critical theological reflection that is centred upon the nature and function of the Christian church'; and Roger D. Haight, *Christian Community in History*, 2 vols. (New York, 2005), i, p.17: 'the study of the church in an effort to understand its nature and mission'. By contrast G. R. Evans, *The Church in the Early Middle Ages* (London, 2007), p.44, describes medieval ecclesiology in particular as the 'theology of order within the Church.'

[2] Yves Congar, *L'ecclésiologie du haut Moyen-Âge: de saint Grégoire le Grand à la désunion entre Byzance et Rome* (Paris, 1968), pp.18–22; Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley and London, 1972), pp.65–95; and Dominique Iogna-Prat, *La maison Dieu: une histoire monumentale de l'Église au Moyen-Âge (v.800–v.1200)* (Paris, 2006), pp.399–422; and for some of the 'mystical' ways that the Church was discussed, see I. S. Robinson, 'Church and Papacy', in John H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c.350–c.1450* (Cambridge, 1988), pp.252–305, at 252-60; and Walter H. Principe, 'The School Theologians' Views of the Papacy, 1150–1250', in Christopher Ryan (ed.), *The Religious Roles of the Papacy: Ideals and Realities, 1150–1300* (Toronto, 1989), pp.45–116, at 49.

[3] Guy Geltner, *The Making of Medieval Antifraternalism: Polemic, Violence, Deviance, and Remembrance* (Oxford, 2012); Sita Steckel, 'Une querelle de théologiens? The concept of "polemic" in the historiography of the secular-mendicant controversy', in Bénédicte Sère (ed.), *Les Régimes de Polémicité au Moyen Age* (Rennes, 2019), pp.83–97; Penn R. Szittya, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986).

Trends in Medieval Ecclesiology

In modern scholarship, two core beliefs about medieval ecclesiological thought are predominant. Firstly, it is felt to have been largely 'juridical in nature and papal in orientation', largely in the wake of the Gregorian Reform movement of the eleventh century.[4] Secondly, scholars generally consider it as relatively unsystematic until the earliest full-length treatises '*de ecclesia*' appeared in the second half of the thirteenth century, a shi which consolidated the emergence of ecclesiology as a distinctive area of theology ('un ecclésiologie proprement dite').[5] While both of these generalisations largely reflect certain modern scholarly presuppositions about the proper matter of ecclesiology and its definition, nonetheless much of the ecclesiological thought of the thirteenth- and fourteenth-century mendicants is in conformity with them.

It is indisputable that mendicant ecclesiology had a broadly papal orientation. This was largely due to the controversial nature of the mendicant *modus vivendi* itself, with its non-conformity to the prevailing active-contemplative dichotomy applied to orders within the Church. While the friars themselves tended to present their way of life – with its distinctive combination of the renunciation of material goods and the practice of evangelism and an active pastoral ministry – as a renewal of the *vita apostolica*, and thus, the apex of Christian perfection, their critics cast the mendicants as a pernicious novelty without scriptural basis.[6] The controversy about mendicant self-identity lay at the root of the friars' frequent recourse to the papacy. They especially benefitted from a change in the direction of papal policy during the pontificate of Innocent III (1198–1216), who harnessed the zeal for evangelism and spiritual renewal of St Francis and St Dominic to his own initiatives to reform the provision of pastoral care throughout Latin

[4]James R. Ginther, 'The Church in Medieval Theology', in Gerard Mannion and Lewis S. Mudge (eds.), *The Routledge Companion to the Christian Church* (New York and London, 2008), pp.48–62, p.50; Norman P. Tanner, 'Medieval Ecclesiology and the Conciliar Movement', in Paul Avis (ed.), *The Oxford Handbook of Ecclesiology* (Oxford, 2018), pp.199–216, at 200–2.

[5]Yves Congar, 'Ecclesia ab Abel', in *Etudes d'ecclésiologie médiévale* (London, 1983), II: 79–108, at 91-3; discussed in Ginther, 'The Church', p.51.

[6]James Doyne Dawson, 'William of Saint-Amour and the Apostolic Tradition', *Mediaeval Studies* 40 (1978), pp.223–38; Beryl Smalley, 'Ecclesiastical Attitudes to Novelty *c.*1100 – *c.*1250', in *Studies in Medieval Thought and Learning from Abelard to Wyclif* (London, 1981), pp.97–116, repr. from in Derek Baker (ed.), *Church, Society and Politics* (Oxford, 1975), pp.113–31.

Christendom.[7] During the previous few centuries, numerous other groups had also modelled themselves after the *vita apostolica*, particularly lay movements such as the Norbertines and Waldensians. But these had all failed to endure because they did not secure the endorsement of Church authorities, leading to their forced assimilation with existing ecclesiastical orders, or, increasingly, their forced disbandment.[8] But Innocent employed a more tactical policy of recruiting the friars to further papal interests, and a succession of pontiffs continued to grant to the mendicant orders the privileges that were essential for their ongoing participation in preaching, hearing confessions, and other activities at the core of their pastoral mission.[9] Thus, papal endorsement – of Francis in 1210, and Dominic in 1217 – was critical for both the initial recognition and the long-term survival of the mendicant orders.[10] In turn, the mendicants' conception of themselves as instruments of the papal reforming agenda had an enduring impact on the terms in which they continued to discuss ecclesiological issues related to their place in the Church, as well as the way in which they defended the legitimacy of their pastoral *modus vivendi*.[11]

However, the mendicants neither developed a more systematic ecclesiastical theology nor took the Church as the subject for full-length treatises prior to *c.*1260; in this, they conformed to the more general pattern of ecclesiological thought.[12] Instead they discussed ecclesiological issues in a more piecemeal fashion, often in response to

[7]Thomas Prügl, 'The Fourth Lateran Council: A Turning Point in Medieval Ecclesiology?', in Gert Melville and Johannes Helmrath (eds.), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Affalterbach, 2017), pp.79–98.

[8]C. H. Lawrence, *The Friars: The Impact of the Early Mendicant Movement on Western Society* (London, 2013), pp.15–25; Gert Melville, *The World of Medieval Monasticism: Its History and Forms of Life*, trans. James D. Mixson (Collegeville, MI, 2016), pp.149–54; Herbert Grundmann, *Religious Movements in the Middle Ages: The Historical Links Between Heresy, the Mendicant Orders, and the Women's Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundations of German Mysticism*, trans. Steven Rowan (Notre Dame and London, 1995), pp.18–20; Rosalind B. Brooke, *The Coming of the Friars* (London, 1975), pp.63-74.

[9]P.-M. Gy, 'Le statut ecclésiologique de l'apostolat des prêcheurs et des mineurs avant la querelle des mendiants', *RSPT* 59 (1975), pp.79–88.

[10]Melville, *Medieval Monasticism*, pp.143–4. The necessity of papal support is underlined by the Lateran IV canon *Ne nimia* (1215), in which Innocent III restricted the legitimate forms of religious expression to those already formally acknowledged by the Church; as well as the abolition of certain lesser mendicant groups by Gregory X at the Second Council of Lyon in 1274. For the papacy in relation to these lesser orders, see Frances Andrews, *The Other Friars: The Carmelite, Augustinian, Sack and Pied Friars in the Middle Ages* (Woodbridge, 2006), pp.90–1; and Andrew Jotischky, *The Carmelites and Antiquity: Mendicants and Their Pasts in the Middle Ages* (Oxford, 2002), pp.151–4.

[11]Tanner, 'Medieval Ecclesiology', pp.204–5; Szittya, *Antifraternal Tradition*, pp.8–9.

[12]Ginther, 'The Church', p.52; Yves Congar, *L'Église de Saint Augustin à l'époque moderne* (Paris, 1970), pp.217–18.

recent events or specific criticisms that encouraged them to return to, and reflect upon, the fundamental issue of their place within the hierarchy of the Church.[13] Indeed, the discussion of the Church that the emergence of the mendicant orders prompted has proved to be one of the more concrete contexts in which modern scholars have explored such medieval ecclesiological thought. Most notably, in a seminal 1961 article, Yves Congar offered an overview of the 'aspects ecclésiologiques' surrounding the institutional 'querelles' between the mendicant and secular masters at the University of Paris during the thirteenth and fourteenth centuries.[14]

It therefore appears that the ecclesiological thought produced by the mendicant orders during the thirteenth and fourteenth centuries satisfies both of the main generic conventions applied to the study of medieval ecclesiology more generally: that is, it was broadly papally oriented, and also tended to be articulated relatively unsystematically. However, there are inherent issues associated with any *carte blanche* application of such generalisations. Not only do they impose modern disciplinary standards upon medieval conceptions of the Church, but they also limit the ecclesiological texts and contexts with which modern scholars tend to engage to those that fulfil pre-existing disciplinary preconceptions about the 'proper' subject of medieval ecclesiology. Perhaps the most limiting factor in the modern study of medieval mendicant ecclesiology is Congar's article itself, which includes a table of events and texts that risks being construed as a definitive 'canon' of mendicant ecclesiological texts and events.[15] Such is the popularity of Congar's article that mendicant ecclesiology of the thirteenth and early fourteenth

[13]For the importance of this kind of 'reflexive' or 'event-centred' ecclesiology, see especially Ginther, 'The Church', pp.50–4. This unsystematic approach does not render inaccessible a more concrete synthetic overview of their ecclesiological thought, as evinced by George Sabra, *Thomas Aquinas' Vision of the Church: Fundamentals of an Ecumenical Ecclesiology* (Mainz, 1987), which is mostly successful in offering just such a synthetic overview of Aquinas's conception of the Church.

[14]Yves Congar, 'Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^{e} siècle et le début du XIV^{e}', *AHDLMA* 31 (1961), pp.35–151; see also Charles Zuckerman, 'Dominican Theories of the Papal Primacy 1250–1320', unpublished PhD diss. (Cornell, 1971); and John Thomas Marrone, 'The Ecclesiology of the Parisian Secular Masters: 1250–1320', unpublished PhD diss. (Cornell, 1973), both supervised by Brian Tierney, and which both further enlarge upon Congar's rather synthetic account of Parisian ecclesiology.

[15]Congar, 'Aspects ecclésiologiques', pp.44–52. A more prosaic, but no less pressing, reason for the privileging of certain ecclesiological works over others is the relative availability of those texts in modern editions. Although some of the main works investigated in this thesis *are* accessible as edited texts, such as the *Manus* of Thomas of York and the first recension of the *Correctorium* of William de la Mare, others are only available as manuscripts; and of these manuscripts, not all have been digitised. Indeed, some works by Trevet are not known to survive at all, and have to be reconstructed from references by contemporaries.

centuries is now discussed almost solely in terms of secular-mendicant conflict and the institutional conflicts at Paris.[16] In short, a range of other contexts in which mendicant theologians dealt with ecclesiological subjects have yet to be explored.

The Friars and the Universities

For numerous reasons, the universities were at the centre of mendicant ecclesiological speculation. They emerged as leading centres of theological teaching during the first few decades of the thirteenth century, especially at Paris and Oxford, and the mendicant orders involved themselves in university life from a relatively early period.[17] The Dominicans and Franciscans settled at Paris in 1217 and 1219, respectively, and at Oxford in 1221 and 1224.[18] Although these schools were initially founded to serve the mendicants' own internal educational networks, by the early 1230s, the Franciscan and Dominican *studia* at both Paris and Oxford were recognised as constituent schools within the universities after several prominent secular masters in theology took the habit, bringing their teaching chairs into the possession of the mendicant *studia*.[19] Nonetheless the mendicants themselves continued primarily to construe these schools as the apex of their orders' own teaching networks rather than constituent parts of the universities. This dual aspect of mendicant *studia* caused considerable conflict with the universities'

[16] James Doyne Dawson, 'Richard FitzRalph and the Fourteenth Century Poverty Controversies', *JEH* 34 (1983), pp.315–44, Before giving way, later in the fourteenth century, to the criticisms of Richard FitzRalph and the emergence of Wycliffism, discussed in: Szittya, *Antifraternal Tradition*, pp.144–8; Jeremy Catto, 'Wyclif and Wycliffism at Oxford 1356-1430', in Jeremy Catto and T. A. R. Evans (eds.), *The History of the University of Oxford, ii: Late Medieval Oxford* (Oxford, 1992), pp.175–261, at 183–4. However, see Wendy Scase, *Piers Ploughman and the New Anticlericalism* (Cambridge, 1989), pp.7–9; and especially Geltner, *Medieval Antifraternalism*, pp.25–7, for a more nuanced conception of the trajectory of theological antifraternalism.

[17] The close link between the development of the universities and the papacy as a leading supporter of the mendicant orders is also important. See especially Gaines Post, *The Papacy and the Rise of the Universities*, ed. with foreword William J. Courtenay (Leiden, 2017), pp.54–62.

[18] For the Dominicans, see M. Michèle Mulchahey, *'First the Bow is Bent in Study': Dominican Education Before 1350* (Toronto, 1998), pp.26, 219; for the Franciscans, Bert Roest, *A History of Franciscan Education (c.1210–1517)* (Leiden, 2000), pp.6–7. Both orders were also established at Cambridge by the mid-1220s, although it remained a relatively minor university for at least another century John R. H. Moorman, *The Grey Friars in Cambridge, 1252-1538* (Cambridge, 1952), p.6; John Marenbon, 'Introduction: New Perspectives on the Early Fourteenth-Century Universities, and Cambridge as a Centre of Intellectual Life', in id. (ed.), *King's Hall, Cambridge and the Fourteenth-Century Universities: New Perspectives* (Leiden, 2020), pp.1–26.

[19] See Mulchahey, *First the Bow is Bent*, pp.352–78 for the Dominicans; Roest, *Franciscan Education*, pp.16–17 for the Franciscans; and Gordon Leff, *Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries: An Institutional and Intellectual History* (Huntington, NY, 1975), pp.36–8 for Paris, 103–4 for Oxford.

secular masters, especially at Paris, where the friars repeatedly refused to participate in the more general cessations of teaching that had traditionally served as the university's most assured method of upholding its rights and privileges against interference from civic authorities.[20] Despite these pressures, secular-mendicant relations were relatively peaceful at Oxford throughout this period, perhaps simply because of differences in the university's legislative structure.[21] Still, when outbreaks of antifraternal strife did occur, they often began in the wake of more localised, institutional tensions within the sphere of the universities themselves, which then tended to precipitate more general discussion about the rights and place of the mendicant orders in the Church.[22] It is for precisely this reason that episodes of disharmony involving the friars in the universities have attracted a great deal of attention from scholars of mendicant ecclesiological thought.

However, secular-mendicant conflict was by no means the only impetus for the mendicant masters' engagement with questions of a more ecclesiological nature; and even when the battle-lines of disagreement were drawn along more broadly secular-mendicant lines, there were often great disparities of opinion between the thought of the Franciscan and Dominican masters themselves. At the root of these intrafraternal differences lay the two orders' fundamentally divergent conceptions of the *vita apostolica* – especially the apostles' observance of poverty – which reflected the markedly different impetus of their founders, as well as the legislative growth of the orders themselves. Whereas St Dominic, a regular canon, had pressed the Rule of Augustine into the service of an order of preachers, his counterpart St Francis was a charismatic layman whose original attempts to codify his followers' way of life comprised little more than a collection of passages from the gospel.[23] Even though the

[20]The secular masters also resented the mendicants' encroachment upon the limited supply of teaching chairs in the theology faculty. Leff, *Paris and Oxford*, pp.36–8; Hastings Rashdall, *The Universities of Europe in the Middle Ages*, ed. F. M. Powicke and A. B. Emden, 3 vols. (2nd edn., Oxford, 1936), i, pp.371–97; Andrew G. Traver, 'Rewriting History? The Parisian Secular Masters' *Apologia* of 1254', *History of Universities* 15 (1997–9), pp.9–45.

[21]Leff, *Paris and Oxford*, pp.82–97; Rashdall, *Universities*, iii, pp.66–76. Both of the major episodes of secular-mendicant conflict at Oxford are discussed later in this thesis. See below, pp.15 for the 1253 dispute, and 177 for the Dominican appeal of 1311-13.

[22]Geltner, *Medieval Antifraternalism*, pp.28–9; Szittya, *Antifraternal Tradition*, pp.1–10; Scase, *New Anticlericalism*, pp.1–5.

[23]Gert Melville, 'The Charismatic Leader and the *Vita Religiosa*: Some Observations About an Apparent Contradiction Between Individual and Institution', in Antonia Fitzpatrick and John Sabapathy (eds.), *Individuals and Institutions in Medieval Scholasticism* (London, 2020), pp.139–55; David Knowles, *The Religious Orders in England*, 3 vols. (Cambridge, 1948–59), i, pp.152–3.

numeric prominence of the lay element among his early followers did not long outlast Francis himself, and indeed had begun to give way to a process of 'clericalization' and institutionalisation even during his own lifetime, nonetheless the order retained Francis's strong emphasis on apostolic poverty and humility, as well as his personal identification with the *vita Christi*.[24] Yet Francis's reluctance to provide his followers with an overly structured form of religious life – epitomised by the difficulties surrounding the codification of an approved rule for the order – gave greater scope for subsequent generations of Franciscans to fill in the many gaps; and, moreover, for the emergence of considerable internal disagreement over his intention and vision for the order. The Dominicans, by contrast, patterned themselves after the apostolic communal ideal delineated in the book of Acts, but their determination to conform to the *vita apostolica* remained consistently subservient to the underlying pragmatism of their founding impetus to preach and participate in the pastoral work that would ensure the salvation of souls.[25] At root, then, while Francis was inspired by a deeply personal but poorly defined conception of the evangelical life that shaped the identity of his order, the example of the *vita apostolica* was only one of several factors that determined the nature and purpose of the Dominicans.

These ideological differences were accompanied, and exacerbated, by the rivalry caused by the orders' almost exactly contemporary emergence: they built convents in the same towns and cities, and competed for the same recruits and the same alms and patronage. This was no different in the universities, where the two orders competed for novices from the same relatively small local pools of eligible masters and students.[26] In 1272, for example, the Franciscan regent master at Oxford, John Pecham, publicly rebuked the Dominican provincial general for England, Robert Kilwardby, for appearing to impugn the Franciscan interpretation of apostolic poverty in a letter circulated among the Dominican novices. But while the theoretical nub of the conflict was the two orders'

[24]Melville, *Medieval Monasticism*, pp.165–9; Lawrence C. Landini, *The Causes of the Clericalization of the Order of Friars Minor, 1209-1260, in the Light of Early Franciscan Sources* (Chicago, 1969).

[25]Gert Melville, 'The Fixed and the Fluid: Observations on the Rational Bases of Dominican Constitution and Organization in the Middle Ages', in Cornelia Linde (ed.), *Making and Breaking the Rules: Discussion, Implementation, and Consequences of Dominican Legislation* (Oxford, 2018), pp.19–35; Knowles, *Religious Orders*, i, pp.150–2; Mulchahey, *First the Bow is Bent*, p.36–8.

[26]A. G. Little, *The Grey Friars in Oxford* (Oxford, 1892), pp.71–2.

mutually incompatible conceptions of the poverty of Christ and the apostles, it seems to have been precipitated by the orders' more prosaic rivalry over the recruitment of the novices themselves.[27] Only Pecham's response to Kilwardby survives *in toto*, but it is not far-fetched to suppose that Kilwardby had openly criticised the Franciscan poverty observance in the letter. He had, after all, refused to intervene in a 1269 dispute between the Oxford Dominicans and Franciscans, which, although it also centred upon the orders' conflicting interpretations of apostolic poverty, again seems to have originated as a localised competition over lay legacies and funerary bequests.[28] These events have attracted particular attention from scholars of the mendicant orders in Oxford; indeed, they appear to affirm the broadly intrafraternal nature of much of the conflict that precipitated mendicant ecclesiological thought in the schools.[29] However, while they are valuable waypoints in the history of Oxford ecclesiological thought, their importance has perhaps been unduly magnified because of the stature of Kilwardby and Pecham themselves; for both friars later attained an unparalleled prominence in the political history of the thirteenth-century English Church when they were elevated to the archiepiscopate of Canterbury, in which capacity they were also responsible for the enactment of notable doctrinal condemnations at Oxford.[30] Yet both the 1269 dispute and the epistolary conflict between Pecham and Kilwardby are relatively isolated events, and so are of rather limited value without further research into the deeper currents of ecclesiological thought at Oxford. The universities were, after all, an important arena for ecclesiological discussion precisely because the schools provided the backdrop for the exchange of ideas and arguments.

[27]John Pecham, 'Tractatus contra Fratrem Robertum Kilwardby', in Charles Lethbridge Kingsford, A. G. Little, and Felice Tocco (eds.), *Fratis Johannis Pecham: Tractatus Tres de Paupertate* (Aberdeen, 1910), pp.91–147; see also William A. Hinnebusch, *The Early English Friars Preachers* (Rome, 1951), pp.348–56.

[28]Little, *Grey Friars in Oxford*, pp.320–35, at 321–2 for the rivalry over bequests. In stark contrast to the situation at Paris, this disagreement concluded only after the friars sought arbitration from the secular masters.

[29]M. W. Sheehan, 'The Religious Orders 1220–1370', in Jeremy Catto (ed.), *The History of the University of Oxford, i: The Early Oxford Schools* (Oxford, 1984), pp.193–221, at 204–5; David Burr, *Olivi and Franciscan Poverty: The Origins of the Usus Pauper Controversy* (Philadelphia, 1989), pp.151–3; Little, *Grey Friars in Oxford*, pp.71–8; although Rashdall, *Universities*, iii, pp.66–76, persisted in regarding all institutional conflict in secular-mendicant terms.

[30]Andrew E. Larsen, *The School of Heretics: Academic Condemnation at the University of Oxford, 1277–1409* (Leiden, 2011), pp.25–63; Leff, *Paris and Oxford*, pp.271–2; C. H. Lawrence, 'The University in State and Church', in Jeremy Catto (ed.), *The History of the University of Oxford, i: The Early Oxford Schools* (Oxford, 1984), pp.97–150, at 116–18. The standard biographies on Kilwardby and Pecham are, respectively, Ellen M. F. Sommer-Seckendorff, *Studies in the Life of Robert Kilwardby, O.P* (Rome, 1937); and Decima L. Douie, *Archbishop Pecham* (Oxford, 1952).

This is not to say that it is possible, or even desirable, to attempt a survey of mendicant ecclesiological thought at Oxford on the basis of 'waves' of related events, or distinctive 'phases' of conflict, as Congar and others have done for the Paris schools.[31] It is simply not apparent that the Oxford schools bore witness to any such systematic or continuous conflict, of either an antifraternal or an intrafraternal nature. Nonetheless, there is inherent value in exploring another, perhaps more straightforward, aspect of the mendicant masters' existence: that is, the theological works that they produced. These works not only shed light on the theoretical currents that sustained the ongoing practical differences between the mendicant orders, but they also provide a clearer idea of the range and nature of the controversial mendicant *aspects ecclésiologiques* that emerged during the thirteenth and early fourteenth centuries as a whole. To a great extent, it was inevitable that efforts to subject the orders' founding visions of apostolic purity to more rigorous 'scholastic' enquiry should have provoked such conflict and disagreement: the impetus under which each order had been founded was entirely different. Moreover, each order also conceived of its own *modus vivendi* as reflection of the apostolic life and thus a means to attaining Christian perfection, a belief that could be construed as an implicit challenge to other ecclesiastical states and forms of life. As such, it is unsurprising that mendicant masters at Oxford and across Latin Christendom attempted to square the evangelical basis of their existence with the hierarchical and pastoral realities of the contemporary Church, nor that the controversies engendered by their pursuit of this task should have continued to emerge.

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The main aim of this thesis is, accordingly, to broaden the textual and contextual parameters in which mendicant ecclesiology is usually explored, via an examination of some of the *aspects ecclésiologiques* discussed by the mendicant masters at Oxford during the mid-thirteenth and early fourteenth centuries. The Oxford schools offer a more or less direct counterpart to the schools at Paris due to the many underlying organisational and statutory similarities between the two institutions, but the ecclesiological thought of

[31] See especially the detailed account of events in Michel-Marie Dufeil, *Guillaume de Saint-Amour et la polémique universitaire parisienne* (Paris, 1972); and Palémon Glorieux, '*Contra Geraldinos*: L'enchaînement des polémiques', *RTAM* 7 (1935), pp.129–55.

the Oxford masters has so far attracted far less scholarly attention. This is largely because the Parisian theological schools enjoyed greater intellectual prestige throughout this period; but it is also because there was not a comparable sustained outbreak at Oxford of institutional antifraternalism, which still tends to be regarded as the main driving force behind mendicant ecclesiological thought during this period. Insofar as the Oxford schools were largely marked by intrafraternal, rather than antifraternal, conflict, especially in relation to the orders' contested vision of the apostolic life, they offer greater scope for examining mendicant ecclesiology outside such a narrow secular-mendicant dichotomy.

Rather than treating the works of the Oxford mendicants as a pale reflection of Parisian ecclesiological discourse, or attempting to construct a more systematic timeline with which to connect these texts as expressions of ecclesiological thought, this thesis instead considers the kinds of *aspects ecclésiologiques* that some of the Oxford mendicants discussed, and takes into account the distinctive conjunction of local and general contexts in which they did so. Some of the same ecclesiological *aspects* do recur in the works of the Franciscans, Thomas of York and William de la Mare, and the Dominican, Nicholas Trevet, the main subjects of the following chapters. Furthermore, all three of these masters were influenced, to varying degrees, by intellectual developments at Paris. However, they each engaged with ecclesiological *loci* in very different ways that reflected both the modalities of the particular contexts in which they wrote and the broader ideological stances that they attempted to defend. Although the challenges faced by Oxford mendicants were not totally unique, since the coming of the friars affected the whole of Latin Christendom, this thesis attempts to demonstrate that there were distinctive differences between the experiences of the friars in the English universities and those of their counterparts elsewhere. These differences played an important role in the way that the Oxford friars engaged with ecclesiological questions.

Chapter One:
The *Manus* of Thomas of York

The *Manus quae contra Omnipotentem tenditur* was the only major text of the Parisian secular-mendicant controversy to have been composed by a relative outsider to the University of Paris. It is almost certainly the work of Thomas of York, whose struggle to incept as a doctor of theology in 1253 represented the high-water mark of institutional antifraternalism in thirteenth-century Oxford.[1] The *Manus* was initially circulated towards the end of what Congar termed the first 'wave' of the institutional controversy, perhaps shortly after the papal condemnation of the antifraternal treatise *De periculis novissimorum temporum* on 5 October 1256 and the exile of its author, William of Saint-Amour, *de facto* leader and chief spokesman of the Parisian secular masters. These events culminated in the full restoration of the Franciscan and Dominican masters to the *consortium magistri*.[2]

The *Manus* has tended to be treated exclusively as a response to *De periculis*, and repeated analysis by different scholars of its structure and argumentation has sustained the view that Thomas was engaged with the secular-mendicant disputes in the Parisian schools.[3] However, this does not preclude the exploration of other relevant intellectual contexts that informed the work, especially the local and intellectual influences upon Thomas as an Oxford master. These not only offer considerable insight into the arguments put forward in the *Manus*, but also the ways that mendicant ecclesiology was discussed outside of the University of Paris during the 1250s. In particular, Thomas

[1] The modern edition of the *Manus* was published under the name of Bertrand of Bayonne, but its attribution to Thomas is now widely accepted. Franz Pelster, 'Thomas von York, O.F.M. als Verfasser des Traktats "*Manus quae contra Omnipotentem tenditur*"', *AFH* 15 (1922), pp.3–22; Éphrem Longpré, 'Fr. Thomas d'York O.F.M La première Somme métaphysique du XIII^{e} siècle', *AFH* 19 (1926), pp.875–930, at 881–6.

[2] For its place in Congar's 'canon', see Congar, 'Aspects ecclésiologiques', p.46; and for the events of the Parisian disputes of the 1250s, see especially Dufeil, *Guillaume de Saint-Amour*, pp.242–6; Decima L. Douie, *The Conflict Between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century*, The Aquinas Society of London: Aquinas Papers 23 (Oxford, 1954), pp.6–16; Leff, *Paris and Oxford*, pp.34–47.

[3] Andrew G. Traver, 'Thomas of York's Role in the Conflict Between Mendicants and Seculars at Paris', *FS* 57 (1999), pp.179–202, at 181–3; Dufeil, *Guillaume de Saint-Amour*, pp.243–4; Douie, *Conflict*, pp.13–14.

brought to bear certain beliefs and interests that were characteristic of a member of the mid-thirteenth-century Oxford Franciscan *studium* of Robert Grosseteste and Adam Marsh. Indeed, it seems that it was precisely the latter influence that made the *Manus* such a distinctive contribution to the Parisian disputes.

The *Manus*: Author, Text, and Contexts

Thomas deals with three main positions in the *Manus*.[4] In the first part (chapters one to four) he argues that the apex of Christian perfection consists in the absolute relinquishment of all temporal goods, not merely the abandonment of mental desire for goods, the preservation of goods sufficient to meet immediate needs, or the possession of goods in common.[5] In the second part (chapters five to twelve) he addresses the problem of begging, seeking both to prove that it is licit to beg while being capable of manual labour, and to show that the performance of spiritual works such as preaching is sufficient to merit the receipt of alms.[6] In the third part (chapters 13 to 18) he defends the pope's authority to bestow a preaching commission on non-priests by arguing that papal *plenitudo potestatis* can overturn both the traditional hierarchical framework of the Church and the precedents enshrined in positive ecclesiastical law.[7]

On the basis of the *Manus*'s tripartite structure, scholars have come to slightly different conclusions about the influences on Thomas that informed the text. Michel-Marie Dufeil suggested that the first part originated as a *quaestio* on absolute poverty, perhaps intended to buttress the ordinary questions *De perfectione evangelica* disputed in the spring of 1256 by his Parisian counterpart, Bonaventure, shortly before Saint-Amour issued *De periculis*.[8] Conversely, Andrew Traver suggested that the third

[4]Douie, *Conflict*, pp.14–15; Dufeil, *Guillaume de Saint-Amour*, pp.244–5; Roberto Lambertini, *Apologia e crescita dell'identità francescana (1255-1279)* (Rome, 1990), p.27.

[5]Thomas of York, 'Manus quae contra Omnipotentem tenditur', in Max Bierbaum (ed.), *Bettelorden und Weltgeistlichkeit an der Universität Paris: Texte und Untersuchungen zum Literarischen Armuts- und Exemtionsstreit des 13. Jahrhunderts (1255-1272)* (Münster, 1920), pp.37–168, at 39–82.

[6]Ibid., pp.82–134.

[7]Ibid., pp.134–67.

[8]Dufeil, *Guillaume de Saint-Amour*, p.244: '[l]es thèmes…sont ceux du *De mendicitate* et succèdent sinon comme dans une question, du moins comme dans une solution'. See also Michel-Marie Dufeil, '*Ierarchia*: Un concept dans la polémique universitaire parisienne du XIII^{e} siècle', in *Saint Thomas et l'histoire*, with a foreword by Jacques Le Goff (Aix-en-Provence, 1991), pp.551–85, at 561, where Dufeil describes the *Manus* as '[h]omogène à toute l'oeuvre de Bonaventure'. Bonaventure may have prepared

part of the *Manus*, rather than the first, differs most substantially from the other two parts – that is, while the first two parts show clear structural and argumentative similarities with the disputed questions *De perfectione evangelica*, such that Thomas can be said to have written through a 'Bonaventuran prism', he breaks away from his confrère's work in the third part of the *Manus* to produce a relatively novel take on the papal preaching commission.[9] Nonetheless, both Dufeil and Traver agreed that themes from both pre- and post-*De periculis* strands of the mid-1250s Parisian controversy are present in the *Manus*, so that it is hard to ascertain whether Thomas had direct access to *De periculis*.[10]

Other evidence helps, not only to consolidate the *Manus* as a reaction to the Parisian disputes and particularly to Saint-Amour – not least Bonaventure's positive identification of him as the bogeyman of the *Manus* in a later polemical treatise[11] – but also to demonstrate Saint-Amour's prominence in the institutional conflict. In addition to *De periculis*, he had preached at least nine sermons against the friars and disputed several academic *quaestiones* that criticised various aspects of the mendicant orders' *modus vivendi*.[12] It is therefore unsurprising that Thomas treated Saint-Amour, and especially *De periculis*, as a focal point of his own defence of the mendicant orders.[13] The prologue of the *Manus* itself lends weight to this suggestion, for Thomas makes several allusions to *De periculis*'s distinctive apocalyptic motif – particularly Saint-Amour's

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an earlier version of the disputed questions ahead of his failed inception in 1252; see Ignatius C. Brady, 'The Editions of the *Opera Omnia* of Saint Bonaventure (1882-1902)', *AFH* 70 (1977), pp.352–76, at 370; Balduinus Distelbrink, *Bonaventurae scripta: authentica, dubia vel spuria critice recensita* (Rome, 1975), pp.11–12.

[9]Traver, 'Thomas of York's Role', pp.196–7; Andrew G. Traver, 'The Forging of an Intellectual Defense of Mendicancy in the Medieval University', in Donald S. Prudlo (ed.), *The Origin, Development, and Refinement of Medieval Religious Mendicancies* (Leiden, 2011), pp.157–95, at 167.

[10]Traver, 'Intellectual Defense', pp.166–7; Dufeil, *Guillaume de Saint-Amour*, pp.244–6.

[11]Bonaventure, 'Apologia pauperum contra calumniatorem', in *Opuscula varia ad theologiam mysticam et res ordinis fratrum minorum spectantia*, S. Bonaventurae Opera Omnia 8 (Quaracchi, 1898), pp.223–330, at 235.

[12]For the issue of dating *De periculis* and Saint-Amour's *opuscula*, see Peter R. McKeon, 'The Status of the University of Paris as *Parens Scientiarum*: An Episode in the Development of Its Autonomy', *Speculum* 39 (1964), pp.651–75, at 660 n.51; Dufeil, *Guillaume de Saint-Amour*, pp.174–80; Andrew G. Traver, 'The *Reportatio* of St. Bonaventure's Disputed Question *De mendicitate*', *AFH* 92 (1999), pp.287–98; Jacques-Guy Bougerol, 'De la *Reportatio* à la *Redactio*', in *Les genres littéraires dans les sources théologiques et philosophiques médiévales: définition, critique et exploitation* (Leuven-la-Neuve, 1982), pp.51–65.

[13]Douie, *Conflict*, p.13; John R. H. Moorman, *A History of the Franciscan Order from its Origins to the Year 1517* (Oxford, 1968), pp.128–9; Dufeil, *Guillaume de Saint-Amour*, p.244; Lambertini, *Apologia*, p.12. The secular masters may have adopted many of Saint-Amour's most distinctive antifraternal arguments on a more official basis; see Traver, 'Intellectual Defense', p.162.

extensive use of St Paul's eschatological prophecies from the second letter to Timothy, which describe the defining characteristics of the heretics whose emergence will herald the imminent coming of Antichrist. In a similar way, Thomas evokes the prophecies from this epistle while impugning the work of 'the wicked man who has stretched out his hand against the Almighty'; and he also refers extensively to Jeremiah, with whom Saint-Amour strongly identified.[14] Furthermore, by writing in this way, Thomas implies that he intended the *Manus* as a riposte to the criticisms of a single opponent. Since it was a common practice in contemporary treatises and *quaestiones* to allude to a single straw-man opponent who served as a foil against which to construct a comprehensive rebuttal of numerous argumentative points, these references might simply be considered a rhetorical device.[15] But Saint-Amour's prominence in the disputes, and the specificity of Thomas's eschatological illusions – not to mention Bonaventure's subsequent testimony – suggest that he was indeed the main target of the *Manus*.

The condemnation of *De periculis* in October 1256, which is widely held to have brought the first 'phase' of the Parisian secular-mendicant controversy to a close, somewhat negated the *Manus*'s immediate function.[16] However, the *Manus* still contributed significantly to subsequent phases of Parisian antifraternal conflict.[17] It provided the basis for both the lengthy rebuttal released by Saint-Amour's ally Gerard of Abbeville in 1269 at the start of what is usually regarded as the controversy's second 'wave', as well as the corresponding defence of the friars produced by Bonaventure in the same year.[18] From his exile in Burgundy, Saint-Amour himself devoted much of his

[14]Thomas of York, 'Manus', pp.37–9. Saint-Amour first likened himself to Jeremiah in the sermon *Qui amat periculum*, prepared slightly later in 1256. William of Saint-Amour, *The Opuscula of William of Saint-Amour: The Minor Works of 1255-1256*, ed. Andrew G. Traver (Münster, 2003), p.155. He made continued use of these allusions in his later works. Andrew G. Traver, 'The *Liber de Antichristo* and the Failure of Joachite Expectations', *Florensia* 14 (2001), pp.1–12.

[15]Olga Weijers, *Terminologie des universités au XIII^e siècle* (Rome, 1987), pp.335–43.

[16]Congar, 'Aspects ecclésiologiques', p.46; Dufeil, *Guillaume de Saint-Amour*, p.283. The condemnation of *De periculis* may also have slowed the circulation of the *Manus* at Paris – as late as 1260, Gerard of Abbeville complained of the difficulty of obtaining a copy. *Chartularium Universitatis Parisiensis*, ed. Heinrich Denifle and Émile Chatelaine, 4 vols. (Paris, 1889–1933) (henceforth CUP), i, no.367.

[17]Traver, 'Intellectual Defense', p.170, describes it as 'pivotal'; and Geltner, *Medieval Antifraternalism*, p.24 n.27, as '[t]he textual point of departure for most pro-mendicant writers after Bonaventure and Aquinas'.

[18]Gerard of Abbeville, *Contra adversarium perfectionis christianae*, in Sophronius Clasen, 'Tractatus Gerardi de Abbatisvilla "Contra adversarium perfectionis christianae"', *AFH* 31 (1938), pp.276–329; 32 (1939), pp.89–200; Bonaventure, *Apologia pauperum*, p.235. For this 'wave', see Congar, 'Aspects ecclésiologiques', pp.46–50; and Glorieux, 'L'enchaînement des polémiques'.

own antifraternal *magnum opus*, the *Collectiones catholicae*, to the direct refutation of the *Manus*.[19] The *Manus* therefore became an important catalyst for the discussion of secular-mendicant tension during the 1270s, which has further contributed to the scholarly tendency to interpret it strictly in terms of those institutional disputes.

Secular-Mendicant Conflict in England

Even though Thomas engages with the conflict at the University of Paris in the *Manus*, he almost certainly could not have participated in it more directly.[20] As regent master at the Oxford *studium* between 1253 and the summer of 1256, and then at the Cambridge *studium* from the autumn of 1256, he had little time for a sojourn abroad.[21] It also seems unlikely that Thomas, as an outsider to Paris, should have written the *Manus* at the command of the pope or the Franciscan order; as Traver noted, it would thus appear that he did so 'on his own initiative', perhaps in the wake of some more local outbreak of antifraternalism.[22] Yet there is no evidence of open hostility against the friars at Oxford or Cambridge during this period, except in relation to the difficulties that Thomas himself faced when incepting for his degree as doctor of theology in 1253.

The circumstances surrounding the inception crisis are largely known through a pair of letters sent by Thomas's own former master, Adam Marsh, to William of Nottingham, the provincial minister for the English Franciscans and also a former member of the Oxford Franciscan *studium*.[23] These letters shed useful light upon the mindset of the Oxford Franciscans with whom Thomas consorted, and whose influence was of such importance for his intellectual development. According to Marsh, Thomas

[19] Andrew G. Traver, 'The Place of William of Saint-Amour's *Collectiones catholicae* in the Secular-Mendicant Conflict at Paris', in Tristan Sharp with Isabelle Cochelin et al. (eds.), *From Learning to Love: Schools, Law, and Pastoral Care in the Middle Ages. Essays in Honour of Joseph Goering* (Toronto, 2018), pp.183–202, at 186.

[20] Traver, 'Thomas of York's Role', pp.182–3; in opposition to claims such as those in Congar, 'Aspects ecclésiologiques', pp.112, 134.

[21] Traver, 'Thomas of York's Role', pp.182–3; Peter Raedts, *Richard Rufus of Cornwall and the Tradition of Oxford Theology* (Oxford and New York, 1987), p.9.

[22] Dufeil, *Guillaume de Saint-Amour*, p.243, suggested that Thomas was chosen to prepare an answer to *De periculis* by Alexander IV; meanwhile, Douie, *Conflict*, pp.13–14, averred that the Franciscan order chose Thomas for this task. Either way, it is unlikely that a relative stranger to the Paris schools would have been selected to undertake such an important mission. Traver, 'Thomas of York's Role', p.182.

[23] For Nottingham, see Beryl Smalley, 'Which William of Nottingham?', in *Studies in Medieval Thought and Learning from Abelard to Wyclif* (London, 1981), pp.249–88, repr. from *Mediaeval and Renaissance Studies* 3 (1954), pp.200–38, at 249–52.

was initially refused leave to incept because he had not previously attained a degree in arts, as stipulated by the university statutes.[24] Marsh himself regarded the university's decision as evidence that mendicant candidates 'chosen by God would be rejected by inhumanity', implying a belief that a more general antipathy against the friars was responsible for the refusal rather than a concern to uphold the university statutes.[25] After a lengthy consultation between the friars and the university, a compromise was struck: Thomas would be permitted to incept, but all future candidates without an arts degree – nearly all future mendicant candidates, who were prevented by the statutes of their orders from studying for the degree in arts – must obtain a special unanimous grace from the regent masters in theology.[26]

Other than this brief episode of disharmony, there is no evidence of any significant antifraternal tension between the secular and mendicant masters at Oxford during the thirteenth century. It is almost certain that the Oxford mendicants endured none of the physical violence that afflicted their counterparts at Paris during the mid-1250s, or that the Oxford Dominicans claimed to face in a later conflict over university statutes.[27] However, the thirteenth-century English mendicants *did* encounter resistance outside of the universities. Probably the most significant witness for the emergence of English antifraternalism is the Benedictine chronicler Matthew Paris, rather than any university master or cleric. He accused the friars of overzealously pursuing their pastoral privileges within the localities at the expense of the local monasteries and clergy, and of diverting income to their own missions – complaints that are frequently bound up in Paris's broader critique of papal interference in the jurisdictional rights of parish priests and

[24] Adam Marsh, *The Letters of Adam Marsh*, ed. and trans. C. H. Lawrence, 2 vols. (Oxford, 2006–10), no.186.

[25] Ibid., no.190. This claim also reflects an implicit belief in the divine ordination of the mendicant orders.

[26] *Statuta Antiqua Universitatis Oxoniensis*, ed. Strickland Gibson (Oxford, 1931) (henceforth SAUO), p.49; see also Leff, *Paris and Oxford*, p.104; Little, *Grey Friars in Oxford*, pp.38–9. To Marsh, these terms smacked too much of capitulation. He evaded the university's request to put his own name to the compromise, and continued to maintain his belief in the inherent right of mendicant candidates to proceed unimpeded to the theology degree. Marsh, *Letters*, no.190.

[27] For the violent repercussions that the Parisian Dominicans faced, see Edward Tracy Brett, *Humbert of Romans: His Life and Views of Thirteenth-Century Society* (Toronto, 1984), p.33; and Hannah Skoda, *Medieval Violence: Physical Brutality in Northern France, 1270–1330* (Oxford, 2013), pp.121–2; although Geltner, *Medieval Antifraternalism*, p.113, suggests that the friars exaggerated the reports of violence. The struggles of the Oxford Dominicans are discussed in chapter three of this thesis.

monasteries, of which he regarded the friars as an important instrument.[28] Paris even used Grosseteste – a *quondam* master of the Oxford Franciscans and a stalwart patron and protector of the friars – as a mouthpiece for criticism of the mendicant orders' unprecedented privilege of preaching anywhere, implying that the bishop shared his own conception of their pastoral work as a reflection of undue papal interference in the pastoral sphere.[29] While Grosseteste did not shy away from criticising the papacy for perceived interference in episcopal prerogatives, especially when this affected the provision of pastoral care in the dioceses, it seems most unlikely that he would have cast any great public aspersion upon the friars.[30] They figured among his closest companions and helpers, and he actively sought their assistance in preaching and hearing confessions.[31] Still, Grosseteste's death in October 1253 may well have precipitated an uptick in open expressions of hostility towards the friars in England; it was certainly a significant event for Thomas as a member of the bishop's extended *familia* among the Franciscans at Oxford.[32]

The association between Grosseteste and the Oxford Franciscans offers scope for the exploration of a slightly different method of examining the *Manus* as a product of the Oxford Franciscan *studium*, for it sheds light on Thomas's rather idiosyncratic intellectual and ideological commitments. Over the years, many scholars have discussed Thomas's metaphysical teaching with reference to the Oxford Franciscan *studium*, especially in view of his association with Adam Marsh and Grosseteste.[33] Yet there has

[28]Matthew Paris, *Chronica Majora*, ed. Henry Richard Luard, 7 vols., Rerum Britannicorum Medii Aevi Scriptores (Rolls Series) 57 (London, 1880), iii, pp.332–4. See also Sita Steckel, 'Narratives of Resistance: Arguments against the Mendicants in the Works of Matthew Paris and William of Saint-Amour', in Janet Burton, Phillipp R. Schofield, and Björn K. U. Weiler (eds.), *Authority and Resistance in the Age of Magna Carta* (London, 2015), pp.157–77; Geltner, *Medieval Antifraternalism*, p.73. Many of Paris's criticisms appear to have been justified, at least from the perspective of the English Benedictines and their dealings with the friars; see Williel R. Thomson, 'The Image of the Mendicants in the Chronicles of Matthew Paris', *AFH* 70 (1977), pp.3–34.

[29]Matthew Paris, *Chronica Majora*, v, pp.400–7; although Paris also asserts, somewhat inconsistently, that Grosseteste would have taken the habit himself had he not been elected to the episcopate.

[30]Brian Tierney, 'Grosseteste and the Theory of Papal Sovereignty', *JEH* 6 (1955), pp.1–17; Geltner, *Medieval Antifraternalism*, pp.61–3; Richard Southern, *Robert Grosseteste: The Growth of an English Mind in Medieval Europe* (2nd edn., Oxford, 1992), pp.276–91; and see p.61, below.

[31]Robert Grosseteste, *Letters of Robert Grosseteste, Bishop of Lincoln*, ed. and trans. Frank A. C. Mantello and Joseph Goering (Toronto, 2010), nos.14–16; Servus Gieben, 'Robert Grosseteste at the Papal Curia, Lyons 1250. Edition of the Documents', *CF* 41 (1971), pp.340–93, at 376; discussed in William H. Campbell, *The Landscape of Pastoral Care in 13th-Century England* (Cambridge, 2018), pp.145–6.

[32]Leff, *Paris and Oxford*, pp.103–4; Traver, 'Thomas of York's Role', p.183 n.18.

[33]C. H. Lawrence, 'Adam Marsh at Oxford', in Patrick Zutshi and Michael Robson (eds.), *The Franciscan Order in the Medieval English Province and Beyond* (Amsterdam, 2018), pp.159–80, at 174–9; Dorothea E.

been no similar attempt to explore how the *Manus* might also reflect the influence of the Franciscan school at Oxford, particularly another prominent aspect of Grosseteste's theological teaching – namely, the provision of pastoral care. This omission is all the more glaring because Adam Marsh especially praised Thomas for his commitment to the *cura animarum*.

Thomas of York and the Oxford Franciscan School

The earliest surviving reference to Thomas is from 1245, in another letter from Marsh to William of Nottingham. Marsh, who was attending the First Council of Lyon as part of Grosseteste's retinue, urged Nottingham to keep a careful eye on Thomas, a student at the order's London convent, and to encourage his pursuit of philosophical study.[34] Marsh also confided his fear that Thomas might one day be compelled by the order to leave the English province, to the detriment of his countrymen.[35] The letter therefore reveals that Thomas was singled out early on by the leading English Franciscans, with an ultimate view of securing him the Oxford regent's chair; and furthermore, that they wanted to retain their brightest stars within the English province.[36]

It is clear why Marsh took such an early interest in Thomas, whose surviving works attest to his aptitude for the philosophy and speculative subjects that were taught at the order's provincial schools.[37] The best known of these is his unfinished ten-part metaphysical *summa*, the *Sapientiale*, which reveals the breadth of Thomas's learning and his debt to the Greek translation projects that Grosseteste and his Franciscan assistants undertook during his episcopate.[38] However, two of Marsh's other letters shed

Sharp, *Franciscan Philosophy at Oxford in the Thirteenth Century* (Oxford, 1930), pp.49–51; James McEvoy, *Robert Grosseteste* (Oxford, 2000), pp.158–9.

[34]Marsh, *Letters*, no.211; For Marsh at Lyon, see Hans Wolter and Henri Holstein, *Lyon I et Lyon II* (Paris, 1966), p.100. Raedts, *Richard Rufus*, pp.7–9, speculates interestingly on Marsh's hopes for Thomas; although as late as 1251, Marsh opined that Thomas was not yet sufficiently mature to assume a teaching position. Marsh, *Letters*, no.196.

[35]Grosseteste, *Letters*, no.114. He therefore echoed Grosseteste's worry that Marsh himself would be detained by the Parisian friars if he tarried too long in France after the conclusion of the general council. For the allocation of teaching positions by the orders' superiors, see Neslihan Şenocak, 'The Franciscan *Studium Generale*: A New Interpretation', in *Philosophy and Theology in the Studia of the Religious Orders and at the Papal Court*, ed. Kent Emery Jr., William J. Courtenay, and Stephen M. Metzger (Turnhout, 2012), pp.221–36, at 226.

[36]Lawrence, 'Adam Marsh at Oxford', p.174.

[37]McEvoy, *Robert Grosseteste*, pp.154–9; Roest, *Franciscan Education*, pp.137–46.

[38]A critical edition of the *Sapientiale* is currently being published, and should prove an invaluable

light on Thomas's substantial involvement in another of the prerogatives of Grosseteste and his *familia*: the provision of pastoral care, in which the English friars played an increasingly important role.[39] These letters, of which Thomas is attributed co-authorship, describe the case of Hugh Cote, a Franciscan apostate who stood accused of the theft and 'forbidden use' of horses.[40] The Oxford friars' participation in this case was by no means irregular: an early constitution passed by the Franciscan general chapter had prohibited the 'ejection or imprisonment' of any friar, even those guilty of a serious crime, without first obtaining 'the counsel of discerning brothers (*fratrum discretorum*)'. Marsh consistently applied to Thomas the epithet '*discretus*', which, beyond indicating a more general gift for discernment or discretion, denoted friars who had been specially appointed to assist the head of a friary with difficult decision-making.[41] Thomas may have occupied such a role at Oxford, meaning that he had a formal position of authority among his brethren even before he became regent master; if so, this may explain his involvement in Cote's case. Marsh, Thomas, and the Oxford custodian implored William of Nottingham, as provincial minister, to keep Cote's case within the order's jurisdiction rather than handing him over to the secular authorities, because they could better enact a punishment that would secure his salvation: 'let the sentence not be so harsh as to exclude mercy; let mercy not be so gentle as to make the sentence soft'. They repeated these pleas to the custodian at Worcester, underscoring their desire to pursue Cote's 'recall from the jaws of hell' – that is, the salvation of his soul.[42]

source of information about the place of Thomas's philosophical teaching. Fiorella Retucci, 'Intersecting Wisdom: Thomas of York and His Sources', in Lydia Schumacher (ed.), *Early Thirteenth-Century English Franciscan Thought* (Berlin, 2021), pp.221–41; Longpré, 'Thomas d'York'; Sharp, *Franciscan Philosophy at Oxford*, pp.51–2.

[39]Philippa Hoskin, *Robert Grosseteste and the Thirteenth Century Diocese of Lincoln: An English Bishop's Pastoral Vision* (Leiden, 2019), pp.101–27; Leonard E. Boyle, 'Grosseteste and the Pastoral Care', in Dale B. J. Randall (ed.), *Medieval and Renaissance Studies: Proceedings of the Southeastern Institute of Medieval and Renaissance Studies, Summer 1976* (1978), pp.3–51; Alexander Murray, 'Confession as a Historical Source in the Thirteenth Century', in R. H. C. Davis and J. M. Wallace-Hadrill (eds.), *The Writing of History in the Middle Ages* (Oxford, 1981), pp.275–322, at 305–22.

[40]Marsh, *Letters*, nos.87, 194.

[41]Cesare Censi, 'De fratrum minorum constitutionibus Prenarbonensibus', *AFH* 83 (1990), pp.50–95, at 77. See also Neslihan Şenocak, *The Poor and the Perfect: The Rise of Learning in the Franciscan Order, 1209-1310* (Ithaca, NY, 2012), p.70.

[42]Marsh, *Letters*, no.194. The suggestion that Cote's case might be dealt with outside of the order reflected a recent law of Henry III that allowed the English Franciscans to decide whether to hand over apostates to the secular arm or to deal with them amongst themselves. F. Donald Logan, *Runaway Religious in Medieval England, c.1240–1540* (Cambridge, 1996), pp.98–9. This law followed in the wake of considerable internal strife among the English Franciscans concerning the punishment of friars who illicitly used money, which it was primarily intended to address. Michael Robson, 'Robert Grosseteste and the Greyfriars in the Diocese of Lincoln', in Maura O'Carroll (ed.), *Robert Grosseteste and the Beginnings of a British Theological*

This protracted effort to ensure Cote's spiritual wellbeing is not the only evidence of Thomas's commitment to the *cura animarum*. He also worked with Marsh, Grosseteste, and Nottingham to support a Franciscan mission to Denmark that was intended to provide pastoral assistance to local priests.[43] And when Marsh emphasised Thomas's qualities in a letter to Grosseteste, he described him, not as a learned student, but as 'energetic, discerning, and well-disposed, and fired by heaven with a burning ardour for all things pertaining to the salvation of souls', a description repeated almost word-for-word in another letter to the bishop, offering valuable insight into the qualities that Marsh and Grosseteste most esteemed in their associates.[44] These references demonstrate that Thomas was as valued by the leading English Franciscans for his engagement with pastoral care as for his 'proven learning'.[45] And, while they largely reflect Marsh's own priorities, nonetheless they establish a clear link between Thomas and the pastorally minded cluster of Franciscans in Grosseteste's circle. This offers an additional context in which to consider the pastoral arguments of the *Manus*.

From the perspective of a study of the influences that affected Thomas of York, the most significant parts of the *Manus* are those that deviate from Bonaventure's disputed questions. Traver has asserted that the most prominent deviations occur during Thomas's discussion of the apostolic common purse in chapter four of the *Manus*, and in chapters 13–18, where he sets out a comprehensive theory of the papal power to endow a universal preaching commission upon the mendicant orders.[46] In light of the overriding scholarly interest in the *Manus* as a vehicle for the defence of papal power, it is striking that Thomas offers up his most original contributions to the secular-mendicant disputes in relation to these particular issues. For, on the one hand, the Franciscans devoted much of their energy to the defence of their practice of absolute poverty, which they modelled after an interpretation of the apostolic *modus vivendi* as absolutely poor, and which they increasingly justified with recourse to papal commentaries on the Franciscan Rule; and on the other, they, like all of the mendicant orders, depended on papal privileges to

Tradition: Papers Delivered at the Grosseteste Colloquium held at Greyfriars, Oxford on 3rd July 2002 (Rome, 2003), pp.289–317, at 313–14.

[43]Marsh, *Letters*, no.8.

[44]Marsh, *Letters*, nos.69, 26. Marsh is described in nearly identical terms in Grosseteste, *Letters*, no.99.

[45]Marsh, *Letters*, no.186.

[46]Traver, 'Intellectual Defense', p.162.

legitimise their participation in the *cura animarum*, including their right to preach. Thus, the parts of the *Manus* in which Thomas's contribution appears most idiosyncratic are precisely those in which he was compelled to offer a defence of aspects of mendicant life on the basis of papal proclamation; and where he goes considerably further than Bonaventure in articulating a theory of papal *plenitudo potestatis*.

The third part of the *Manus* itself reads differently if it is taken to reflect a personal interest in pastoral work, especially in the context of the Oxford Franciscan school.[47] In these chapters, Thomas underlined his belief in the intrinsic value of preaching as a tool for ensuring the salvation of the Christian people. Indeed, it was this desire to defend the participation of the religious orders in preaching and as pastoral assistants that compelled Thomas to articulate the uncompromising theory of papal *plenitudo potestatis* for which the *Manus* is now best known. Even this argument's hierarchical dimension reveals how greatly he was influenced by the Oxford Franciscans, for it depends upon a conception of the ecclesiastical hierarchy in which the pope, as hierarch, acts upon his hierarchical inferiors with an irresistible centrifugal force – a strongly papocentric interpretation of the Church that echoes the work of Thomas's close associates, Robert Grosseteste and Adam Marsh. Thomas was also indebted by their dependence upon the hierarchical texts of Pseudo-Dionysius, translations of which Grosseteste had prepared in the early 1240s with the assistance of a group of Graecist friars that almost certainly included Marsh.[48]

Thus, while Thomas's interests were certainly primarily 'academic' or 'scholastic' in a conventional sense, it would be a mistake to suppose that he did not also highly value the pastoral impetus of the mendicant *modus vivendi* and participate in it himself, or that he construed its defence in purely hypothetical terms in the *Manus*.

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[47] See below, p.73.

[48] Daniel A. Callus, 'Robert Grosseteste as Scholar', in Daniel A. Callus and F. M. Powicke (eds.), *Robert Grosseteste, Scholar and Bishop: Essays in Commemoration of the Seventh Centenary of His Death* (Oxford, 1955), pp.1–69, at 56–61; Hyacinthe Dondaine, *Le Corpus Dionysien de l'Université de Paris au XIII^e siècle* (Rome, 1953), pp.31–4; James McEvoy, *The Philosophy of Robert Grosseteste* (Oxford and New York, 1982), pp.69–70. Admittedly, Thomas himself does not appear to have used Grosseteste's translations, opting instead for the older versions by Sarracenus. However, this preference was not unusual even among the Oxford friars, who held original copies of Grosseteste's translations. Southern, *Robert Grosseteste*, p.310; Dondaine, *Le Corpus Dionysien*, p.116.

The *loculos*

The first substantial deviation from Bonaventure's *De perfectione evangelica* occurs in chapter four of the *Manus*, where Thomas treats of the apostolic common purse, or *loculos*.[49] The gospels mention the purse just twice, in John xii:6 and xiii:29, but these passages were substantially glossed in the early medieval period. As such, a threefold pattern of exegesis had been established long before the thirteenth century, wherein the *loculos* was discussed in terms of poor relief, as an act of condescension to those who were too weak and imperfect to do without money, and as the blueprint for future ecclesiastical wealth administration.[50] All three of these glosses were incorporated into the discussion of clerical property in *Causa* 12 of the *Decretum*, as well as the *Glossa Ordinaria*, which further reinforced their normative status as interpretations of the *loculos*.[51]

The existence of the *loculos* came to pose a special difficulty for the Franciscans, since it could be taken to imply that Christ and the apostles – the paradigm of Christian perfection – had supported themselves through the possession of a common store of money. This possibility was not easily reconcilable with what had already become a commonplace of the standard Franciscan conception of the *vita apostolica*, namely, that the apostles had lived in absolute poverty. Perhaps because of this potential difficulty, there is little evidence of Franciscan engagement with the common purse until the middle of the thirteenth century. The order only rallied in defence of its poor ideals when the secular masters seized upon references to the *loculos* to criticise mendicant poverty.[52] In response, the mid-thirteenth-century Franciscans initiated a distinctive tradition of

[49]The most detailed discussion of the *Manus*'s account of the common purse is Traver, 'Intellectual Defense', pp.167–70.

[50]Ibid., pp.167–8, for the earlier exegetical history of the *loculos*.

[51]C.12 q.1 cc.12–13, 17, in *Corpus Iuris Canonicis: Editio lipsiensis secunda*, ed. Emil Friedberg, 2 vols. (Leipzig, 1879–81; Graz, 1959) (henceforth Friedberg), i, cols.681, 683; *Biblia latina cum Glossa Ordinaria: Facsimile Reprint of the Editio princeps [Adolph Rusch of Strasbourg]*, ed. Karlfried Froehlich and Margaret T. Gibson, 4 vols. (Turnhout, 1992) (henceforth GO), iv, p.253 (John xii:6) for the use of the *loculos* on behalf of the poor, 256–7 (John xiii:29) for its use as a receptacle for the apostles' own goods, and as a model for ecclesiastical administration.

[52]Indeed, the order's overwhelming focus on poverty seems only to have emerged later, eclipsing an earlier tendency to prioritise the special place of humility or simplicity. Michael F. Cusato, 'Poverty', in Robert Pasnau and Christina van Dyke (eds.), *The Cambridge History of Medieval Philosophy*, i, 2 vols. (2nd edn., Cambridge, 2014), pp.577–92; Neslihan Şenocak, 'The Making of Franciscan Poverty', *Revue Mabillon, n.s.* 24 (2013), pp.1–22.

exegesis in which the *loculos* was harmonised with the order's broader vision of the apostles' absolute poverty. This tradition transcended the bounds of secular-mendicant conflict, and became an important component of Franciscan poverty thought.

Bonaventure: *De perfectione evangelica*

At first glance, the actual novelty of either Thomas's, or even Bonaventure's, approach to the *loculos* is difficult to appreciate. Both masters resorted exclusively to pre-existing exegetical strategies for accommodating the common purse and, indeed, are careful to underline the authoritative status of the interpretations that they apply. Moreover, Thomas reiterates all of Bonaventure's glosses on the *loculos* in the *Manus*; although there are also distinctive differences between their interpretations, implying that they had somewhat different conceptions of the apostolic *modus vivendi* in relation to poverty. However, both masters frame their chosen glosses within a distinctively Franciscan conception of the absolute poverty of the apostles, allowing them to breathe new life into these older exegetical strategies.

Thomas examines the *loculos* at the end of the first part of the *Manus*, in the context of the more general question of whether the apostles had truly renounced all temporal goods. While he puts forward other arguments to support this view of apostolic poverty, mostly concerning the inherent danger of complete renunciation, Thomas devotes particular attention to the specific case of the *loculos*. The anonymous opponent against whom he positions himself holds that, in accordance with the exhortation from Luke vi:40, a disciple should only attempt to emulate and not to outdo his master; therefore, Christians who renounce all temporalities appear to be setting aside the *modus vivendi* demonstrated by their master, Christ, who had a common purse, and arrogantly to be attaching greater perfection to their own practice of absolute poverty.[53] Bonaventure had set up his discussion of the *loculos* in exactly the same way in *De perfectione evangelica*, a similarity that illustrates Thomas's dependence on his confrère's slightly earlier work.[54] However, the two friars offer quite different

[53]Thomas of York, 'Manus', pp.39–40.

[54]Bonaventure, 'Quaestiones disputatae de perfectione evangelica', in *Opuscula varia theologica*, S. Bonaventurae Opera Omnia 5 (Quaracchi, 1891), pp.117–98, at 128.

		Interpretation	Authority cited
Saint-Amour	*De quantitate eleemosynae* (1255)	Administration of ecclesiastical goods	C.12 q.1 cc.12,[56] 13,[57] 17[58]
Bonaventure	*De perfectione evangelica* (early 1256)	Poor relief	Jerome, *Commentariorum in Matheum*
		Condescension to the weak	Augustine, *Enarrationes in Psalmos*
		Times of persecution	Bede, *In Lucae evangelium expositio*
Saint-Amour	*De periculis* (March 1256)	Support the apostolic community	C.12 q.1 c.17
Thomas of York	*Manus* (mid-late 1256)	Condescension to the weak	Augustine, *De opere monachorum*
		Administration of ecclesiastical goods	Augustine, *In Iohannis*, c.52
		Poor relief	Augustine, *In Iohannis*, c.50
		Diminishing opportunities for wickedness	Chrysostom, *Homilia LXXXVIII In Joannem*
		Times of persecution	Bede, *In Lucae evangelium expositio*

Interpretations of the *Loculos*

[56]Friedberg, i, col.681 ('*Exemplum*'); from Augustine, *In Iohannis evangelium tractatus CXXIV*, c.50.
[57]Friedberg, i, col.681 ('*Expedit*'); from Prosper, *De vita contemplativa.*
[58]Friedberg, i, col.683 ('*Habebat Dominus loculos*'); from Augustine, *In Iohannis*, c.52.

interpretations of the purse in their efforts to dissolve this same argument. Most notably, Thomas examines the purse in much greater detail than Bonaventure – an 'extraordinary amount' of space in the *Manus* is devoted to the interpretation of the *loculos*.[55] Thomas sets out a fivefold gloss of the purse in order to substantiate the ways in which Christ intended for it to serve as a paradigm to both the perfect and the imperfect:

> Christ had a common purse [1] out of compassion or condescension to the weak; [2] in order to institute the form of ecclesiastical wealth; [3] to show that it is permissible to have money; [4] to diminish opportunities for wickedness; and [5] to provide succour in times of increased struggle and persecution.[59]

Thomas is careful to provide an authoritative source for each of these glosses – the first three are drawn from the works of Augustine (one from *De opere monachorum*, the others from the homilies on John); the fourth is taken from John Chrysostom's homilies on John; and the fifth, from Bede's commentary on Luke.[60] The first two of the Augustinian glosses had appeared in the ordinary gloss for John xii:6, which depicted the common purse as a repository for alms; and all three were incorporated into *Causa* 12 of the *Decretum*. However, neither Chrysostom's nor Bede's glosses appear in either the gloss or the canon law compilations.[61] Thomas therefore incorporates all three of the standard glosses into his interpretation of the common purse, plus an additional two – one of which, the argument from necessity, he evidently adopted from Bonaventure, who had put the same passage of Bede to a similar use in the second of his disputed questions *De perfectione evangelica*.

In that disputed question, known as *De abrenunatione*, Bonaventure had considered whether absolute renunciation is equivalent to perfection. Like Thomas, he examined the common purse while discussing the various ways that Christ's acts serve as a paradigm to other Christians; and again, like Thomas, one of the hypothetical arguments that he cited in opposition to the absolute renunciation of goods is based on the application to John xii:6 of the exhortation from Luke vi:40: namely, he argued that,

[55] Traver, 'Intellectual Defense', p.167.
[59] Thomas of York, 'Manus', p.60.
[60] Ibid., pp.60–2. See the table on p.24 of this thesis.
[61] See, respectively GO, iv, p.253; and C.12 q.1 cc.12–13, 17, in Friedberg, i, cols.681, 683.

just as disciples should not seek to outdo their masters, so Christians should not try to outdo the poverty of Christ, who had a purse, by surrendering all temporal goods. In response to this argument, Bonaventure observed that some commentators felt that these evangelical references to the common purse proved that it had held the donations of the faithful, some of which were used to procure necessities on behalf of the apostles themselves rather than given to the poor.[62] Consequently, it would seem that those who insisted that perfection consists in renouncing all money and temporal goods are guilty, not only of deviating from the example of the apostolic community, but also of attributing to themselves a state of poverty that they regard as more perfect than that actually practised by Christ and the apostles.[63] Bonaventure responded to this argument by offering an interpretation of the *loculos* which, insofar as it was only threefold, was somewhat less far-reaching than that posited by Thomas just a few months later.

> Christ had a common purse [1] to sustain other poor people [...2] as a condescension to the weak [...and 3] to obtain necessary goods, especially when travelling through Samaria. From these glosses, it is very clear that the mode in which the Lord had a common purse in no way diminished His poverty. For in these ways, He condescended to weakness and to necessity, but in order that the form and example of poverty that He came chiefly to demonstrate to humankind would be preserved. The Apostle says [in 2 Cor. viii:9] of this that 'He was made poor on our behalf, so that we would be lacking in temporal goods' – that is, by voluntarily adhering to the highest poverty.[64]

Bonaventure therefore depicted the common purse in rather traditional terms, as a source of poor relief and as an act of condescension or compassion to the weak and imperfect, although he also cited Bede's rather less mainstream interpretation of the apostolic *sacculi* from Luke xxii:35 to show that Christ only permitted the apostles themselves to use purses in difficult or dangerous circumstances.[65] All three of Bonaventure's interpretations reappear in the *Manus* (albeit not always with the same authorities attached to them), as does Bede's gloss. However, Bonaventure's account

[62]Bonaventure, *De perfectione evangelica*, p.128; citing C.12 q.1 c.17 ('*Habebat Dominus loculos*'), in Friedberg, i, col.683.

[63]Bonaventure, *De perfectione evangelica*, p.128. Later, in the second 'phase' of the secular-mendicant controversy, Gerard of Abbeville was to accuse Thomas of York of such hubris. Abbeville, *Contra adversarium*, p.97.

[64]Bonaventure, *De perfectione evangelica*, p.131.

[65]Bede, *In Lucae evangelium expositio*, ed. David Hurst, CCSL 120 (Turnhout, 1960), pp.5–425, at 383–4.

differs from Thomas's in certain important ways. For example, Bonaventure totally omitted the interpretation of the *loculos* as a paradigm for the ecclesiastical administration of temporal goods, despite its appearance in these terms in the *Decretum*. He may have done so because William of Saint-Amour made much of that interpretation; and, if so, this signals an inherent difference in the way that the two Franciscan masters were inclined to tackle their opponent's discussion of the *loculos*; that is, while Bonaventure may well have deliberately ignored Saint-Amour's arguments, Thomas opts to show how they could be harmonised with a position more compatible with the Franciscan belief in the perfection of absolute poverty.[66]

Thomas's discussion of the common purse also differs from Bonaventure's in that he expands at length upon another crucial element of the account from *De perfectione evangelica* – namely, the claim that 'the Lord's mode of having a *loculos* in no way diminished His poverty' in fact.[67] Thomas argues that Christ's use of the *loculos* is just one example from a wider category of activities that He undertook even though they were not perfect, as a means of condescending to human weakness. In doing so, Thomas intends to refute the suggestion that the existence of the purse implies that absolute poverty constitutes a state of imperfection, insofar as it is a deviation from purse-holding as the norm that characterises apostolic life, and wishes to show instead that it was an act intended solely to illuminate the weak and imperfect, which had no bearing on Christ's own poor state. As such, Thomas distinguishes between the acts that Christ performed, dividing them into acts undertaken '*per se*', *i.e.* because of their inherent perfection and as an example to the perfect, and acts undertaken on behalf of the weak ('*per alios*'), *i.e.* as a means of populating a category of imperfect yet licit behaviour. The *loculos* falls into this latter category: Christ allowed the apostolic community to possess a purse 'not because of Himself, but because of others; and not to demonstrate the summit of perfection, but to condescend to the weak'.[68] In a similar way, He had sometimes fled from danger, and consumed meat and wine.[69] Because these acts are

[66]See below, p.35.

[67]Bonaventure, *De perfectione evangelica*, p.131.

[68]Thomas of York, 'Manus', p.59.

[69]Thomas of York, 'Manus', p.60. The claim that ordinarily Christ abstained from meat and wine brings the apostolic *modus vivendi* into even closer conformity with that of the religious life; as such, Gerard of Abbeville was to criticise Thomas for implying that eating meat is imperfect. See Abbeville, *Contra*

imperfect in themselves, Christians who seek to attain a state of perfection by emulating only Christ's perfect acts may safely omit them.[70] In much the same way, the complete renunciation of a purse is not sinful even though Christ Himself occasionally made use of one, for His main purpose in so doing was to instruct the weak and imperfect, and only occasionally to protect the apostolic community from the exigencies of difficult circumstances.[71] Thus, throughout the rest of chapter four of the *Manus*, Thomas repeatedly maintains that Christ remained in a state of the highest poverty despite having access to a common purse.[72]

The differences between Thomas and Bonaventure's discussions of the *loculos* also help to clarify the important question of how each construed the circumstances in which the apostles were permitted to deviate from the normative state of absolute poverty by carrying purses. After all, both Franciscans acknowledged this possibility when they applied Bede's gloss, which allowed for the use of purses on the grounds that Christ did not ordain 'the same rule of living during periods of persecution as during periods of peace'.[73] Whereas Bonaventure was careful to clarify that the apostles made this recourse to the purse only when strictly necessary, Thomas applies the more generous criteria of 'manifest necessity or evident utility' to those circumstances.[74] The full significance of this apparently small difference is comprehensible only with reference to the longer history of the norms that underpinned the Franciscan poverty observance, especially the papacy's evolving stance on the order's use of money.

The Early Franciscan Poverty Discourse

A comparison of the polemical works of Bonaventure and Thomas of York with earlier Franciscan texts demonstrates that, during the first decades of the order's existence, the *loculos* had not been a major point of exegesis, despite its apparent incongruity with the doctrine of absolute poverty.

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adversarium, pp.304–18; discussed further in chapter two, p.108.

[70] Thomas of York, 'Manus', p.60.

[71] Ibid., p.62.

[72] Ibid., pp.63, 64: 'verisimile tamen est, quod pauperrimus fuit', 72.

[73] Bonaventure, *De perfectione evangelica*, p.131; Thomas of York, 'Manus', p.62.

[74] Thomas of York, 'Manus', p.66. This phrase that recurs numerous times in his defence of the mendicant preaching commission later in the text.

Francis himself *had* referred to the *loculos* in the *Regula non bullata* of 1221. Originally little more than a collection of passages of the gospel that deal with aspects of the *vita apostolica*, which Francis then had confirmed by Innocent III, this earlier form of the Rule closely reflected the impulse to revivify the *ecclesia primitiva* that so characterised late twelfth- and early thirteenth-century reform movements.[75] Even though modern scholars have worked to identify and separate the 'layers' of composition and the gradual accretions that the *Regula non bullata* underwent before its consolidation in 1221, it is unclear when Francis inserted the sole and rather oblique reference to the *loculos*.[76] In the *Regula non bullata*, the *loculos* is simply employed as a prohibition against the gathering of money. Francis asserted that any friar who does so without the excuse of infirmity 'should be held by all other friars as a false brother, and a thief and a bandit, and as a purse-haver (*loculos habente*), unless he sincerely repents'. The association between the *loculos* and theft is clearly an allusion to John xii:6, where Judas is explicitly identified as both the holder of the *loculos* and as a thief.[77] In this way, Francis cast the possession of a purse as a locus for fraternal misuse and, insofar as it emulates the 'bad disciple' Judas, an abandonment of the poor ideals that underpin his own conception of the *vita apostolica*.[78] Yet these early readings of the *loculos* did not find their way into the version of the Rule that received papal confirmation, the *Regula bullata* of 1223, which makes no mention at all of the apostolic common purse, even in the passages where the brothers are prohibited from handling money or cash ('*pecuniam vel denarios*').[79]

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[75]Melville, *Medieval Monasticism*, pp.161–2. For the early articulation of the Franciscans' apostolic ideal, see especially David Flood and Thaddée Matura, *The Birth of a Movement: A Study of the First Rule of St. Francis*, trans. Paul Schwarz and Paul Lachance (Chicago, 1975), pp.15–16. One of the clearest sources of information about this early rule text, or '*propositum vitae*', is Francis's own *Testamentum*, which he prepared shortly before his death in 1226. See '*Testamentum*', in Francis of Assisi, *Die Opuscula des hl. Franziskus von Assisi*, ed. Kajetan Esser (Grottaferrata, 1976), pp.305–18, c.2.

[76]Flood and Matura, *The Birth of a Movement*; Michael F. Cusato, 'The Gathering Storm: The Emergence of Evangelical Poverty as the Primary Descriptor of the Franciscan Charism (1220–1250)', in Michael F. Cusato and Steven J. McMichael (eds.), *"Non enim fuerat Evangelii surdus auditor..." (1 Celano 22): Essays in Honor of Michael W. Blastic, O.F.M on the Occasion of his 70th Birthday* (Leiden, 2020), pp.119–66, at 122–6.

[77]'*Regula non bullata*', in Francis of Assisi, *Opuscula*, pp.377–401, c.8. This is an example of a so-called 'negative insertion', that is, 'a warning which excluded what would contradict the ideal behaviour.' Flood and Matura, *The Birth of a Movement*, p.23.

[78]Malcolm D. Lambert, *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323* (expanded, New York, 1998), pp.67–71; Michael F. Cusato, 'The Early Franciscans and the Use of Money', in Daria Mitchell (ed.), *Poverty and Prosperity: Franciscans and the Use of Money* (New York, 2009), pp.13–37, at 34.

[79]'*Regula bullata*', in Francis of Assisi, *Opuscula*, pp.226–38, c.4.

While versions of the earlier rule remained in circulation among the Franciscans, they lacked the same normative authority as the *Regula bullata* for the simple reason that the latter text had received more formal papal endorsement.[80] Thus, when subsequent popes and friars interrogated the meaning of Francis's rule to determine what he could have meant by its relatively spare admonitions – ironically, against his own express wishes that the text should be read 'simply and without gloss'[81] – they tended to omit references to the *Regula non bullata*, and therefore to the *loculos*. When they did discuss money, these early commentators almost always focussed instead on the related questions of what Francis had meant when he forbade the brothers to make use of '*denarios vel pecuniam*', what this 'use' meant in legal terms, and what he meant when he allowed them recourse to goods '*per interpositum personam*'.[82] The Franciscans' preoccupation with these questions was further sustained by the series of papal glosses on the Rule produced after Francis's death, most notably in the bulls *Quo elongati* (1230) of Gregory IX, and *Ordinem vestrum* (1245) and *Quanto studiosus* (1247) of Innocent IV.[83]

The first, *Quo elongati*, established the terms in which the papacy could comment on the Rule, since Gregory IX claimed to enjoy a special knowledge of Francis's intentions on the basis of the close personal friendship between them.[84] Notwithstanding Francis's wishes, the pope now pressed this claim to special knowledge to elaborate further on the *Regula bullata* text, and thereby to assuage the uncertainty that had arisen in the minds of the brethren over certain disputed points of observance.[85] Gregory especially focussed on the legal limits of the prohibition against handling money and also defined in legal terms the role of the *interpositae personae*, reiterating Francis's prohibition against the handling of money by any party associated with the order but allowing these intermediaries, or *nuntii*, to handle non-pecuniary goods on

[80] Rosalind B. Brooke, *Early Franciscan Government: Elias to Bonaventure* (Cambridge, 1959), pp.86–95.

[81] '*Testamentum*', in Francis of Assisi, *Opuscula*, c.4.

[82] '*Regula bullata*', in Kajetan Esser, *Origins of the Franciscan Order* (Chicago, 1970), c.4. Thomas himself was to show some awareness of the terms of this discourse in the *Manus*, especially the distinction between *usus* and *dominium*. See Lambertini, *Apologia*, pp.28–9.

[83] Brian Tierney, *Origins of Papal Infallibility, 1150–1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden, 1988), pp.68–9.

[84] *Bullarium Franciscanum Romanorum Pontificum constitutiones, epistolas, ac diplomata continens*, ed. J. H. Sbaralea, 7 vols. (Rome, 1759–1904) (henceforth BF), i, pp.68–70, no.46.

[85] BF, i, p.68.

behalf of the friars.[86] The guiding principle that Gregory imposed regarding these measures, and which he expected the friars to apply, was one of 'necessity' – that is, they could seek this assistance only when it was strictly necessary.[87]

Apparently at the instigation of the Franciscans themselves, Innocent IV considerably expanded upon Gregory's exposition in *Ordinum vestrum*.[88] Most notably, he asserted that all goods bequeathed to the order would enter into papal *dominium* if their original donors wished to relinquish proprietary rights, while the Franciscans themselves retained use of the goods, thereby sparing their tender consciences from the ordeal of owning possessions *de iure*. Moreover, Innocent allowed the friars to seek out money and other goods from their *nuntius* or from someone wishing to offer alms, 'if [the brothers] wish to acquire something either necessary or useful to them'.[89] Innocent subsequently conferred a further bull, *Quanto studiosus*, through which he empowered the order itself to appoint its own agents to administer property on behalf of the Holy See, and allowed the provincial generals actively to direct that administration.[90] Yet from the outset, Innocent's bulls were controversial within the order itself. Many Franciscans regarded them as offering too many concessions to the friars, and too great a deviation from the uncompromising standard of poverty that they increasingly associated Francis. During successive meetings in general chapter – apparently led by the English contingent, whose conception of poverty was much stricter than that of their confrères – the Franciscans voted to set aside *Ordinem vestrum* and return to the more stringent standard of observance outlined in *Quo elongati*.[91] At least in theory, the brothers would permit themselves to make recourse to pecuniary relaxations in times of necessity only – they would not countenance a 'useful' recourse to the use of money.

[86]BF, i, pp.68–9; see also Moorman, *History of the Franciscan Order*, pp.116–17.

[87]BF, i, p.69: 'si *rem necessariam* velint Fratres emerge, vel solutionem facere pro jam empta, possint vel Nuncium ejus, a quo res emitur, vel aliquem alium volentibus sic eleemosynam facere', emphasis mine.

[88]BF, i, pp.400–2, no.114.

[89]BF, i, p.400: 'possunt tamen, si *rem sibi necessariam, aut utilem* velint emere, vel solutionem facere pro jam empta, vel nuncium ejus, a quo res venditur, vel aliquem alium volentibus sibi eleemosynam facere', emphasis mine. See also Moorman, *History of the Franciscan Order*, p.120; Brooke, *Early Franciscan Government*, pp.250–1.

[90]BF, i, pp.487–8, no.235; Brooke, *Early Franciscan Government*, pp.264–5.

[91]Brooke, *Early Franciscan Government*, p.264; Moorman, *History of the Franciscan Order*, p.117. The chronicler Thomas of Eccleston consistently describes the dedication of the English province to a stricter observance; see, for instance, his recollection of the praise for the English of the provincial minister Albert of Pisa. Thomas of Eccleston, *Tractatus de Adventu Fratrum Minorum in Angliam*, ed. A. G. Little (Manchester, 1951), pp.69–70.

These papal interpretations of the Rule's discussion of money greatly influenced Franciscan commentators. Produced a few years before the relaxation in standards posited by *Ordinem vestrum*, the earliest Franciscan commentary on the Rule is the *Expositio quatuor magistrorum* (*c.*1242–3), which was compiled by four of the order's leading masters at Paris.[92] They did not write unprompted. At the 1242 general chapter, the minister general, Haymo of Faversham, called for representatives from each province to collect any questions or points of doubt that the friars had about their rule.[93] These questions served as the basis for a longer commentary, which was intended to assuage those doubts. While the *Expositio quatuor magistrorum* '[i]n many ways…set the tone for the intellectual discourse on Franciscan poverty' at this point in the thirteenth century, the masters did not once mention the *loculos*, even during their discussions of Francis's prohibition against carrying money.[94] Moreover, although the four masters generally supported the solutions put forward by Gregory IX in *Quo elongati*, they acknowledged that certain points still required further elucidation by an authority superior to themselves. Doubtless, this hesitancy reflected the more general uncertainty surrounding the Franciscan Rule which compelled Innocent IV to issue *Ordinum vestrum* a few years later.[95]

The *loculos* did appear, however, in Hugh of Digne's commentary on the Franciscan Rule. Previously assigned a date of composition sometime in the mid-1240s, just a few years after the *Expositio quatuor magistrorum*, Hugh's commentary is now widely held to have been produced considerably later, *c.*1255–6.[96] It is therefore more or less exactly contemporary with Bonaventure's disputed questions *De perfectione evangelica*, and so can be regarded a product of the secular-mendicant controversy at

[92]The following account of the *Expositio*'s creation is based on Şenocak, *The Poor and the Perfect*, pp.71–3.

[93]Marsh and a few other friars attached to the Oxford *studium* were selected to represent the English province. According to Eccleston, they declined to put forward any questions on the basis that the Holy Spirit had revealed the Rule to Francis; it therefore required no further elaboration. Eccleston, *Tractatus*, p.71.

[94]Neslihan Şenocak, 'Alexander's Commentary on the Rule in Relation to the *Summa Halensis*', in Lydia Schumacher (ed.), *The Summa Halensis: Sources and Contexts* (Berlin and Boston, 2020), pp.251–66, at 263.

[95]*Expositio quatuor magistrorum super regulam Fratrum Minorum*, ed. Livarius Oliger (Rome, 1950), p.124.

[96]Brooke, *Early Franciscan Government*, p.221, argues for 1242–3; Jacques Paul, 'Le commentaire de Hughes de Digne sur le règle franciscaine', *Revue d'Histoire de l'Eglise de France* 61 (1975), pp.231–41, at 240–1, for *c.*1253; and Burr, *Olivi and Franciscan Poverty*, p.18; and Lambertini, *Apologia*, p.50, for 1255–6.

Paris.[97] Although some scholars have challenged the prevailing view of Hugh as a kind of forerunner to the 'Spiritual' arm of the Franciscan order, and as a foil to the apparent laxity of the 'moderate' Bonaventure, in fact it appears that he wrote certain elements of his *Expositio* directly in response to Bonaventure.[98] Scholars have drawn close parallels between other of Hugh's and Bonaventure's works, and these similarities are also borne out in the case of the *loculos*.[99]

Like Bonaventure, Hugh mostly resorted to traditional glosses of the *loculos*: he similarly offered a threefold interpretation of the *loculos* as a condescension to the weak, a source of poor relief, and a means of recourse in an emergency. However, the form of the Rule commentary permitted him to give his account a more self-consciously Franciscan stamp than the *quaestio* genre, and so he emphasised that these references to the *loculos* do not undermine the state of absolute poverty in which Christ and the apostolic community actually lived, while simultaneously drawing a direct comparison between the apostolic and Franciscan poverty observances. Hugh began his discussion of the common purse by praising 'the excellent perfection of poverty that Christ taught in the gospel' – that is, the absolute renunciation of all goods individually and in common. However, he acknowledged that the *loculos* cannot straightforwardly be harmonised with such a strict definition of apostolic poverty. At the same time, he took the opportunity to draw a direct comparison between the poverty of Christ and the poverty practised by St Francis, thereby reinforcing the legitimacy of absolute poverty by emphasising its importance for the evangelical renewal of St Francis.

> Although Christ sometimes had a common purse, and according to the saints we read that [1] He condescended to have one especially on behalf of the weak in order to show that it is permissible, nonetheless it should not be doubted that He mostly upheld the poverty that He taught, and that women and others ministered to His needs. St Francis always said that the Lord

[97]David Flood discusses this point thoroughly in Hugh of Digne, 'Expositio super regulam fratrum minorum', in *Hugh of Digne's Rule Commentary*, ed. David Flood (Grottaferrata, 1979), p.54; elaborating on a thesis put forward by Paul, 'Le commentaire de Hughes de Digne'.

[98]For the view that Hugh was a critic of Bonaventure, see especially Brooke, *Early Franciscan Government*, pp.258–60; and Paul, 'Le commentaire de Hughes de Digne'; and for a more moderate view, see Burr, *Olivi and Franciscan Poverty*, pp.18–19; which should nonetheless be read in conjunction with Lambertini, *Apologia*, pp.61–4. For a more recent overview, see Damien Ruiz, *La vie et l'oeuvre de Hugues de Digne* (Spoleto, 2018), especially pp.187–244.

[99]Kajetan Esser, 'Zu der *Epistola de tribus quaestionibus* des hl. Bonaventura', *FzS* 27 (1940), pp.149–59.

> taught nothing that He did not do, for we read that 'He began to do and to teach', and that He was so poor that He had nothing with which to pay the tribute. Judas kept the common purse, but he offended divine law by converting things intended for the poor to his own use; and so [2] the Lord had a common purse more for use by the poor than for Himself. As such, while [3] He allowed the apostles to have purses during periods of suffering, they are believed to have mostly lived in that [state of] perfection, the glory of which was to never possess anything and to be without solicitude, so St Francis said. For they relinquished the care even of communal goods, which the crowd of believers had, so that they would be free to preach and pray. But such was the fervour with which St Francis renewed [this standard of] evangelical perfection that he kept back nothing for himself in this world.[100]

Naturally, Hugh's assertion that Francis had revivified the *vita apostolica* is more than a simple claim that the apostolic community practised absolute poverty; it is an insinuation that the apostolic life required renewal by Francis, and a tacit criticism of other regular orders who adhere to the practice of the 'crowd of believers' by retaining a store of common goods (Acts iv:32). Hugh contended that, among the authors of religious rules, only Francis truly understood that Christ had gloried in absolute poverty and had exhorted the apostles to maintain that standard of observance. Such claims are entirely explicable within the context of a commentary on the Rule of the order, and chime with Hugh's stated intention at the start of the commentary to renew the Franciscan observance by bringing the brethren back into line with the ideals of Francis and the primitive order as Hugh himself saw them. By extension, this entailed a renewal of the evangelical life.[101]

Although Hugh determined that the apostles only rarely made use of a *loculos* to meet their own needs and that it was mostly intended to provide for the weak or the poor, his account elaborates no further on its literal uses. He briefly hinted that there are certain differences between the norms of apostolic life, which also inform the Franciscan poverty observance, and the concessions made to the apostles in more unusual circumstances, of which the *loculos* is the most glaring example. Yet Hugh made even

[100]Hugh of Digne, 'Expositio', pp.145–6.

[101]Hugh of Digne, 'Expositio', pp.94–5. For rule commentators and the immortalisation of 'charismatic' religious leaders, see Melville, 'Charismatic Leader', pp.154–5.

less attempt than Bonaventure to bolster this claim; even though Hugh, unlike many of his brethren, determined to make use of the interpretation of the Rule that had been 'approved by Pope Innocent', and so was theoretically willing to apply the rather laxer poverty observance set out in *Ordinem vestrum*, which had clearly sanctioned the Franciscans to have recourse to goods that were useful, as well as those that were necessary.[102]

Within both the earlier Franciscan tradition and the intellectual discourse of the 1250s, then, the *loculos* occupied an uneasy place. Acknowledged peremptorily by Francis himself, but only as a shorthand for the bad apostolate, it had largely fallen out of discussion within the canon of Franciscan normative texts. Indeed, it is unclear whether Franciscan theologians would have ever spontaneously interrogated the *loculos* as a potential area of discontinuity with their understanding of the apostolic ideal – the common purse was incorporated into the Franciscan poverty discourse only when this discontinuity was pointed out to them, indeed weaponised against them, by the secular masters.[103] Even then, the early attempts of Bonaventure and Hugh of Digne to articulate a distinctively Franciscan account of the *loculos* were relatively perfunctory and, in the face of such an extensive attack on the friars, they were rendered potentially insufficient.

William of Saint-Amour: *De quantitate eleemosynae* and *De periculis*

The Franciscan order's own reckoning with its poverty observance – bolstered by changing papal opinion on the subject of Franciscan poverty – played an important role in the subtle differences between the *loculos* accounts of Thomas of York and Bonaventure. However, some of these differences may simply be the result of their engagement with different texts within the secular-mendicant conflict. After all, both Franciscans took William of Saint-Amour's polemical works as the basis for their discussions; but Saint-Amour's own conception of the *loculos* changed and developed

[102]Hugh of Digne, 'Expositio', p.92. Indeed, Hugh may have been involved in the drafting of *Ordinem vestrum*; see Brooke, *Early Franciscan Government*, p.258.

[103]This is not to say that the Franciscans were drawn to articulate a more detailed discussion of poverty *per se* only due to the criticisms of the secular masters, as Neslihan Şenocak so compellingly shows. While it seems unquestionably true that, as early as the 1230s and 1240s, an internal tradition had grown up around the discussion of poverty, nonetheless the *loculos* only emerged as a significant point of discussion in the wake of the seculars' criticisms. Şenocak, 'Making', p.14.

during the course of the controversy, partly because he, in turn, was confronted by mendicant criticism in the interim between the circulation of his works. For this reason, the differences between Saint-Amour's earlier and later *loculos* accounts *are* helpful in establishing which strands of interpretation – and therefore, which of Saint-Amour's works – may have been accessible to Thomas of York, and which helped to inform the *Manus*'s account of the common purse.

Saint-Amour discussed the apostolic common purse just twice in surviving texts from this period of the controversy: firstly in *De quantitate eleemosynae*, a question disputed in the second half of 1255, in which he upheld the apostolic common purse as a blueprint for the administration of ecclesiastical goods; and subsequently in *De periculis*, where he employed it to undermine the friars' contention that the practice of mendicancy is consonant with perfection. Because the disputed questions *De perfectione evangelica* appeared early in 1256, Bonaventure was writing too early to have taken *De periculis* as the basis for his rebuttal; but it is possible that he knew of Saint-Amour's earlier exegetical strategies for dealing with the *loculos* from *De quantitate eleemosynae*.[104] It may be that Bonaventure declined to present the *loculos* as a paradigm for subsequent ecclesiastical wealth distribution – despite its relatively normative status, signified by its inclusion within *Causa* 12 of the *Decretum* – precisely because Saint-Amour had afforded such a central place to that interpretation in *De quantitate eleemosynae*.

The aim of *De quantitate eleemosynae* was twofold. Firstly, Saint Amour wished to undermine assertions that the perfection of life consists in absolute poverty, and especially that this model of perfection is modelled after the life of Jesus Christ. Secondly, he hoped to demonstrate that, by adhering to a life of individual poverty and communal possession-holding, the monastic orders conform more closely than the mendicant orders to the apostolic ideal.[105] Both of these arguments are underpinned by

[104]Dufeil, *Guillaume de Saint-Amour*, pp.174–80, postulated that Bonaventure disputed Saint-Amour *tête-à-tête*; but this claim, which is based on a misunderstanding of the form of ordinary questions, is thoroughly debunked in Traver, 'St. Bonaventure's Disputed Question *De mendicitate*', pp.291–2; and Bougerol, 'De la *Reportatio* à la *Redactio*', pp.60–3.

[105]Andrew G. Traver, 'William of Saint-Amour's Two Disputed Questions *De quantitate eleemosynae* and *De valido mendicate*', *AHDLMA* 62 (1995), pp.295–342, at 329–30. Saint-Amour's praise for the monastic form of the regular life may have been known to Matthew Paris, who approvingly reported the secular master's criticisms of the friars. Steckel, 'Narratives of Resistance', p.260.

Saint-Amour's central contention that mendicancy is the least desirable of several possible corollaries of absolute renunciation, the most acceptable of which is the performance of manual labour.

Saint-Amour cited the inherent wickedness of able-bodied begging to cast doubt on the perfection, and indeed the validity, of the state of absolute voluntary renunciation. He asserted that someone who undertakes to renounce all goods absolutely without intending to support themselves by manual labour is a sinner, since they put themselves at risk of excessive solicitude and numerous other sins – 'fawning, slander, theft, lying, fleeing from justice'.[106] By contrast, Saint-Amour depicted the *vita apostolica* as being characterised, not by mendicancy, but by preaching and manual labour in accordance with the admonitions of Saint Paul (2 Thess. iii:8–10). If Paul preferred to earn his bread by the work of his hands, and exhorted his disciples to imitate him in so doing, then it seemed 'certain' to Saint-Amour that

> those who are not apostles may not beg for food and victuals if they can obtain these things in some other way, without sinning. Nor are they permitted to give up all they have with the hope of begging (*sub spe mendicandi*), which is opposed to the example of the apostolate; but only with the hope of living from ecclesiastical goods (*sub spe vivendi de bonis ecclesie*), or else with the hope of living from manual labour (*sub spe vivendi de corporali labore*).[107]

These references to living from ecclesiastical goods are clearly a cypher for the practice of holding common property, in the manner of cloistered monks and beneficed priests. Thus, even at this relatively early phase in the conflict between the secular and mendicant orders, Saint-Amour recognised that the *loculos* posed a considerable difficulty for any vision of religious poverty that took absolute renunciation as an essential facet of apostolic perfection.

Borrowing two of the glosses on the common purse which had been incorporated into the *Decretum*, Saint-Amour interpreted the *loculos* as a model for the communal possession and distribution of goods by later ecclesiastics.

[106]Traver, 'Two Disputed Questions', p.328.
[107]Ibid., p.329.

> I do not read that Christ begged His bread, but rather that He had a *loculos*. For John xii:6 says of Judas: 'he was a thief and carried a purse', which has the [interlinear] gloss, 'he was keeper (*custos*) of the Lord's purse'. Christ had this purse in order to provide the Church with a model of having temporal goods in common, even among the perfect. Augustine says, 'Behold the example of the Lord abiding on earth. Why would He, to whom angels ministered, have a *loculos*; unless because the Church was to have a *loculos* of this kind?' And Prosper says, 'It is useful for the Church to possess resources, and for the perfect to scorn the love of personal goods. For these things are not personal but are the common resources of the Church. Indeed, while he who sets aside or sells all that he has truly disdains all things, if he is made the leader of a church, then he also becomes the dispenser of everything that church has.[108]

By underlining the perfection of the apostolic community, which possessed goods in common, Saint-Amour stressed that the holding of common goods is consonant with apostolic perfection; and, by extension, he linked the administration of goods by the Church with the *vita apostolica*, an argument that is notable for its absent from Bonaventure's disputed questions just a few months later. Saint-Amour also clarified that, because He had a *loculos*, Christ did not resort to begging. Thus, criticisms of renunciation and begging are closely related in *De quantitate eleemosynae*.

The role of begging is slightly more prominent in the discussion of the *loculos* in *De periculis*, where Saint-Amour built upon the relatively brief exposition in *De quantitate eleemosynae* and transformed the common purse into a critical weapon in the conflict over the religious orders' practice of mendicancy. While he continued to assert that these references to the *loculos* proved that Christ did not practise absolute renunciation, as the Franciscans claimed, Saint-Amour was far more concerned to emphasise that the apostles never resorted to begging.

In chapter twelve of *De periculis*, Saint-Amour listed six ways that the illegal *pseudo praedicatores* must be impeded in order to sabotage their illicit ministries. He particularly asserted that they must be prevented from living idly, that is, by begging for

[108]Traver, 'Two Disputed Questions', p.330; citing C.12 q.1 cc.12 ('*Exemplum*') and 13 ('*Expedit*'), in Friedberg, i, col.681.

alms instead of performing manual labour.[109] This had, of course, been an important point in the earlier disputed question. Moreover, just as he had done in *De quantitate eleemosynae*, Saint-Amour cited Augustine's gloss on John xii:6 to establish that the *loculos* had belonged to Christ, in order to cast aspersions on able-bodied begging as a worldly pursuit and thus incongruous with the form of spiritual life demanded of monks and religious.[110] However, instead of presenting this gloss as evidence for the *loculos* as a model for ecclesiastical possession-holding as he had previously done, Saint-Amour argued instead that it demonstrates, in a more literal sense, that Christ initially provided for the apostles with His own purse to spare them from begging. He added that the apostolic community did not resort to mendicancy after Christ's death and resurrection, but earned alms by means of manual labour and preaching.[111] Saint-Amour asserted that the female disciples who gathered around Christ also 'ministered to their needs', as stipulated in the gloss on 1 Cor. ix:5 – their gifts to the apostolic community were retained in the *loculos* and dispensed by Christ to the apostles, as well as to the needy.[112]

In *De periculis*, therefore, Saint-Amour attributed to the *loculos* two significant purposes in the literal mode: it was used by the apostles to sustain themselves, and as a repository for alms for the poor.[113] Although the *De periculis* account is more focussed on literal interpretations of the common purse than *De quantitate eleemosynae*, nonetheless it is not incompatible with his previous depiction of the common purse as a model for subsequent ecclesiastical administration: it was perfectly acceptable for an exegete to apply several glosses to the same scriptural passage without necessarily implying that there was any contradiction between the different interpretations.[114] But

[109]William of Saint-Amour, *De periculis novissimorum temporum*, ed. Guy Geltner (Paris and Dudley, MA, 2008), pp.94/5.

[110]Saint-Amour, *De periculis*, pp.98/9; citing C.12 q.1 c.17 ('*Habebat Dominus loculos*'), in Friedberg, i, col.683. The same gloss is cited in Traver, 'Two Disputed Questions', p.330: 'Quos loculos habuit Dominus ut for temporalia in communi etiam perfectis.'

[111]Saint-Amour, *De periculis*, pp.98/9–100/1. He had made the same point, albeit less forcefully, in the disputed question. Traver, 'Two Disputed Questions', p.330, ads.1–2.

[112]Saint-Amour, *De periculis*, pp.98–9.

[113]Saint-Amour may have been inspired by *De abrenuntiatione* to discuss the purse in the context of the female disciples, for Bonaventure had described the *loculos* as having been in the possession of these women. Bonaventure, *De perfectione evangelica*, p.131.

[114]Alastair J. Minnis, '*Quadruplex Sensus, Multiplex Modus*: Scriptural Sense and Mode in Medieval Scholastic Exegesis', in Jon Whitman (ed.), *Interpretation and Allegory: Antiquity to the Modern Period* (Leiden and Boston, 2000), pp.229–54; Beryl Smalley, 'Use of the "Spiritual" Senses of the Scripture in Persuasion and Argument by Scholars in the Middle Ages', *RTAM* 52 (1985), pp.44–63, pp.56–62, for this strategy in a secular-mendicant context.

Saint-Amour's newfound emphasis on the absolute illegitimacy of religious mendicancy is significant, inasmuch as he uses begging to sever further the link drawn by the Franciscans between their own *modus vivendi* and that of the early apostolic community, which retained a *loculos* and so never resorted to begging.

Thomas of York: The *Manus*

On the basis of this investigation into other contexts in which the apostolic common purse was discussed, it is possible to look afresh at certain aspects of Thomas of York's discussion in the *Manus*, and to draw some more general conclusions about the influences on his account, especially where it deviates from Bonaventure's.

In the first place, Thomas offers a far more comprehensive interpretation of the *loculos* by offering five explanations – both literal and spiritual – of its intended function. He presents the common purse as i) a condescension to the weak; ii) an exemplar for ecclesiastical administration; iii) a demonstration that it can be licit to have money; iv) a way of fending off temptation; and v) a means of self-preservation in exceptional circumstances. On the basis of these interpretations, Thomas carefully distinguishes between the acts that Christ performed *per se* and *per alios*, noting that the *loculos* mainly falls into the latter category as a concession to various kinds of human weakness. He therefore maintains that it is not an inevitable conduit for sin, even though the possession of a purse is certainly imperfect.[115]

In the second place, and in direct contrast to Saint-Amour, Thomas denies that any reading of the gospel could yield the impression that the apostles normally retained temporal goods for their own use. He regards this as being completely antithetical to the perfection of the apostolic state, whose adherents observed the state of highest poverty.[116] Thomas therefore criticises those who infer that the apostles retained goods by referring to Paul's discussion of his own and his fellow apostles' poor state, where he had spoken of the apostolic community as living 'as though having nothing, and yet possessing everything (*tamquam nichil habentes et omnia possidentes*)'.[117] Thomas asserts

[115]Thomas of York, 'Manus', p.62.
[116]Ibid., p.66.
[117]2 Cor. vi:10.

that, in this case, '*tamquam*' does not serve as a comparison with those who are actually poor (which would, of course, imply that the apostles themselves are not) but as a means of emphasising the actual fact of their extreme poverty.[118] To bolster this point, Thomas points to various instances in the gospel where the apostles are either explicitly described as poor, or else in terms that would imply they needed to work towards supporting themselves. For example, he cites another epistle in which Paul describes the apostles' hunger and their need to perform manual labour.[119] Thomas demands to know how these comments could be harmonised with the suggestion that the apostolic community routinely carried purses, 'unless perhaps [they worked with their hands] so that they could gather up riches, which is sinful to say' – that is, he argues that they must have resorted to manual labour only because they did not already have a repository of money, otherwise they would be merely accumulating riches.[120]

It seems that Thomas is attempting to harness Saint-Amour's suggestion that the apostles performed manual labour – which, for Saint-Amour, underlined the illegitimacy of mendicancy – in order to demonstrate that the apostles had practised absolute poverty to the extent of being without a store of money. After all, in Matt. x:9–10, Christ had commanded the apostles never to possess gold, silver, or money. As Thomas sees it, there are only two ways of interpreting their fulfilment of this command: either they did not abide by this prohibition, and therefore observed this precept as though they were imperfect; or they shunned all temporal possessions *in facto*.[121] The apostles were moved to fulfil this precept not only by their own will, which would be insufficient to permit them to abandon temporal goods to the perfect degree required of them; they were also urged to fulfil it by Christ Himself ('*ipsa re est a Salvatore persuasa*'). In other words, the will of the apostles to surrender temporal goods – and especially gold, silver, and money – was united to their determination to obey Jesus Christ. Together, these two

[118] Thomas of York, 'Manus', pp.64–5: 'Attendat, quod huiusmodi est ad verbum comparandi positum multotiens non pro similitudinaria imitatione, sed pro veritatis expressione.' Bonaventure had also made this point, albeit in a different way. Bonaventure, *De perfectione evangelica*, p.130. The criticism is not found in either *De quantitate eleemosynae* or *De periculis*.

[119] 1 Cor. iv:11–12.

[120] Thomas of York, 'Manus', p.65.

[121] Ibid., p.65. Thomas employs the phrase '*tamquam imperfecti*'; its proximity to his discussion of the meaning of *tamquam* lends added force to the implication he draws here regarding the apparent imperfection of the apostles.

movements of the will imbued the apostles' renunciation of goods with the highest degree of perfection.[122]

Thirdly, and perhaps taking his cue from Saint-Amour's criticism of Bonaventure, Thomas also touches upon the role played by the female disciples who travelled with the apostles, whom Saint-Amour had identified as the providers of the material goods that sustained them.[123] Thomas concedes that the female disciples did fulfil this role, but he draws a careful distinction between the apostles' use of these goods and the retention of *dominium* of the goods by the women:

> [my opponent] should note how he errs in calling these things 'possessions' (*in nomine possessionis*), for they belonged to the devoted women who shared them with [the apostles]. But they did not belong to [the apostles] except inasmuch as they were to be used, in the same way that someone might share something with you to use but not to own. Is it the case that you would possess that thing as your own, because of this? Clearly not.[124]

Thomas asserts that goods that are transferred between two parties cannot exist in 'a kind of medium (*aliquod medium*)' – that is, they must have an owner – but he does not believe that use and *dominium* are totally inseparable concepts. For example, it is possible for a needy person to receive food or clothes from another without then possessing them. In this way, the women disciples retained *dominium* of the goods they provided for the apostles' use.[125]

Thomas concedes that it might be possible to interpret the actions of the female disciples as a form of payment to the apostles for their good works – and in doing so, he demonstrates far greater flexibility than Bonaventure, for whom such an interpretation is out of the question.[126] But for Thomas, this interpretation is only applicable with reference to the interpretative mode in which the apostles' purses are construed as a means for them to sustain themselves during times of hardship, in keeping with the gloss from Bede's commentary on Luke. Thomas ultimately concludes that, 'according to

[122]Thomas of York, 'Manus', p.65.
[123]Saint-Amour, *De periculis*, pp.98–9; Thomas of York, 'Manus', pp.65–6.
[124]Thomas of York, 'Manus', pp.65–6.
[125]Ibid., p.66.
[126]Bonaventure, *De perfectione evangelica*, p.131.

their usual arrangement', the apostles did not seek a *loculos*, because it seems to him more probable that the *vita apostolica* was one in which the apostles observed 'the highest poverty, in which they always had nothing'. However, he allows that the apostles were able to make such recourse during periods of 'manifest necessity or evident utility'.[127] By comparison, Bonaventure had permitted the use of purses strictly in terms of necessity alone.[128] This difference – the insertion of 'evident utility' – constitutes the fourth and final distinctive characteristic of Thomas's discussion of the *loculos*, and it is more significant than it may originally appear – for the Franciscan poverty discourse, as much as the apostolic.

Now, Thomas does not draw any parallels between apostolic and Franciscan practice; at least, not explicitly, for arguably all Franciscan discussions of apostolic poverty can also be construed as commentaries on Franciscan poverty. Yet his attempt to establish that the apostolic community had used the *loculos*, administered by female disciples, as a means of self-preservation during periods of necessity or utility, is not at all dissimilar from Innocent IV's attempt in *Ordinem vestrum* (1245) to empower *nuntii* as *domini* and distributors of money and other temporal goods on behalf of the Franciscans.[129] It is hardly far-fetched to couch the emergence of the 'necessity or utility' caveat in the context of this discussion of the apostolic common purse with reference to the papal pronouncements on the Franciscan Rule.[130] After all, the Franciscans were disposed to regard their own way of living as a reflection of the sacred paradigm embodied by the *vita apostolica*, especially in relation to poverty and renunciation. Thus, while *Quo elongati* and *Ordinem vestrum* were technically only presented as glosses on the Franciscan Rule and therefore intended to clarify aspects of the Franciscan observance, for the friars themselves they could also be perceived as implicit commentaries on the *vita apostolica*. In this sense, the *loculos* discourse bears witness not

[127]Thomas of York, 'Manus', p.66: 'Verumptamen quantum ad principalem eorundem institutionem, nisi manifesta necessitas vel evidens utilitas hoc non requisivit, credi non improbabiliter potest, altissimam eos servasse paupertatem, que omnino nichil habuit.'

[128]Bonaventure, *De perfectione evangelica*, p.131: 'Habuit etiam loculos in articulo necessitas'; 'tollant necessaria victui'.

[129]See p.31 above.

[130]See especially Brooke, *Early Franciscan Government*, pp.221, 258, for the significance of the papally sanctioned movement away from poverty observance in which relaxation was permitted only in times of necessity, towards one that responded to both necessity and utility.

only to the development of Franciscan attitudes to the holding and handling of money, but also illuminates the way that the friars increasingly came to interpret the apostolic life in light of the norms and privileges that they themselves had been afforded. The apostolic life became both a model and a direct reflection of still-developing Franciscan norms. Thus, the emergence of this utility caveat in the *Manus* in relation to apostolic poverty could well be linked to papal interference in the Franciscan *modus vivendi*.

Admittedly, *Ordinem vestrum* remained controversial in certain English Franciscan circles; and indeed Thomas's associate, the provincial minister William of Nottingham, played a leading role in initial efforts to ensure the bull's suspension in the Franciscan general chapter, a suspension that had been repeatedly re-enforced, most recently at the general chapter of 1254.[131] Yet Hugh of Digne's roughly contemporary *Expositio* on the Franciscan Rule, which consciously incorporated *Ordinem vestrum*, included certain similar caveats that allowed the use of goods outside the parameters of what is strictly necessary – one of which is the handling of items such as books, which are useful but not indispensable for preaching and overseeing the divine office.[132] Thomas was thus not the only distinguished Franciscan to have begun to delineate utility, as well as necessity, as a legitimate reason for relaxing normal standards of observance during the mid-1250s.

Furthermore, this conclusion is entirely consistent with other distinctive aspects of the *Manus*. Thomas did not reserve his discussion of 'necessity and utility' to the *loculos*, and indeed he was to make even more ample use of these caveats later in the third part of the *Manus* – the only other part of the text to deviate substantially from the arguments set out in Bonaventure's *De perfectione evangelica*. In these chapters, he puts forward an argument about the power of the pope to alter existing canon law – just as the same 'necessity and utility' caveat had entered the Franciscan poverty discourse via papal intervention, as a result of *Ordinem vestrum*. As his discussion of papal authority in the third part of the *Manus* makes particularly clear, Thomas sets great store by papal pronouncements, and reserves for the pope alone the power not only 'to alter, to remove,

[131] Eccleston, *Tractatus*, p.42; Brooke, *Early Franciscan Government*, p.264; Neslihan Şenocak, 'English Franciscans and their Influence on the Early History of the Order', in Patrick Zutshi and Michael Robson (eds.), *The Franciscan Order in the Medieval English Province and Beyond* (Amsterdam, 2018), pp.211–28, at 225–6.

[132] Hugh of Digne, 'Expositio', c.6, pp.154–5. See p.35 of this thesis.

and to add to' those aspects of positive law 'on which the evangelists never pronounced', but also to interpret it.[133]

The *loculos*: Conclusion

Overall, Thomas's engagement with the *loculos* was influenced by both the Franciscan poverty discourse and the Parisian antifraternal polemic. On the one hand, the *loculos* account in the *Manus* illustrates the importance of the secular-mendicant controversy for the Franciscan poverty tradition, for without the interference of the secular masters it is unclear whether the Franciscans would have felt compelled to reconcile evangelical references to the apostolic *loculos* with their conception of the apostolic life as absolutely poor. On the other, the emergence of a distinctively Franciscan discourse on the *loculos* demonstrates that significant aspects of the *Manus* cannot be fully appreciated if it is discussed solely within the discursive limits of the Parisian secular-mendicant controversy.

The richness of the wider Franciscan intellectual tradition clearly made a significant contribution to Thomas's thought, not least because it supplied the crucial presupposition that Christ and the apostles had lived in absolute poverty. His own conception of the *loculos* contributed to that tradition in turn, even though the main impetus for its expression was the criticism of the secular masters. Yet in the context of the Franciscan poverty discourse itself, the works of Bonaventure and Thomas of York represent something of a watershed for discussing the *loculos* – ever after, Franciscan exegetes were compelled to grapple with references to the common purse when defending the evangelical basis for absolute poverty.[134] Nonetheless, there seems *not* to have been a decisive moment for the widespread adoption of this enlargement of a utility caveat among Franciscan thinkers; or indeed any consensus among the Franciscans themselves that such a relaxation should be permitted, at least, not during the 1250s.[135]

[133]Thomas of York, 'Manus', pp.138–40, 148; see also p.58 of this thesis.

[134]As such, later Franciscans often turned to their treatments of the *loculos*: this was certainly the case in the work of William de la Mare. See p.109 of this thesis.

[135]For the disputes within the Franciscan order concerning perceived relaxations in observance, and the role that Bonaventure subsequently played as minister general, see David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century After Saint Francis* (University Park, PA, 2001), pp.32–7.

The Papal Preaching Commission

The final part of the *Manus*, encompassing the thirteenth through the eighteenth chapters, is devoted to a detailed consideration of the mendicant preaching commission. Like Bonaventure before him, Thomas defends the commission partly on the basis of the pope's authority to endow additional preachers, although he deviates from Bonaventure's disputed questions by positing a more extensive theory of papal *plenitudo potestatis* and also engages closely with the details of Saint-Amour's argumentation in *De periculis*.[136] Thus, although the specifics of their arguments all differ considerably, nonetheless Bonaventure's, Saint-Amour's, and Thomas of York's discussions of mendicant preaching all reflect, to varying degrees, the pastoral prerogatives articulated by the papacy.[137]

The emergence of the mendicant orders and their participation in pastoral work coincided with the papacy's wider pursuit of sweeping pastoral reform, particularly the more systematic reform programme inaugurated by Innocent III at the Fourth Lateran Council (1215).[138] Although Innocent had mainly regarded the council as an opportunity to revitalise crusading efforts and to undertake the moral reform of the clergy, he also promulgated several conciliar canons that were directed towards pastoral ends.[139] Two of these canons went on to play an especially significant role in the subsequent struggles between the mendicant orders and the clergy. The first, *Inter cetera*, emphasised the

[136]Traver, 'Intellectual Defense', p.167; Tierney, *Origins*, pp.63, 84; Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought, 1150–1650* (Cambridge, 1982), p.61; Marrone, 'Parisian Secular Masters', pp.41–2; Roberto Lambertini, 'La scelta francescana e l'Università di Parigi. Il *Bettelordenstreit* fino alla *Exiit qui seminat*', in Francesco Santi (ed.), *Gli studi francescani dal dopoguerra ad oggi* (Spoleto, 1993), pp.143–72, p.153.

[137]Saint-Amour, *Opuscula*, pp.2–3.

[138]Innocent's extensive involvement in the drafting of conciliar legislation, which was simply presented rather than disputed or voted upon, attests to the importance of his own personal agenda to the direction of Lateran IV. Johannes Helmrath, 'The Fourth Lateran Council: Its Fundamentals, Its Procedure in Comparative Perspective', in Gert Melville and Johannes Helmrath (eds.), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Affalterbach, 2017), pp.17–40, at 25–6. Naturally, this interest in reform did not emerge *ex nihilo*; and Innocent's own former master, Peter the Chanter, has been considered an important influence on the pope's subsequent engagement with pastoral reform. John W. Baldwin, *Masters, Princes, and Merchants: The Social Views of Peter the Chanter & his Circle*, 2 vols. (Princeton, 1970), i, pp.107–16.

[139]For these aims, see Alberto Melloni, '*Vineam Domini* – 10 April 1213: New Efforts and Traditional *Topoi* – Summoning Lateran IV', in John C. Moore and Brenda Bolton (eds.), *Pope Innocent III and His World* (Aldershot, 1999), pp.63–71; Brenda Bolton, 'A Show with a Meaning: Innocent III's Approach to the Fourth Lateran Council, 1215', in *Innocent III: Studies in Papal Authority and Pastoral Care* (Aldershot, 1995), VI: pp.53–67.

special place of preaching within the roster of pastoral duties. To ensure that the provision of preaching did not decline, Innocent licensed the bishops to appoint 'suitable men (*viros idoneos*)' as preaching assistants in the parishes; and he also granted some of these men even more sweeping powers to preach, hear confessions, and confer penances, as 'assistants and fellow workers (*coadiutores et cooperatores*)' of the bishops themselves.[140] The second pastoral canon, *Omnis utriusque sexus*, established that all Christians must confess to their own priest (*proprius sacerdotus*) at least once a year. If they had 'good cause', parishioners could confess to someone other than their own priest, but they had to obtain his permission before their chosen confessor could exert a power of binding and loosing their sins.[141] Together, *Inter cetera* and *Omnis* reflected the papacy's increased involvement in the provision of pastoral care within parishes.[142]

At that time, Innocent could not have envisaged that the mendicant orders would be a suitable vehicle for this reform, since they had yet to attain formal pontifical approval (and indeed, he also passed conciliar legislation which explicitly prohibited the proliferation of new religious orders and *modi vivendi*).[143] But it is not surprising that, having authorised some of the new mendicant orders and their rules, the papacy subsequently came to regard them as such a vehicle; nor that successive popes should have taken steps to consolidate the friars' pastoral function through the enactment of special privileges, which gave increasingly broad scope for these pastoral activities.[144] Yet the mendicants' efforts to participate in the pastoral sphere did not advance totally unabated. They were particularly set back by the promulgation of *Etsi animarum* by Innocent IV in November 1254, which imposed a series of more rigorous licensing

[140]X 1.31.15, in Friedberg, ii, col.192. For its implementation in England, see Andrew Reeves, ''The Nourishment of God's Word': *Inter caetera* (Canon 10) in England', in Maureen B. M. Boulton (ed.), *Literary Echoes of the Fourth Lateran Council in England and France: 1215-1405* (Toronto, 2019), pp.46–73.

[141]X 5.38.12, in Friedberg, ii, cols.887–8.

[142]Maura O'Carroll, 'Robert Grosseteste, the English Friars and Lateran IV', in id. (ed.), *Robert Grosseteste and the Beginnings of a British Theological Tradition: Papers Delivered at the Grosseteste Colloquium held at Greyfriars, Oxford on 3rd July 2002* (Rome, 2003), pp.319–37, at 319–22.

[143]Nicole Bériou, 'Lateran IV and Preaching', in Gert Melville and Johannes Helmrath (eds.), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Affalterbach, 2017), pp.163–73, at 171–2.

[144]Phyllis B. Roberts, 'The Pope and the Preachers: Perceptions of the Religious Role of the Papacy in the Preaching Traditions of the Thirteenth-Century English Church', in Christopher Ryan (ed.), *The Religious Roles of the Papacy: Ideals and Realities, 1150–1300* (Toronto, 1989), pp.277–97; for the Dominicans, see Leonard E. Boyle, 'Notes on the Education of the *Fratres communes* in the Dominican Order in the Thirteenth Century', in Raymond Creytens and Pius Künzle (eds.), *Xenia medii aevi historiam illustrantia oblata Thomae Kaeppeli O.P.*, i, 2 vols. (Rome, 1978), pp.249–67, at 251; for the Franciscans, see Landini, *Clericalization*, pp.56–73.

requirements and thereby gave parish priests greater control over pastoral provision within their own jurisdictions.[145] These changes were short-lived. Following Innocent's death – which some hostile commentators attributed to the prayers of the friars – the newly elected Alexander IV restored licensing rights to the mendicant superiors.[146] Even though the mendicants only temporarily relinquished their rights of preaching and hearing confession, the brief *volte-face* in papal opinion represented by *Etsi animarum* represented a stark reminder of the pivotal role that the papacy enjoyed in determining the legitimacy of mendicant participation in the pastoral sphere, and one which Thomas is evidently conscious of in these chapters.

However, the compelling strength of papal *plenitudo potestatis* is only one half of Thomas of York's argument in favour of the mendicant preaching commission. He also argues for the mendicant orders' particular suitability as preachers, which he substantiates by describing the inherent virtue of preaching and the divine impetus that underpins the work of all true preachers. Yet the vast majority of scholars have limited their study of Thomas's conception of the commission to the discussion of papal authority, and therefore unintentionally suppressed this important, and idiosyncratic, element of his argument.[147] This omission is all the more startling because Thomas himself makes it clear that he intends to argue on the basis of the rights of both the papacy *and* the rights and suitability of the friars themselves:

> It is [my opponent's] position that a universal preaching office can never be committed to a religious or a monk, even by the pope. This position is untenable except for two reasons, one concerning the commissioner and the other concerning the person commissioned. On the part of the commissioner, it may be that they are legally incapable of making the commission. On the part of the person commissioned, it may be that they are not a suitable person (*persona idonea*) to take it up, or else that they are are legally incapable of accepting the commission.[148]

[145] CUP, i, no.240.

[146] CUP, i, no.244. See McKeon, '*Parens Scientiarum*', pp.657–8 for speculation that Saint-Amour, who visited the Curia earlier in 1254, influenced the promulgation of *Etsi animarum*.

[147] An important albeit rather brief exception is Rolf Zerfaß, *Der Streit um die Laienpredigt: Eine pastoralgeschichtliche Untersuchung zum Verständnis des Predigtamtes und zu seiner Entwicklung im 12 und 13 Jahrhundert* (Münster, 1974), pp.338–41; briefly summarised in Lambertini, 'La scelta francescana', pp.151–2.

[148] Thomas of York, 'Manus', pp.134–5. For the emergence of a distinction between *de iure* and *de facto*

Thus, Thomas fundamentally asserts that the mendicant preaching commission might be contested on the basis of limitations on the pope's power in relation to the canon law, on the one hand, and from doubts regarding the legal basis and the 'suitability' of the mendicants as preachers, on the other. However, the strength of scholarly interest in Thomas's theory of papal power has substantially distorted the terms in which he articulated his overall conception of the preaching commission and minimised the idiosyncrasies of his own account, especially in comparison with those of Bonaventure and Saint-Amour.

Bonaventure: Papal *subauctoritas*

In his study of thirteenth-century ecclesiology, Yves Congar implicitly minimised the novelty of these chapters of the *Manus* when he asserted that Thomas based his account of papal *potestas* on Bonaventure's.[149] Yet Bonaventure had only touched upon preaching rather obliquely in *De perfectione evangelica*, and only in relation to the practice of mendicancy. Furthermore, he had devoted greater attention to the question of the authority to preach rather than the innate value of preaching, in response to the objection that preachers require an apostolic 'authority' in order to undertake their work lawfully.[150]

While Bonaventure accepted that true preachers can be distinguished on the basis of 'authority, truth, and utility' – that is, by the authority of those who send them; by the truth of what they preach, in accordance with the gospel; and by the utility of their work in helping to call sinners to a state of repentence – he mostly wished to demonstrate that the papacy is a legitimate source of such authority.[151] This papal *auctoritas* differs from that directly conferred by Jesus Christ '*ex prima institutione*' upon the apostles and the

rights in the work of the lawyer-pope Innocent IV, who appears to have accepted that the absolute authority of the papacy had only a limited scope within the secular sphere, see Brian Tierney, 'The Continuity of Papal Political Theory in the Thirteenth Century', *Mediaeval Studies* 27 (1965), pp.227–45, at 238–9.

[149]Congar, 'Aspects ecclésiologiques', pp.111–13.

[150]Bonaventure, *De perfectione evangelica*, Q.2 a.2, p.136. See also Kevin L. Hughes, 'Bonaventure's Defense of Mendicancy', in J. M. Hammond, J. A. Wayne Hellmann, and Jared Goff (eds.), *A Companion to Bonaventure* (Leiden, 2014), pp.509–41, at 519–22; Josef Ratzinger, 'Der Einfluss des Bettelordenstreites auf die Entwicklung der Lehre vom päpstlichen Universalprimat, unter besonderer Berücksightigung des hlg. Bonaventura', in Johann Auer and Hermann Volk (eds.), *Theologie in Geschichte und Gegenwart: Michael Schmaus zum sechzigsten Geburtstag dargebracht von seinen Freunden und Schülern*, ii (Munich, 1957), pp.697–724, at 708–10.

[151]Bonaventure, *De perfectione evangelica*, p.147.

disciples. Instead, the pope employs a lesser, mediated authority, which does not come directly from God – 'and so is called, not unreasonably, a sub-authority (*subauctoritas*)' – but which he bestows upon those in whom the authority to preach inheres because of the 'first institution' (namely, in the bishops and priests themselves as successors to the apostles and disciples). Bonaventure attributed to this secondary authority an origin in the primitive Church, pointing to the appointment of additional disciples by the apostles, particularly Paul's tendency to send his followers far and wide to preach. He regarded the appointment of these preachers as evidence of an apostolic tradition of preachers who derived their authority to preach *ex subauctoritate*. Within this second category, Bonaventure asserted that the pope holds a place of special eminence, for:

> he who has the place of Peter, chief of the apostles – indeed, the place of Christ, who is the Lord of the universal harvest – may especially [commit a preaching commission to others], on account of which he is also said to have a plenitude of power.[152]

However, Bonaventure's concluding remarks show that he construed the powers that the papacy can confer *ex subauctoritate* mostly in relation to the ability to acquire and consume begged goods. That is, he felt that the Holy Spirit disposed the pope to confer these powers for 'the utility of the Church (*ad Ecclesiae utilitatem*)', by the appointment of additional preachers who had the right to beg as a corollary of their preaching missions. Such grants to beg, conferred on preachers by papal or episcopal *subauctoritas*, ensure that the Church is better-supplied with preachers, because they can support their useful work by begging and living from alms.[153] The distinctively mendicant lens through which Bonaventure viewed the preaching commission is understandable, for his discussion of preaching appears in the disputed question *De mendicitate*, where he

[152]Bonaventure, *De perfectione evangelica*, p.147: 'Secunda est auctoritas minus principalis et potesta subauctoritas non absurde dici et competit his qui ab Apostolis mittuntur tamquam discipuli, sicut Paulus suos discipulos mittebat ad loca diversa; et potissime ei competit, qui est loco Petri, principalis Apostolorum, immo loco Christi, qui est Dominus universalis messis, propter quod et habere dicitur plenitudinem potestatis.' Bonaventure gradually moved away from identifying papal authority with the Petrine ministry in favour of a closer identification between the pope and Christ, as this passage hints. Tierney, *Origins*, pp.85–6.

[153]Bonaventure, *De perfectione evangelica*, p.147. Bonaventure added that begging also provides a useful means to model humility and thereby emulate Christ and the apostles.

attempted to show that begging is legitimate if it is pursued as a corollary to other pastoral activities, especially preaching. Although begging was the major focus of his account, nonetheless he acknowledged that mendicancy was only legitimate when used to buttress the efforts of those engaged in the *cura animarum*.[154]

Numerous elements of Thomas of York's discussion of the papacy's power to endow such a commission are similar to Bonaventure's account in *De perfectione evangelica* – particularly their shared conception of the utility of mendicant preaching as the basis for the papacy's endowment of the commission, although this argument is far more pronounced in the *Manus*. However, in addition to the clear influence of Bonaventure, the terms in which Thomas couches his discussion of the papacy's involvement in the preaching commission also strongly reflect William of Saint-Amour's treatment of the emergence of the *pseudo praedicatores*, especially in chapter two of *De periculis*.

Saint-Amour: Apostolic Tradition

Saint-Amour and his allies among the secular masters refrained from openly accusing the papacy of having acted illegally in granting the mendicant orders this pastoral role.[155] Indeed, in *De periculis*, Saint-Amour was careful to assert that he did not intend 'to dispute the power of the lord pope or the bishops' to bestow a preaching commission.[156] Instead he directed many of his criticisms against the unsuitability of preachers drawn from the ranks of 'men living under a rule (*viri regulares*)'.[157] However, Saint-Amour's condemnation of mendicant preaching was based on his belief in the illegitimacy of the origin of their right to preach, which they derived from papal licences and other privileges. For this reason, Saint-Amour could hardly avoid impugning the papacy's power to confer preaching licences, even though he avoided any overt criticism of papal prerogatives.

[154]Bonaventure, *De perfectione evangelica*, p.141.

[155]And Saint-Amour attempted to appeal to the papacy even after his exile at the hands of Alexander IV. Traver, 'Saint-Amour's *Collectiones catholicae*'.

[156]Saint-Amour, *De periculis*, pp.52/3: 'de potestate domini pape aut episcoporum nolumus disputare.' See also Edmond Faral, 'Les *Responsiones* de Guillaume de Saint-Amour', *AHDLMA* 18 (1950–1), pp.337–394, at 355, where he emphatically denied having cast aspersion on Alexander IV's power to excommunicate '*quantum ad Deum*'.

[157]Saint-Amour, *De periculis*, pp.56/7.

The near-complete absence from *De periculis* of references to Lateran IV's pastoral canons – and indeed all subsequent pastoral privileges – could be regarded as an implicit rejection of papal attempts to divide pastoral labour in the dioceses and parishes. Instead, Saint-Amour's ecclesiological discussion was steeped in references to the apostolic community. When Saint-Amour did invoke *Inter cetera*, it was only to substantiate the claim that each church should have a single head or 'spouse' with preaching rights. In chapter two of *De periculis*, Saint-Amour acknowledged that priests had long made use of vicars and archdeacons who shared in their care of souls, so that local churches might already seem to have multiple spouses; yet he chose not to refer to these helpers as '*coadiutores*' or '*cooperatores*', as Innocent III had done in *Inter cetera*, but rather as '*opitulatores*' or '*maioribus ferentes*', in language reminiscent of St Paul's account of the minor orders in the early Church.[158] In other words, he maintained that the care of souls may only be practised by bishops, parish priests, and the assistants chosen by them.[159] By ignoring the introduction of additional assistants in *Inter cetera*, Saint-Amour sidestepped Innocent's implicit claim that the appointment of these assistants is a matter for papal interference, not simply a prerogative to be determined within the parishes themselves.[160] Moreover, by alluding to the Pauline epistles, Saint-Amour implied that certain priestly *opitulatores* have existed since the days of the primitive Church, and so enjoy an apostolic institution which legitimises them and their activities – more so than the papally mandated *coadiutores*, epitomised by mendicant preachers, who lack any explicit apostolic endorsement.

This dependence on evangelical precedent rather than positive law is evident elsewhere in Saint-Amour's discussion of mendicant preaching. For example, he couched another important aspect of his account of the preaching commission in the language of the Pauline epistles: namely, the ability to judge the legitimacy of preachers based on whether or not they are 'sent (*missi*)'. In Rom. x:15, Paul suggests that the

[158]Saint-Amour, *De periculis*, pp.50/1; see 1 Cor. xii:28. He therefore harkens back to a more rigid conception of hierarchy, before Innocent's innovations. Grundmann, *Religious Movements*, pp.27–8.

[159]Saint-Amour, *De periculis*, pp.52/3. This might be a conscious rebuttal of Bonaventure, who had likened the mendicants themselves to the Pauline *opitulatores*; see Dawson, 'Apostolic Tradition', at 236.

[160]Dawson, 'Apostolic Tradition', pp.236–8; McKeon, '*Parens Scientiarum*', pp.665–70. For the opposing view that Saint-Amour implicitly regarded *Inter cetera* as a bolster to his own opposition to mendicant preachers, see Andrew W. Jones, 'The Preacher of the Fourth Lateran Council', *Logos* 18 (2015), pp.121–49, at 139–40.

quality of being sent is a necessary prerequisite for preachers of the gospel. As such, Saint-Amour identified preachers who are 'truly sent' with those 'elected by the Church', whom he regarded as 'called by God' – that is, he effectively argued that preachers need a formal ecclesiastical commission for their work to conform to the divine will.[161] However, he did not mean to imply that additional preachers can work on the basis of a papal privilege or licence, but rather that they must occupy an ecclesiastical office which imbues a power of orders (either the episcopate or the priesthood) at the point of election, in accordance with his conception of the structure of the primitive Church.

On the basis of these arguments, Saint-Amour has tended to be regarded as an ecclesiological traditionalist who staunchly opposed any innovation that post-dated the *ecclesia primitiva*, and who wished to show that the hierarchical structure that Christ implemented was supposed to have endured without alteration. Thus, the primitive Church served as both the paradigm for the modern Church and the benchmark against which to measure the legitimacy of modern ecclesiastical institutions.[162]

However, Saint-Amour's interpretation of these evangelical references also rested upon two other major ecclesiological authorities. The first was the hierarchical *schema* set out by Pseudo-Dionysius, whose account of the hierarchies of the angels and the Church in the companion works *De ecclesiastica hierarchia* and *De celestia hierarchia* seemed to offer a sub-apostolic insight into the divinely ordained order of the Church and the universe.[163] These works seemed to offer clear proof of the divine origin of the order that underpinned both the angelic and ecclesiastical hierarchies, and they also implied that the ecclesiastical hierarchy had assumed a fixed, eternal composition from

[161] Saint-Amour, *De periculis*, pp.50/1: 'Missi autem non sunt nisi qui ab ecclesie recte eliguntur, sicut nec a deo vocantur nisi qui recte eliguntur, Heb. [v:4]: *nec quisquam sumit sibi honorem sed qui vocatur a Deo, tamquam Aaron*; Glossa: "a Deo vocatur qui recte eligitur."' see also Congar, 'Aspects ecclésiologiques', p.66; M. Peuchmaurd, 'Mission canonique et prédication: Le prêtre ministre de la parole dans la querelle entre Mendiants et Séculiers au XIII[e] siècle', *RTAM* 30 (1963), pp.122–44, 251–76.

[162] Dawson, 'Apostolic Tradition', p.238; Geltner, *Medieval Antifraternalism*, pp.21–2; Michel-Marie Dufeil, 'Autour du terme et du concept de prophétie chez Saint Thomas d'Aquin', in *Saint Thomas et l'histoire*, with a foreword by Jacques Le Goff (Aix-en-Provence, 1991), pp.91–109, at 102–5. For the emergence of such apostolic ideals more generally, see Gordon Leff, 'The Apostolic Ideal in Later Medieval Ecclesiology', *Journal of Theological Studies* 18 (1967), pp.58–82; and Smalley, 'Attitudes to Novelty', at 99–101.

[163] Candice Taylor Hogan, 'Pseudo-Dionysius and the Ecclesiology of Robert Grosseteste: A Fruitful Symbiosis', in James McEvoy (ed.), *Robert Grosseteste: New Perspectives on His Thought and Scholarship* (Steenbrugge, 1995), pp.189–213, at 196; Congar, 'Aspects ecclésiologiques', pp.58–9; Peuchmaurd, 'Mission canonique et prédication', pp.138–44.

the very earliest days of its inception.[164] Saint-Amour especially utilised the Pseudo-Dionysian corpus to underline the unsuitability of *viri regulares* as preachers. In *De ecclesiastica hierarchia*, Pseudo-Dionysius had assigned the episcopate, the priesthood, and the diaconate an active role in relation to monks, ordinary lay Christians, and catechumens respectively, whose roles he cast as purely passive and receptive.[165] On the basis of this division, Saint-Amour asserted that the adoption of a preaching office, or active role, by mere monks – with whom the mendicant orders were naturally conflated – is simply impossible within the hierarchical constraints around which the Church is constructed.[166]

The second of Saint-Amour's ecclesiological authorities further reflected his belief in the divine origin and thus the eternal fixedness of certain ecclesiastical offices. In Luke x:1, Christ had appointed 72 disciples to assist the twelve apostles in their preaching mission. Bede, whose interpretation enjoyed a widespread dissemination and acceptance through its incorporation into Gratian's *Decretum*, implicitly ascribed the bishops and priests an origin in the earliest days of the Church by assigning to them a direct line of succession from the apostles and disciples, respectively.[167] He had declared that:

> just as no-one doubts that the twelve apostles simultaneously show and reveal the form of the bishops, so these 72 [disciples] are known to bear the likeness of the priests, that is, the second order of the priesthood.[168]

As a further bolster to his core claim that the form of the primitive Church is both sufficient and singularly legitimate, Saint-Amour added decisively that 'no further ranks were constituted' with a power to govern the Church, that is, with a power to exercise the preaching ministry associated with the apostolate.[169]

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[164]Dawson, 'Apostolic Tradition', pp.228–32; Dufeil, '*Ierarchia*', pp.552–5.

[165]Pseudo-Dionysius, 'De ecclesiastica hierarchia', in *Dionysiaca*, ii, ed. Philippe Chevallier, 2 vols. (Bruges, 1937–50), pp.1068–1578, at 1338–53.

[166]Saint-Amour, *De periculis*, pp.56/7–58/9. Again, these arguments are closely aligned to the anti-mendicant criticisms of Matthew Paris; see Steckel, 'Narratives of Resistance', pp.163–4, though Paris did not draw such a restrictive conclusion regarding the mendicants' inherent right to preach.

[167]Congar, 'Aspects ecclésiologiques', pp.60–2; Peuchmaurd, 'Mission canonique et prédication', pp.254–6.

[168]Bede, *In Lucae*, pp.213–14; cited in Saint-Amour, *De periculis*, pp.50/1–52–3; via D.68 c.5 ('*Corepiscopi*') §1, in Friedberg, i, col.255.

[169]Saint-Amour, *De periculis*, pp.56/7–58/9.

Saint-Amour supplemented these scriptural arguments and theological authorities with a battery of references to the canon law. He concluded that monks and religious can only preach if they take up an ecclesiastical position with an associated preaching office; that is, if they are canonically elected to the superior rank of the episcopate or the priesthood, which would render them members of an 'active' order in the hierarchy imbued by Christ with the power to preach.[170] If instead they persist in trying 'to meddle in preaching' while in their inferior monastic state, 'it would appear that they are not sent by God and should be reputed false'.[171] In other words, Saint-Amour argued that any preacher who did not occupy the priestly or episcopal state, or who preached without local diocesan or parochial authority, must be considered false.

The main criticism of the mendicant orders presented by *De periculis* is that they do not originate in the primitive Church, which was arranged by Christ and which serves as the sole paradigm for the modern ecclesiastical hierarchy and its offices. For this reason, mendicant preachers cannot be understood to have been 'sent' by God. Furthermore, because they occupy an ecclesiastical state comparable with that of the monastic orders, religious do not have an 'active' role within the Pseudo-Dionysian hierarchical framework of the Church and so do not enjoy a right to preach based on ecclesiastical office. Although Saint-Amour was careful to challenge the mendicant preaching commission by emphasising its incompatibility with apostolic precedents rather than by more directly challenging the legal rights of the papacy, he did aver that the pope 'cannot abolish what was decreed by the apostles and prophets, otherwise he would be found guilty of erring'. In itself, this was hardly an excessive claim; Thomas of York was to place similar limits on the scope of papal authority in the context of natural and divine law.[172] Saint-Amour, however, implied that the pope would *always* err if he granted the mendicant orders a preaching licence because the apostolic form of the Church required all preachers to occupy a preaching office; he added that no-one, not

[170] Peuchmaurd, 'Mission canonique et prédication', pp.254–6.

[171] Saint-Amour, *De periculis*, pp.56/7–58–9. By contrast, mendicant theologians tended to construe the offices and functions of lay and clerical orders in more evolutionary terms, in accordance with the emerging needs of the Church in different periods. See, for example, the discussion of the orders of canons by Thomas Aquinas and William de la Mare in chapter two, from p.98.

[172] Indeed, some twelfth-century theologians and canon lawyers had placed papal authority under similar constraints. Artur Landgraf, 'Scattered Remarks on the Development of Dogma and on Papal Infallibility in Early Scholastic Writings', *Theological Studies* 7 (1946), pp.577–82, pp.579–81; Tierney, *Origins*, pp.20–1.

even the pope, has power to alter 'the most holy, divinely ordained hierarchy of the Church'.[173]

Although Saint-Amour certainly criticised many of the characteristics of the preachers themselves – to the extent that he portrayed them as harbingers of Antichrist[174] – nonetheless he regarded the *origin* of a preacher's right to preach as the exclusive litmus test for determining their legitimacy. In particular, he argued that the right to preach was inextricably bound up in the possession of a clerical office. He therefore concurred with Bonaventure, and to a more limited degree with Thomas, that true preachers may be differentiated from false on the basis of the authority through which they preach. As a result, the question of whether the pope actually has power to confer the commission is of paramount importance for all three of their accounts, albeit it forms only one part of Thomas's overall conception of the mendicant preaching commission.

Thomas of York: Papal *plenitudo potestatis*

Thomas most fully sets out his argument for papal *plenitudo potestatis* in the fourteenth and seventeenth chapters of the *Manus*, although he adds a few supplementary comments during his concluding remarks in chapter 18. While his discussion of papal authority shares certain similarities with Bonaventure's, Thomas emerged from a distinctive intellectual milieu that influenced his own conception of that issue. At the same time, he aimed to refute the arguments that Saint-Amour had articulated in the intervening period since *De perfectione evangelica*. Both of these factors played a role in the argumentation of the *Manus*.

Thomas makes repeated recourse to canon law and the works of Pseudo-Dionysius to support his claim that the papacy's ability to populate the preaching commission is unconstrained by the limitations of positive law. He almost certainly does so in response

[173]Saint-Amour, *De periculis*, pp.58/9: 'Et sic non potest romanus pontifex destruere quod ab apostolis et prophetis decretum est, alioquin errare convinceretur, ut dicit Urbanus papa…quomodo divinitus ordinatam sacratissimam ecclesiasticam yerarchiam poterit quisquam mortalium immutare aut etiam reversare, cum nemini prelatorum data sit potestas in destructionem sed in edificationem (2 Cor. x:[8])?'; citing C.25 q.1 c.6 ('*Sunt quidam*'), in Friedberg, i, col.1008.

[174]See p.66, below.

to Saint-Amour, whose opposing conception of the right to appoint preachers was interspersed with references to both these authoritative sources. However, unlike Saint-Amour, Thomas uses the Pseudo-Dionysian assertion that the ecclesiastical hierarchy is a mirror of the celestial to amplify his claim that the pope, as hierarch of the ecclesiastical hierarchy, enjoys a special pre-eminence and power over its other members. He buttresses this position with reference to certain canonistic opinions regarding papal plenitude of power.

The legal basis for Thomas's defence of papal power is established in chapter 14, where he sets out the pope's role as the supreme source of authority in the Church. He states that the pope is 'judged by no-one' unless he deviates from the faith, and his judgements can be neither set aside nor altered by anyone except another pontiff.[175] The canons he employs to defend this rather uncompromising picture of papal *potestas* are mostly drawn from *Causa* 25 of the *Decretum*, which examine the papacy's power to enact special privileges – for example, whether the pope can grant to a monastery a right to collect tithes when this appears to impinge upon the rights of the local clergy. It is clear why this part of the *Decretum*, which had already emerged as an important focus for the decretalists' discussion of pontifical authority, should have been relevant for Thomas's explication of the special preaching commission granted to the mendicant orders.[176] Echoing Gratian, Thomas notes that all Christians are obliged to obey pontifical decrees when these do not run contrary to the natural law or the law of the scriptures.[177] He adds that the pope enjoys full authority to grant privileges which alter the positive law of the Church – that is, 'to dissolve what has been joined together and to join what has been separated' – since he is 'the head and heart of all the churches, from whose ruling no-one is permitted to deviate'.[178] Those who deviate from the papacy's commands are guilty of anathema.[179]

[175] Thomas of York, 'Manus', p.138.

[176] Friedberg, i, cols.1005–20. For the canon lawyers and decretalists, see Tierney, *Origins*, pp.54–5.

[177] Thomas of York, 'Manus', p.139; citing C.25 q.1 c.16 II ('*Si ergo*'), in Friedberg, i, cols.1009–10.

[178] Thomas of York, 'Manus', pp.139–40; citing C.25 q.2 c.21 II §1 ('*Sacrosancta Romana ecclesia*'), and C.25 q.1 c.16 II §1 ('*Hiis ita*'), respectively; in Friedberg, i, cols.1017–18, 1010.

[179] Thomas of York, 'Manus', p.138; citing C.25 q.2 c.18 ('*Si quis*'); in Friedberg, i, cols.1015–16. These conclusions are reiterated during the summary remarks in chapter 18 of the *Manus*, pp.155–8. The severity of this charge explains why Saint-Amour was so careful not to criticise the papacy openly.

Thomas's focus on the papacy's special capacity to serve as a judge is especially significant insofar as he advocates strongly for the pope's special power to interpret existing law, as well as to change or deviate from it. On the basis of the canon *Ideo*, he asserts that the pope may 'endow a special privilege or concede a special grant against what is decreed in the canon law', not only because he is the 'head or heart' of the Church but also because 'the sacred canons are constituted in such a way that the Holy Roman Church reserves for itself the authority to interpret them'.[180] Thomas thereby implies that the papacy's creation of privileges is based upon a thorough understanding of legal norms, and of the context in which it is appropriate for him to deviate from them – a context which, for Thomas, is contingent upon what is necessary or useful for the Church.[181] In a more general sense, this conception of the pope's extensive legal power is a key aspect of the overarching claim in these chapters that arguments for and against the mendicant preaching commission rest largely upon the *de iure* rights of pope and friars – that is, Thomas accepts that the pope's special power as a judge put him in a position to implement *de facto* the rights that heretofore may only have existed *de iure*. However, Thomas adds that papal authority extends beyond the purely legal or juridical realm in which the pope enjoys a power to pronounce authoritatively upon the precepts and 'necessary observances'. They also encompass the ability to pronounce on 'generalities' that fall under the purview of theology masters. Thomas therefore goes a step further than Saint-Amour or Bonaventure when he asserts that the papacy is unique in enjoying such full and wide-ranging authority over all three areas, not only the law.[182] In this way, he not only articulates the breadth of papal *plenitudo potestatis* – which encompasses precepts, 'necessary observances', and generalities – but also implicitly criticises Saint-Amour and his allies in the Parisian theology faculty for daring to pronounce on issues that fall beyond the more general issues within their proper remit.

Having established his conception of papal *plenitudo potestatis* over canon law, chiefly on the basis of the *Decretum*, Thomas moves, in the seventeenth chapter of the

[180] Thomas of York, 'Manus', p.139; citing C.25 q.1 c.16 II §2, in Friedberg, cols.1010–11.

[181] Thomas of York, 'Manus', pp.138–40, 148.

[182] Thomas of York, 'Manus', p.138; citing D.11 c.2 ('*Consequens est*'), in Friedberg, i, col.23. Thomas's interpretation is based partially on the decretist Rufinus's interpretation of this passage. Rufinus, *Summa decretorum*, ed. Heinrich Singer (Paderborn, 1902; repr. Aalen, 1963), p.27: 'Plena auctoritas illa dicitur, que in se continet preceptum et generalitatem.'

Manus, to articulate more fully the way in which the pope enjoys a supreme power in relation to other members of the Church. He does so by setting out his role as hierarch of the ecclesiastical hierarchy. His use of the Pseudo-Dionysian hierarchical texts is, once again, a significant deviation from Bonaventure's discussion of papal authority in *De perfectione evangelica*, and instead appears to be a direct response to *De periculis*, especially Saint-Amour's arguments regarding the similarity of the ecclesiastical and celestial hierarchies.[183]

Like Saint-Amour, Thomas stresses the Pseudo-Dionysian principle that the ecclesiastical hierarchy is modelled after the celestial. However, he applies this principle of similarity to support a diametrically opposing position. Thomas proceeds to outline the similarities between the celestial and ecclesiastical hierarchies, 'which are assimilated…as far as possible in virtue, operation, disposition, and end'.[184] Saint-Amour had, of course, made a similar claim in *De periculis* when he asserted that the Church comprised a fixed set of actively perfecting and passively perfected orders.[185] Indeed, the similarity of the two hierarchies was a central component of Pseudo-Dionysius's own hierarchical thought, and had become a commonplace in thirteenth-century commentaries on the Dionysian corpus.[186] For Pseudo-Dionysius, the likeness of the hierarchies was an important corollary of his conception of the oneness of the created universe, wherein all rational beings (both angels and humans) participate in the abundant goodness of God in the form of a hierarchically arranged diffusion of gifts, or *influentia*.[187] This outpouring, or procession, of gifts infuses all members of the hierarchy, passing through the superior ranks to the inferior, and the participation of the hierarchy's members in this process – which could equally be construed as a participation in the created universe – is construed as a process of return, or reversion, to God, the hierarch.[188]

[183]Of course, Bonaventure later devoted considerable thought to the Pseudo-Dionysian discussion of hierarchies, especially in his hexaemeric work. Hughes, 'Bonaventure's Defense of Mendicancy', p.532.

[184]Thomas of York, 'Manus', p.151.

[185]Saint-Amour, *De periculis*, pp.56/7. See above, p.53.

[186]Pseudo-Dionysius, 'De ecclesiastica hierarchia', p.1322; Taylor Hogan, 'Fruitful Symbiosis', p.202.

[187]Pseudo-Dionysius, 'De ecclesiastica hierarchia', pp.1074–86.

[188]Pseudo-Dionysius, 'De caelestia hierarchia', in *Dionysiaca*, ii, ed. Philippe Chevallier, 2 vols. (Bruges, 1937–50), pp.725–1039, at 785–98.

While Saint-Amour and Thomas of York both accepted this basic principle of the similitude or assimilation of the ecclesiastical hierarchy to the celestial, they put it to very different uses. Saint-Amour utilised this similarity in two ways. Firstly, he placed special emphasis on the requirement for *influentia* to pass to inferiors through an unbroken succession of superiors, refusing to admit that a hierarch could bypass hierarchical ranks and confer powers directly upon members of the hierarchy who were not his immediate inferiors.[189] Secondly, he claimed that it was unlawful for new ecclesiastical orders to be ordained because this would corrupt the divine order.[190]

By contrast, Thomas of York focusses on similarity in relation to the hierarch. The human hierarch, 'a holy man who abides in God', enjoys a position within the ecclesiastical hierarchy analogous to that of God, the hierarch in the celestial.[191] Thomas repeats the Pseudo-Dionysian maxim that 'the influence of every virtue and operation, from the first order and the first person in a hierarchy to the last order and person, comes from the hierarch', such that 'the hierarch gives a superior his inferior, an order its order, and a person its person', in a chain of *influentia* that extends all the way through both hierarchies to God Himself.[192] While every priest is as a hierarch within his own jurisdiction ('*singule hierarchiae particulares*'), nonetheless their powers are superseded by those of the sole hierarch of the whole Church, in whom 'the influence of all powers and operations' inheres, and through whom they are distributed to every other member of the hierarchy.[193] Thomas identifies the pope as this hierarch due to his role as the successor of St Peter, upon whom – alone of all the apostles, so Thomas claims – Christ conferred the power of binding and loosing associated with 'the keys to the kingdom of Heaven', and through whom this power of binding and loosing is bestowed upon others in the hierarchy.[194] As such, Thomas establishes the primacy of the pope over all other members of the hierarchy, and their dependence on him for their powers and offices.

[189] Saint-Amour, *De periculis*, p.56/7.

[190] Saint-Amour, *De periculis*, p.56/7; see also Saint-Amour, *Opuscula*, pp.168–9.

[191] Thomas of York, 'Manus', p.152; compare with Pseudo-Dionysius, 'De ecclesiastica hierarchia', pp.1088–9.

[192] Thomas of York, 'Manus', pp.151–2.

[193] Ibid., p.153.

[194] Thomas of York, 'Manus', pp.152–3; although thus claim was by no means uncontested: see Tierney, *Origins*, pp.39–45. Nonetheless, Thomas certainly draws a far more direct comparison between Christ and the pope than Bonaventure had done in *De perfectione evangelica*. See Tierney, *Origins*, pp.66–7.

While Thomas thereby refutes a major facet of Saint-Amour's conception of hierarchy, the tendency to emphasise the Pseudo-Dionysian principle of similarity with special reference to the role of the hierarch also reflects the intellectual milieu in which he wrote the *Manus*: that is, the Oxford Franciscan *studium*.[195] In around 1250, in an address to Innocent IV that attempted to persuade the pope to initiate a crusade, Adam Marsh had similarly described the similarities between the two hierarchies in order to underline the pre-eminent status of the hierarch in each of them.[196] He compared the scope of God's power as hierarch within the celestial hierarchy with the proper scope of papal power over the ecclesiastical hierarchy and indeed the terrestrial world, which should be all-encompassing. Marsh made this comparison to encourage Innocent to fulfil his obligation to convert all non-Christian peoples, and exhorted him to push ahead with this work 'until every [other] principality and power is vanquished, and the other sheep (who are not of his flock) brought into the fold and entrusted to God the Father, so that there is one flock and one pastor.'[197] In this way, Marsh anticipated Thomas's use of the Pseudo-Dionysian analogy between the hierarchs of the celestial and ecclesiastical hierarchies to underline the pope's unique power in the Church and the world, especially as a provider of pastoral care.

At around the same time, at a private consistory before the Curia at Lyon, Grosseteste had also appealed to Innocent IV and placed special emphasis on the similarity of the hierarch's role in both the ecclesiastical and celestial hierarchies. His chief aim was to curb the encroachment of the archbishop of Canterbury upon the diocese of Lincoln, especially the appointment of non-resident priests whom Grosseteste believed to pose a considerable threat to the pastoral wellbeing of his flock, for whose salvation he would be called upon to answer on the Day of Judgement.[198] Grosseteste

[195]Marrone, 'Parisian Secular Masters', p.42, notes that Thomas 'could well have learned at Oxford' the view, based on the Pseudo-Dionysian corpus, that 'the pope was the source of all ecclesiastical authority'; however, Marrone speculates no further than this.

[196]Adam Marsh, 'Epistolae', in *Monumenta Franciscana*, i, ed. J. S. Brewer, 2 vols. (London, 1858), pp.75–489, pp.413–37, at 416–17. For the dating of this unusual missive, which is sometimes considered apocryphal and so was not translated by the *Letters*'s modern editor, see Amanda Power, 'Franciscan Advice to the Papacy in the Middle Ages', *History Compass* 5 (2007), pp.1550–75, at 1562.

[197]Marsh, 'Epistolae', p.420. Although, in a striking parallel with *De periculis*, Marsh also emphasised that this unifying mission was especially urgent because of the increased disorder in 'these times of the world's old age'.

[198]For the documents that Grosseteste presented, see Gieben, 'Grosseteste at the Papal Curia'; discussed in Tierney, 'Grosseteste and the Theory of Papal Sovereignty'; Southern, *Robert Grosseteste*, pp.276–91;

castigates churchmen who, like the archbishop, blindly exert the rights that they have been afforded in positive law to the detriment of the duties to which they are called in divine law, of which the most fundamental is the salvation of souls by means of adequate visitation and pastoral provision.[199] He asserts, after all, that the end to which the ecclesiastical hierarchy is ordained is the salvation of souls; and so he exhorts the pope to intervene in his favour by reminding him of his obligation, as hierarch, to secure the pastoral wellbeing of every member of the Church through the implementation of divine law.[200] Notwithstanding the specific context in which Grosseteste was driven to make his appeal, which was rather different from those in which either Marsh or Thomas utilised the same Pseudo-Dionysian concept, his description of the ideal Christian hierarch is strikingly similar to Thomas's. This is particularly true of Grosseteste's description of the hierarch as 'a man bestowed by reason to be the holiest of churchmen', as well as his assertion that the papacy is obliged to act in a way that will best secure the pastoral wellbeing of the Christian people.[201] And, even though Grosseteste extols the papal hierarch's status in order to illustrate how starkly Innocent had fallen away from the role and duties expected of the human hierarch, nonetheless this did not detract from the high esteem in which he held the papacy and the papal office.[202] It is notable that this emphasis appears in all three of these Oxford masters' conceptions of the ecclesiastical hierarchy, and that, while each pressed it into the service of a rather different cause, nonetheless these were all directed towards the provision of pastoral care.

Unlike Saint-Amour, who had implied that this influence of power descended through hierarchies solely through the mediation of successive orders, so that every superior committed it to his immediate inferior and so on, Thomas refuses to restrict the hierarch's power to distribute *influentia* solely to his immediate inferiors. As the supreme hierarch of the ecclesiastical hierarchy, the pope can distribute this power *a latere* to any inferior within the hierarchy directly and without mediation:

Hoskin, *Grosseteste*, pp.79–82.

[199]Gieben, 'Grosseteste at the Papal Curia', pp.380–1. Grosseteste had explained his belief that the blood of the souls in his flock 'would be required of me at Judgement Day unless I was completely diligent in visiting them'. Ibid., p.375.

[200]Ibid., p.382.

[201]Ibid., p.382.

[202]Tierney, 'Grosseteste and the Theory of Papal Sovereignty'.

> If the pope influences and distributes, it is reasonable (that is, in accordance with reason) that he should distribute this power and its execution or operation to some who are greater and others lesser, and remove it from some and confer it on others, insofar as he sees fit.[203]

Thomas concedes that it is fitting for 'nobler or more superior' members of the hierarchy to receive this *influentia* first and more potently than their inferiors, according to both canon law and natural law. Nonetheless, in circumstances of 'greater necessity or more evident utility', the pope as 'head or heart' of the ecclesiastical hierarchy can decide to infuse the inferior members by acting upon them directly, without the mediation of the superior members, if this would seem to mitigate the corruption, or expedite the salvation of, the body.[204] He further underlines this ability to bypass the superior members of the hierarchy when he notes that the power of the hierarch, as the primary cause of all infusions of *influentia* within the hierarchy, is more potent than that of the bishops and priests, who infuse the inferior members with a more limited secondary power derived from the hierarch. Thus, for Thomas, the hierarchy's potency not only signals his fullness of power, but also the absence of constraints upon his exercise of it. He therefore dismisses the argument that the mendicants' exercise of the papal preaching commission requires the additional permission of the local priest or bishop.[205]

In sum, Thomas believes that the papacy enjoys *plenitudo potestatis* over the law which includes a unique power of interpretation and of alteration by means of additional privileges. Furthermore, he asserts that the pope's status as hierarch both underlines the authority with which he pronounces and imbues him with an actual power over the other ranks of the ecclesiastical hierarchy, which are wholly dependent on him for their own divinely infused powers.

Yet Thomas does not present a vision of the pope's power over positive law as totally unlimited. For example, he follows Gratian and many other canonists in acknowledging that individual popes could fall into heresy, even if only as a theoretical

[203]Thomas of York, 'Manus', p.153; see also p.159.

[204]Ibid., pp.153–4.

[205]Ibid., p.154: 'summus pontifex est causa primaria, ideo necessario est plus influens, quam causa secundaria… Et propterea actio cause tertie vel effectus potius debetur cause primarie, quam secundarie, quia nichil habet causa secundaria nisi a prima'.

possibility.[206] Thomas also implicitly imposes a limit on papal legal authority when he asserts that the pope is constrained by the requirement to act in a way that is neither unjust nor unfair ('*mandata eius non sint iustitie et equitati dissona*'). Moreover, he appears to conceive of the limits of justice and fairness as analogous with the dictates of natural law or scripture. Thus, Thomas argues that while all Christians should obey canon law, especially the pope's interpretation of it, nonetheless they should not prefer it to natural law or the scripture, which alone are absolutely true and unchangeable, even by papal authority.[207] In short, Thomas's conception of the limits of the pope's authority to innovate legally is couched in the rather conventional, legal terms of prior canonical pronouncements; for even the most staunchly 'papalist' of the decretalists accepted that papal authority was not guaranteed against failure, such as heresy, as well as that the papacy could pronounce in any way that contradicted natural law or the law of the scriptures.[208]

However, as well as acknowledging these legalistic restrictions, Thomas clarifies that the pope is permitted to deviate from established legal norms only in certain circumstances – namely, if his reasons for doing so improve upon those that underscore the current organisation of the Church;[209] and if he is spurred to act by 'piety or necessity'.[210] Thomas had, of course, applied similar criteria during his discussion of the *loculos* to delineate the limited circumstances in which the apostles could deviate from the standard of absolute poverty which was the norm.[211] In the context of the mendicant preaching commission, however, this additional caveat on the free exercise of papal

[206]Tierney, *Origins*, pp.49–53; Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge, 1955), pp.57–67; John Watt, *The Theory of Papal Monarchy in the Thirteenth Century: The Contribution of the Canonists* (London and New York, 1965), pp.29–30; Atria A. Larson, 'Popes and Canon Law', in Atria A. Larson and Keith Sisson (eds.), *A Companion to the Medieval Papacy: Growth of an Ideology and Institution* (Leiden and Boston, 2016), pp.133–57, at 151–4.

[207]Thomas of York, 'Manus', pp.139–140, 157. This was by no means an unusual conception of papal power, and is strikingly similar to Grosseteste's, for example. Tierney, 'Grosseteste and the Theory of Papal Sovereignty'.

[208]Tierney, *Origins*, p.53; Tierney, *Conciliar Theory*, pp.37–46; Marrone, 'Parisian Secular Masters', pp.75–7.

[209]Thomas of York, 'Manus', p.148.

[210]Thomas of York, 'Manus', pp.139–40: 'dicitur quod "sancta Romana ecclesia sua autoritate congregat valet disiungere, disiuncta congregare, rationis tamen equitate considerata. Unde pietatis vel necessitatis intuitu valet concessa in totum vel in partem commutare, quia pro necessitate corrigendorum vitiorum privilegia vel minuuntur vel mutantur, sive personaliter sive generaliter"'; citing C.25 q.2 c.21 ('*Si igitur*'), in Friedberg, i, cols.1017–18.

[211]See above, p.43.

authority prompted Thomas to offer a more detailed explanation of the particular contingencies which made it desirable, not to say necessary or useful, to appoint additional preachers despite the canon law requirement that each church should have only a single official with a power of preaching. However, his conception of necessity and utility is also closely associated with the other part of his argument for the mendicant preaching commission, namely, the suitability of the preachers themselves.

The 'Necessity or Utility' of Mendicant Preaching

Thomas dedicates chapters 15 and 16 of the *Manus* to a more detailed justification of the friars' role as preachers and pastoral assistants.[212] However, the significance of this aspect of his argument has been overshadowed by the weight of modern scholarly interest in the accompanying theory of papal *plenitudo potestatis*. As such, most scholars pass over this crucial element of Thomas's conception of the mendicant preaching commission; and they have therefore also overlooked the broader importance that he allots to the act of preaching *per se*, which clearly emerges in those passages of the *Manus* where he discusses preaching as a gift of the Holy Spirit and not just in terms of office and competing jurisdictions.[213] Yet in these chapters, Thomas articulates a conception of the benefits of mendicant preaching which, like his interest in the role of the hierarch, owes much to his association with Grosseteste and the Oxford Franciscans.

From the very start of chapter 13 of the *Manus*, Thomas maintains that there is a close association between the legal criteria by which the pope can commission and the friars can be commissioned.[214] Because he believes that the papacy's authority to deviate from legal norms is contingent on the utility or necessity of such interference, he is compelled to identify the ways that the contemporary Church can be said to face such circumstances in order to justify the mendicant preaching commission. In these chapters, he outlines two such causes: an upsurge in lay immorality, and the increasing

[212]Thomas implies near the beginning of chapter 15 that these chapters are halves of a single question, perhaps hinting that they originated as a standalone *quaestio* on participation in preaching. Thomas of York, 'Manus', p.141: 'et huius veritas manifestabitur *in secunda parte huius questionis*', emphasis mine.

[213]For perhaps the only scholarly exception, which examines the work outside of the secular-mendicant controversy, see Zerfaß, *Der Streit um die Laienpredigt*, pp.338–41; and the concluding remarks at p.75 below.

[214]See p.48, above.

inadequacy of priests.[215] Furthermore, in the process of delineating these causes, he engages (for the only time in the *Manus*) with Saint-Amour's crucial claim that mendicant involvement in pastoral activities reveals them to be harbingers of Antichrist – indeed, Thomas's decision to address this eschatological line of argument provides some of the clearest evidence that this part of the *Manus*, at least, was produced as a direct rebuttal to *De periculis*.[216] However, within that framework, Thomas himself depicts mendicant preachers as an additional line of defence against the threats posed by the approaching end of the world, rather than servants of Antichrist in their own right.

Saint-Amour described the characteristics of the 'self-loving men' through whom 'the dangers of the Last Times' would menace in chapter two of *De periculis*, where he made extensive use of the eschatological vision set out in Paul's second letter to Timothy.[217] Among those whose emergence would herald the end of the world, Saint-Amour singled out two categories of 'self-loving men' for special caution: the *penetrant*[*es*] *domos* who usurp the priest's place in the confessional; and the *pseudo praedicatores* who preach in the parishes despite not being legitimately 'sent (*missi*)'.[218] Perhaps because Saint-Amour repeatedly asserted that the preaching office is the most important element of the *cura animarum*, Thomas focuses solely on preaching.[219]

In these chapters of the *Manus*, as well as the prologue, Thomas demonstrates an awareness of *De periculis*'s distinctive apocalyptic motif – especially Saint-Amour's use of the eschatological *schema* set out in the second letter to Timothy, to which Thomas refers abundantly in the prologue while discussing 'the wicked man who has stretched out his hand against the Almighty'.[220] These allusions strongly imply that Thomas's

[215]Thomas of York, 'Manus', p.148. Thomas does not specify whether this inadequacy is strictly numerical, or whether priests are no longer morally capable of providing moral guidance to the people.

[216]Saint-Amour would continue to employ such apocalyptic arguments throughout the rest of his life, but *De periculis* marked the earliest known appearance of such views in any of his surviving polemical works. Saint-Amour, *Opuscula*, p.98.

[217]Indeed, the work has been described by some scholars simply as 'a polemical interpretation of 2 Tim. 3'. Scase, *New Anticlericalism*, p.3; Dawson, 'Apostolic Tradition', p.234.

[218]Saint-Amour, *De periculis*, pp.48/9–50/1. For the polemical tradition that developed in relation to the friars as *penetratores domos*, who enter the confessional 'fraudulently like a thief, or violently like a bandit', see especially Szittya, *Antifraternal Tradition*, pp.3–10.

[219]Saint-Amour, *De periculis*, pp.52/3: 'et in ecclesiarum regimine officium predicationis existat precipuum sicut ordo predicatorum precipuus'; pp.54–5: 'hoc sit potissimum officium episcoporum'. Geltner, *Medieval Antifraternalism*, p.22, notes the deliberate pun, '*ordo predicatorum*'.

[220]Thomas of York, 'Manus', pp.37–9; see above, p.14.

references to 'the wicked man' are indeed directed against Saint-Amour. However, Saint-Amour was by no means the only prominent theologian to espouse apocalyptic beliefs during this period or in the context of the mendicant orders. In 1254, as the dispute between the Parisian secular and mendicant masters intensified, a Parisian Franciscan named Gerard of Borgo san Donnino produced the enormously controversial *Liber introductorius ad Evangelium aeternum*, in which he interpreted and elaborated upon certain eschatological works by the late twelfth-century abbot and mystic, Joachim of Fiore.[221] These works by Joachim had undergone a thorough papal investigation in the early part of the thirteenth century, rendering them controversial if not outright suspect, but had escaped full condemnation and remained popular across Latin Christendom, including in England.[222] For example, Matthew Paris discussed Joachim's works and the *Evangelium aeternum* scandal at length in his chronicle;[223] and in around 1250, Adam Marsh procured certain Joachite works and sent them to Grosseteste, although he urged the bishop to have them copied in the privacy of his bedchamber, apparently aware that they were controversial.[224]

Among many other eschatological prophecies, Joachim supposedly forecast that the coming of Antichrist would be preceded by the emanation of two new orders of 'spiritual men'.[225] Although Joachim predicted that one of these orders would be active and the other contemplative, Gerard identified them with the Dominicans and Franciscans.[226] He thereby assigned the mendicant orders a special role in the divinely ordained plan for the unfolding of the end of the world.[227] Other friars did not shy away

[221]Marjorie Reeves, *The Influence of Prophecy in the Later Middle Ages: A Study in Joachimism* (Oxford, 1969).

[222]See Morton W. Bloomfield and Marjorie E. Reeves, 'The Penetration of Joachism into Northern Europe', *Speculum* 29 (1954), pp.772–93, for the early reception of Joachim's prophetic works. Although Joachim's works were re-examined during the papal commission into Gerard and the *Liber introductorius*, again they escaped full condemnation. CUP, i, no.243.

[223]Matthew Paris, *Chronica Majora*, v, pp.598–600; although Paris rather inexplicably regarded the *Liber introductorius* as a Dominican work, which may indicate that he had only limited information about it. The Italian Franciscan Salimbene was better informed, and similarly discussed the work at length. Salimbene di Adam, *Cronica*, ed. Ferdinando Bernini, 2 vols. (Bari, 1942), i, pp.338–40.

[224]Marsh, *Letters*, i, no.43.

[225]Bloomfield and Reeves, 'Penetration of Joachism', pp.785–6; Reeves, *Influence of Prophecy*, p.182; Frances Andrews, 'The Influence of Joachim in the Thirteenth Century', in Matthias Riedl (ed.), *A Companion to Joachim of Fiore* (Leiden and Boston, 2017), pp.190–266, at 223–7.

[226]Heinrich Denifle, 'Das *Evangelium aeternum* und die Commission zu Anagni', *ALKGM* 1 (1885), pp.49–142, at 59–66; CUP, i, no.243. See also Salimbene, *Cronica*, i, pp.425–6.

[227]Reeves, *Influence of Prophecy*, pp.146–8.

from such an identification: in 1255, just a year after the *Evangelium aeternum* controversy, the Franciscan minister general John of Parma and the Dominican master general Humbert of Romans circulated a joint encyclical in which they emphasised this shared eschatological role. In this, they exhorted the friars of the two orders, who had developed a rivalry over the provision of pastoral care, to live in mutual harmony.[228]

The Parisian secular masters, who were already frustrated by the friars' privileged status at the university and in the parishes, greeted these claims to a divinely ordained role with distaste.[229] In 1255, they produced a comprehensive catalogue of Gerard's errors, which was instrumental in the subsequent condemnation of the work by the papal commission.[230] In a sermon delivered in May 1256, just a few months after *De periculis* appeared, Saint-Amour singled out the '*Evangelium sempiternum*' as one of several problematic texts to have been circulated 'during the past 55 years', and criticised certain anonymous opponents for appearing to place greater faith in them than in the prophecies of scripture. He also charged that such arguments threatened the proper structure of the Church, which was first revealed to Moses and then reaffirmed by Paul (according to the testimony of Pseudo-Dionysius).[231]Saint-Amour probably hoped to capitalise on the condemnation of Gerard and the *Evangelium aeternum* by a papal commission at Anagni the previous year; and he voiced these criticisms despite Alexander IV's command to the Parisian masters to condemn Gerard and his work privately, in a way that would not publicly discredit the mendicants.[232]

In light of Saint-Amour's criticisms of Joachim, scholars have been divided as to the sincerity of his own use of similar eschatological arguments – some have regarded them as evidence of 'a highly developed talent for sustained irony' instead of a genuine

[228] *Annales minorum*, ed. Luke Wadding, 25 vols. (Quaracchi, 1931–5), iii, pp.380–1; for further context, see Michael F. Cusato, 'Fraternal Twins? John of Parma, Humbert of Romans and the *Joint Encyclical* of 1255', in Michael F. Cusato and Michael Robson (eds.), *Testimony, Narrative and Image: Studies in Medieval and Franciscan History, Hagiography and Art in Memory of Rosalind B. Brooke* (Leiden, 2022), pp.73–112; and Brett, *Humbert of Romans*, pp.26–8. See also Salimbene, *Cronica*, i, pp.425–6.

[229] While the eschatological conflict within the universities revolved around the Franciscan order, the Dominicans were not wholly opposed to the assumption of an apocalyptic role. Melville, *Medieval Monasticism*, p.185.

[230] CUP, i, no.243; McKeon, '*Parens Scientiarum*', p.661.

[231] Saint-Amour, *Opuscula*, pp.168–9; see also Saint-Amour, *De periculis*, c.8, pp.76/7; in both instances citing Pseudo-Dionysius, 'De ecclesiastica hierarchia', pp.1320–22; Saint-Amour later criticised Joachim himself more directly; see Traver, 'Failure of Joachite Expectations', p.10.

[232] CUP, i, no.258.

belief in the incipient end of the world, while others point to the recurrence of these motifs in his later antifraternal writings as proof that he truly believed the 'Last Times' had arrived.[233] Either way, his depiction of the friars as a component of the divine plan for the end of the world is a prominent aspect of *De periculis*. But whereas eschatologically minded friars preferred to regard themselves as agents of the divine will who participated in the defence of Christendom and the salvation of humanity, Saint-Amour recast them as the servants and precursors of Antichrist described in the second letter to Timothy.[234] As such, it is important to note that Saint-Amour rooted his own apocalyptic speculation in the decidedly orthodox authority of the Pauline epistles rather than the more controversial Joachite texts.

By contrast, Thomas's engagement with eschatological themes is relatively minimal. Other than his allusions to the prophesying of the wicked man in the prologue of the *Manus*, which briefly draw upon the same references from the second letter to Timothy, Thomas only directly alludes to the end of the world in chapter 16. He characterises the dangers associated with the *finem mundi* as one of the 'necessary or useful' contingencies that would permit the pope to endow the mendicant preaching commission. Saint-Amour had criticised the friars themselves and drawn a connection between their pastoral activities and the coming of Antichrist, but Thomas clarifies that the joint afflictions of priestly insufficiency and a sudden upswell of wickedness among the laity are the clearest evidence that the end of the world might be close at hand. Still, although he especially underlines the moral inadequacy of the clergy, he also lists numerous undesirable forms of lay behaviour – such as an inclination to do evil more readily than good, a credulous belief in novelties rather than the teachings of the saints, and a greater concern for temporal rather than holy things – that would justify a greater provision of preachers.[235]

[233] Tierney, *Origins*, p.64. See also Scase, *New Anticlericalism*, p.16; and McKeon, '*Parens Scientiarum*', p.670. For a different perspective, see Geltner, *Medieval Antifraternalism*, p.22; Dawson, 'Apostolic Tradition', p.234. Perhaps it is simply the case that '[o]n finit toujours par croire ce qu'on a dit et redit'; see Faral, '*Responsiones*', p.375.

[234] Although see Geltner, *Medieval Antifraternalism*, p.19, which minimises the eschatological characteristics of the work: '[a]t base…*De periculis* seeks to identify the secular clergy's responsibility in containing religious mendicancy and to guide them in this effort. In this respect, the work's apocalypticism is subordinate to its political aims.'

[235] Thomas of York, 'Manus', pp.148–9.

Thomas suggests that there might be an eschatological cause for this increase, stating that:

> *if* in the future we were to become aware of [such an upswell] among the people, then their need would be very apparent; as would the need for preaching, which would counteract [the upswell] but of which [the people] have been deprived. Hence, in accordance with the Saviour's pronouncement that 'They shall abound in iniquity', *when* all of these evils grow and multiply at the end of the world, then it is patently clear that they shall be more greatly diminished if there are more people to counteract them. If this is so, then it is ordained not only through human prudence but through divine wisdom that the number of preachers should be increased in line with the number of evils.[236]

In short, Thomas contends that the divinely foretold increase in lay immorality associated with the end of the world should be addressed by an increase in the number of preachers, and that human efforts to effect this increased preaching provision are consonant with Christ's own exhortations. He thereby demonstrates how Saint-Amour's depiction of lay wickedness could equally be construed as a justification for the introduction of additional preachers, rather than as proof that the friars were harbingers of Antichrist.

However, it is not clear from either these glancing references, or indeed his rather speculative tone, that Thomas himself truly believed the end of the world to have arrived – he is careful to limit his discussion to hypothetical terms, as a forecast of possible future events rather than an immediately pressing concern.[237] Indeed, the impression that he attached only a peripheral importance to the *finem mundi* is further reinforced when he summarises his arguments in defence of the preaching commission

[236]Thomas of York, 'Manus', p.149: 'si, inquam, hec in hominibus attenderimus, bene indigentiam eorum et necessitatem predicationis, qua ab hiis retrahantur, ad contraria illorum attrahantur, videbimus. Unde, *cum* hec omnia mala erga finem mundi sunt crescenda et amplianda, contraria eorum quantum ad numerum personarum diminuenda secundum sententiam Salvatoris in Matth. 24[:12]: *Habundabit iniquitas*, etc., secundum quod facile manifestari possit ex sanctorum sermonibus – si, inquam, sic est, non tam per prudentiam humanum quam sapientiam divinam ordinatum est, ut contra tot malorum augmentum augeretur numerus predicantium'. Italics mine.

[237]Hence his careful but consistent use of the subjunctive tense in the passage just reproduced. Equally hypothetical is his very brief discussion of priestly insufficiency in apocalyptic terms at the end of chapter 16. Thomas of York, 'Manus', p.151. For the view that Thomas's apocalyptic belief was sincere, see Dufeil, *Guillaume de Saint-Amour*, p.245.

in chapter 18, where Thomas reiterates that the papacy may endow additional preachers if there is sufficient utility or need, but does not venture any eschatological context for the emergence of the mendicant orders or their pursuit of preaching.[238] His ambivalence or reticence to attribute an eschatological significance to the mendicants' pastoral pursuits is therefore quite evident, although its precise cause – whether uncertainty over the urgency of apocalyptic threat, or caution in the wake of the *Evangelium aeternum* controversy – is unclear. Yet it sets Thomas apart from Saint-Amour and also from some of his closest contemporaries at Oxford – including Adam Marsh, who increasingly couched his concern for pastoral provision in eschatological terms and who alluded to the end of the world in numerous letters.[239] By comparison, Thomas's allusions to the impending apocalypse are so brief that they might be regarded as a rhetorical device utilised to rebut a central element of Saint-Amour's argument rather than a sincerely held belief. He certainly continues to allude to the contingencies of 'utility or need' that underpin his justification of the papacy's recourse to its inherent right to alter legal precedents even without the immediate threat posed by the end of the world.

Nonetheless, even though Thomas downplays the possibility of an eschatological cause, he consistently presents the utility of or need for additional preachers due to clerical insufficiencies as a real and current problem. Because these insufficiencies leave the parishes bereft of adequate pastoral provision, Thomas regards them as a sufficient reason to justify the papacy's recourse to its inherent right to alter legal precedents by endowing a mendicant preaching commission.[240] This assertion serves as a direct refutation of the opposing position that mendicant preachers interfere with the jurisdictional rights of priests – as indeed Saint-Amour had argued when he jealously defended the priestly prerogative to exercise a sole right of preaching and to oversee the

[238] Thomas of York, 'Manus', p.165.

[239] See Lawrence's discussion in Marsh, *Letters*, i, pp.xxix-xxx; and the references in Bloomfield and Reeves, 'Penetration of Joachism', pp.785–9. It is harder to gauge the extent of Grosseteste's own eschatological belief, but he occasionally made allusions to an uptick in wickedness that may suggest he was cautiously receptive of the idea. See Gieben, 'Grosseteste at the Papal Curia', pp.353–4; discussed in Hoskin, *Grosseteste*, p.49; and Southern, *Robert Grosseteste*, pp.281–5.

[240] Thomas of York, 'Manus', p.148: 'Cum igitur hec possit, numquid illud decretum, si a patribus fuisset institutum, meliori ratione mutare non poterit? Estimo, quod aliter sentire est illius sancte sedis potestatem enervare. Sed queres, que est illa ratio melior sufficiens? Responsio ad hoc esset: autoritas dispensantis seu committentis, de cuius autoritate et facto nulli iudicare licet, secundum quod supra dictum est. Verum, ne videar in hoc querere subterfugium, manifeste sunt rationes, videlicet populi indigentia et sacerdotum, ut pro pluribus eorum loquar, insufficientia.'

appointment of parochial *opitulatores*[241] – for Thomas maintains that the provision of preaching cannot be governed solely by considerations about the origin of jurisdictional rights. He therefore casts aspersions on those who jealously refuse to accept additional pastoral help and who claim a unique right of overseeing the provision of preaching based on a narrowly jurisdictional conception of legitimacy.[242]

Thomas also attempts to demonstrate that the mendicant preaching commission is not prejudicial to priests even according to the jurisdictional criteria applied by Saint-Amour, either '*in iure aut in facto*'. On the one hand, priests' rights are not infringed upon because they do not lose any of their own preaching rights in accepting additional preachers; on the other, the priests themselves remain remain free *in facto* to preach whenever they wish, with the power to ask the friars to desist their own preaching activities if they desire to preach themselves – perhaps in reference to papally mandated restrictions on mendicant preaching activities, such as those which Alexander IV had implicitly stipulated in *Nec insolitum* when he renewed the friars' pastoral privileges two years earlier.[243] Thomas thereby finds that priestly resistance to mendicant preachers does not have a legitimate jurisdictional basis, even though he is careful to emphasise that it is not the only criterion for ascertaining legitimacy. This allows him to depict this particular category of objection in rather more ignoble terms as a product of self-interested jealousy.[244] He rails against priests 'who arrogate the right of preaching to themselves alone' and regard any assistance as prejudicial to their rights, and who exclude 'lesser preachers (*minores…predicantes*)' labouring to supplement the provision of preaching.[245] He also notes that Christ Himself had discouraged the apostles and disciples from excluding others who cast out devils in His name:

> if the disciples, who prefigured priests, were taught to accept others who did not walk with a holy intention…then how much more should good priests admit those who share in the same spirit and walk in the same footsteps, and

[241] See p.52, above.

[242] Thomas of York, 'Manus', p.142.

[243] Thomas of York, 'Manus', pp.143–4. Alexander forbade the friars to preach at the same time as parish priests; see CUP, i, no.244. See also p.48 above.

[244] Thomas of York, 'Manus', p.142: 'si hoc [iudicant suum preiudicium aliorum in predicatione adiutorium], moventur non ex caritate, sed ex invidia'.

[245] Ibid., p.142.

> whose labour does not supplant the priests' hard work but actually alleviates their burden![246]

Thomas therefore utilises the likeness that Bede had drawn between disciples and priests, which was such a crucial element of Saint-Amour's conception of the Church, to argue that apostolic precedent permits a priest to have assistance from additional preachers.

As well as proving that mendicant preachers are not incompatible with priests' jurisdictional rights, Thomas asserts that they would benefit ordinary Christians, whose desire for virtue and aversion to vice would grow exponentially in accordance with exposure to preaching. He argues that these benefits alone justify the preaching commission, even if there may be isolated instances in which individual priests appear to be personally disadvantaged by the mendicants: for example, if the presence of additional preachers causes certain people to hold their own priests in contempt.[247] However, Thomas believes it more likely that the Christian people would regard their priests with even greater reverence and honour for permitting additional preachers. Even if they do not, he does not regard this possibility as a reason to set aside the mendicant preaching commission, for 'instructing the people through preaching is simply good, no matter who does it', and a generally worthy institution should not be set aside because of occasional instances of individual wickedness.[248] Insofar as his conception of the papacy's ability to alter positive law is based upon the twofold criteria of necessity and utility, it is unsurprising that Thomas is careful to present preaching as inherently useful in this way, particularly when he avers that 'the more widespread preaching is, the more useful it is to the people'.[249] By casting priestly objections as a product of jealousy or pride, Thomas effectively minimises the priests' scope for objecting to mendicant preaching on legal grounds; and, by highlighting the utility of preaching, he also strengthens his conception of the mendicant preaching commission as compatible with papal *plenitudo potestatis* to alter the law in useful or necessary ways.

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[246] Thomas of York, 'Manus', p.143; citing Luke ix:49–50.

[247] Ibid., p.144: 'prelatos occasione predicationis aliorum contempni aut vilipendi'.

[248] Ibid., pp.144–5: 'cum informatio populi per predicationem sit simpliciter bona, etiam per quoscumque fiat, non debuit omitti eius institutio, quamvis ipsis malis sit aliquando mali occasio… Non tamen propter hanc occasionem debuit omitti institutio dignitatis.'

[249] Ibid., pp.140–1, at 141: 'nam potius ipsa est regimini animarum, ad quod tenentur prelati, utilis seu necessaria… Sciebat enim, quod predicatio quo universalior, eo plebi utilior.'

However, throughout chapters 15 and 16 of the *Manus*, Thomas also discusses mendicant preaching in terms that somewhat transcend this carefully constructed legalistic framework of papal power, priestly insufficiency, and the peoples' need for additional preachers. For, as well as denying that legitimate preachers must be 'sent' by the Church in the form of local preaching licences, Thomas adds that preachers are equally legitimate when sent by God, the surest sign of which is the virtue of their preaching.[250] He asks, rhetorically, whether the art of preaching is not a gift of God's grace – and whether it may be performed by 'wise men' alone, or whether, in accordance with the Psalms, the Holy Spirit can inspire preaching 'from the mouths of babes and the unweaned' – before determining that divine grace cannot be circumscribed in this way.[251] He therefore presents preaching, not as a solely juridical right, but as a power that may be divinely conferred without such limitations. Moreover, he strengthens this relatively unconstrained view of preaching rights by emphasising the inherent virtue of preaching itself as a tool for securing the salvation of the Christian people.

Thus, while Thomas depicts the hierarch as the ideal 'holy man who abides in God', his argument in favour of mendicant preachers is further distinguished by his praise for a special category of preachers who are 'fired by love of God and inspired by a zeal for souls (*homo amore Dei succensus et animarum zelo provocatus*)' – incidentally, these terms are almost identical to the way in which Adam Marsh had advertised Thomas's own special talents to Grosseteste.[252] Perhaps more than in any other part of the *Manus*, the influence of the Oxford Franciscan school is clearly discernible when Thomas discusses the inherent virtue of preaching. Grosseteste himself was hardly the instigator of the friars' passionate zeal for preaching and the pastoral care, but the Oxford Franciscans' enthusiasm for these activities flourished and was further expedited under his influence, especially in his activities as bishop of Lincoln. It is no surprise, then, that Thomas should have shared in the Oxford Franciscans' marked enthusiasm for preaching,

[250] Thomas of York, 'Manus', p.147: 'Forte dicet, quia non missus, secundum quod dicitur Rom. 10… Sed attendat, qui hoc dicit, quo est missio ab home et a Deo etiam sine homine, sicut habetur ex glossa Rom. 10, ubi dicit, quod credere *ex auditu*, audtus "ex predicatione, predicare ex missione Dei, ubi etiam habetur duplex missio Dei permissiva, qua etiam mittit malos ut pseudo, quos mittit aliquando bonis in exercitium et aliquando malis in viam; sed boni, qui mundum illuminant, mittuntur a Deo["]'.

[251] Ibid., p.145, quoting Ps. viii:2.

[252] Thomas of York, 'Manus', p.146. Compare this reference to the burning zeal for souls with Marsh, *Letters*, nos.69, 26 (in reference to Thomas); and Grosseteste, *Letters*, nos.99 (in reference to Marsh), 118.

nor that he should have directed it towards a polemical end when Saint-Amour and the secular masters challenged the legitimacy of its very origin in papal reforming efforts.

The Mendicant Preaching Commission: Conclusion

A closer reading of the third part of the *Manus* demonstrates that Thomas of York's conception of the papally mandated preaching commission rests upon his belief in the legitimacy of the mendicant orders' pastoral mission, as well as his conception of papal authority. His repeated recourse to the contingencies of necessity and utility not only harken to the mode in which he had discussed the apostolic use of the *loculos* – and thereby implicitly link the mendicant and apostolic *modus vivendi* – but they also impose a limit upon the papacy's power to alter legal precedents, even in cases governed solely by positive law. Thus, while Thomas does make a strong case for papal *plenitudo potestatis*, this is not as uncompromising as it might first appear – and certainly not as strong as many scholars, following the analysis of Brian Tierney, have tended to aver. Yet Thomas's defence of mendicant preaching does not hinge solely on the legal or jurisdictional rights of the papacy and the friars. By defining preaching *per se* as a gift of the Holy Spirit, he asserts that the legitimacy of preachers cannot be discussed in terms of office and jurisdiction alone, but also as a reflection of divine approval. He thereby criticises Saint-Amour's effort to make preaching an exclusively priestly preserve.[253]

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There can be no doubt that Thomas of York was influenced by the secular-mendicant controversy at Paris. Not only does the *Manus* engage with the specific arguments of Saint-Amour and the secular masters, but he also borrowed and enlarged upon the works of his Parisian confrère and counterpart, Bonaventure. Moreover, the *Manus*'s influence during the later phase of the Parisian secular-mendicant controversy further underlines its relevance in that context, for it provided the main impetus for the renewal of institutional conflict between the secular and mendicant masters by Gerard of Abbeville.

[253] Zerfaß, *Der Streit um die Laienpredigt*, p.341: 'Nicht im Mangel an sakramentalem Denken, sondern in der Verleugnung des charismatischen Ursprungs liegt die Unangemessenheit der neuen Predigtamts-theologie.'

Yet as an ideological contribution to the Parisian secular-mendicant controversy, the *Manus* has received mixed verdicts from modern scholars. Although Dufeil regards it as '[une] brillante réfutation [qui] démolit tout le *De periculis*', for Douie, it is only a moderately successful piece of polemic. And, while Traver notes its importance for subsequent waves of secular-mendicant controversy, ultimately he considers it mostly derivative of Bonaventure.[254] All of these scholars, however, have tended to limit their discussion of the text exclusively to its role as a contribution to the Parisian secular-mendicant controversy, as though it is comprehensible only within this narrower polemical context. They have all neglected to consider seriously that Thomas of York wrote the *Manus* at one remove from the Paris schools, and consequently brought a range of different priorities and assumptions to bear on the criticisms being levelled against the mendicant orders.

However, the *Manus* also went on to play an important role in other ways, especially within the more insular confines of the Franciscan intellectual tradition. This is most obvious from Thomas's more extended treatment of the *loculos* in the first part of the work. Until the mid-1250s, the *loculos* is notable for its near-total absence from normative discussions of Franciscan poverty by the order's leading figures, but after this period it became a focal point of the order's defence of the doctrine of absolute poverty, itself an increasingly central component of Franciscan self-identity.[255] Other parts of the text were also to prove influential within a Franciscan context. There are hints that Thomas's strong commitment to preaching also entered into wider currents of Franciscan discourse, and well beyond the schools – for example, the anonymous sermon *Qui fratres minores predicant et confessiones audiant*, which was long misattributed to Bonaventure, is framed in almost identical terms to the third part of the *Manus*.[256] Tierney's important synthetic account of the influence of the *Manus* on the subsequent development of Bonaventure's ecclesiological thought is largely based on an

[254]Dufeil, *Guillaume de Saint-Amour*, p.246; Douie, *Conflict*, pp.13–14; Traver, 'Thomas of York's Role', p.201.

[255]The *loculos* was, for example, a serious point of disagreement in the epistolary exchange between Kilwardby and Pecham in 1272; see Pecham, 'Contra Kilwardby', pp.131–6.

[256]Bonaventure, 'Quare Fratres Minores praedicunt et confessiones audiant', in *Opuscula varia ad theologiam mysticam et res ordinis fratrum minorum spectantia*, S. Bonaventurae Opera Omnia 8 (Quaracchi, 1898), pp.375–81.

analysis of that sermon.[257] Read instead as an apocryphal work, the sermon implies that Thomas's conception of mendicant preaching – namely, as a legitimate response to the insufficiencies of the clergy in cases of 'necessity' or 'utility', in part due to the incipient end of the world – enjoyed a more widespread dissemination throughout the Franciscan order than has been previously thought. It is apparent, then, that the *Manus* was a conduit for mid-thirteenth-century poverty and ecclesiological thought within the Franciscan order to a much wider extent than is usually realised.

At the same time, aspects of the *Manus* are characteristic of the thinking that Thomas of York imbibed as the product of a distinctive mid-thirteenth-century Oxford Franciscan 'school of thought'. Perhaps Thomas's most significant and original contribution to the secular-mendicant disputes – namely, his belief in the importance and utility of mendicant preaching – is no less striking for having been so comprehensively overshadowed in modern scholarship by other aspects of the *Manus*, especially his conception of papal *potestas*. But in Thomas's hands, preaching *per se* does not lose any of its inherent virtue for the fact that it was being upheld as further evidence of papal authority over the ecclesiastical hierarchy. Indeed, Thomas's recourse to the Pseudo-Dionysian corpus is more extensive than any of his Parisian counterparts, even William of Saint-Amour in *De periculis*. While its status as a central component of the *Manus*'s final chapters is well appreciated by scholars, it did not appear *ex nihilo*. Ever the good disciple of Grosseteste, Thomas is careful to emphasise the importance of pontifical obligations to defend the provision of pastoral care throughout the Church; and, to this end, he articulates the same hierarchical theories of the Pseudo-Dionysius that were of such central importance to Grosseteste, and reiterated by Adam Marsh. It is somewhat ironic, then, that perhaps the best-known aspect of the *Manus*, which is overwhelmingly read within the narrow confines of the Parisian controversy, provides such a clear indication of Thomas's engagement with the Franciscan school at Oxford.

[257] Tierney, *Origins*, pp.82–6. For the misattribution of the work, see Pietro Maranesi, 'The *Opera Omnia* of Saint Bonaventure: History and Present Situation', in J. M. Hammond, J. A. Wayne Hellmann, and Jared Goff (eds.), *A Companion to Bonaventure* (Leiden, 2014), pp.61–80, at 80; Brady, 'Editions of the *Opera Omnia*', pp.107–8.

Chapter Two:
The *Correctorium* of William de la Mare

At the Franciscan general chapter at Strasbourg in 1282, an ordinance was imposed that implies the existence of a considerable ideological rupture between the Franciscan and Dominican orders.

> The minister general commands the provincial ministers not to permit the *Summa* of Brother Thomas to be widely disseminated, except among the reasonably intelligent lectors; and not even among them unless it is accompanied by the *Declarationes* of Brother William de la Mare, which should be inserted into the text rather than written in the margins. These *Declarationes* should not be inserted by any secular person.[1]

In other words, the Franciscan order officially limited the dissemination of Aquinas's *Summa Theologiae*, which was to be read strictly in conjunction with the so-called '*Declarationes*' of one of their own masters, William de la Mare. These *Declarationes* are almost certainly synonymous with the text now known as the *Correctorium fratris Thomae*, which was thereby effectively elevated to the status of an official gloss.[2]

The Strasbourg ordinance is one of several main waypoints drawn from the Dominican and Franciscan statutes by which scholars have sketched out an ideological conflict between the two orders that apparently centred on Aquinas's theological teachings, and eventually culminated in his canonisation by John XXII in 1323 and thus

[1] Geroldus Fussenegger, 'Definitiones Capituli Generalis Argentinae celebrati Anno 1282', *AFH* 26 (1933), pp.127–40, at 139.

[2] As late as 1289, Henry of Ghent referred to the *Correctorium* under the name *Declarationes*, which may have been the work's original name. Henry of Ghent, *Quodlibet XIII*, ed. J. Decorte, Henrici de Gandavo Opera Omnia 18 (Leuven, 1985), q.14, p.146; citing William de la Mare, 'Correctorium fratris Thomae', in Richard Knapwell, *Correctorium corruptorii "Quare"*, ed. Palémon Glorieux, Bibliothèque thomiste 9 (Kain, 1927), art. 70, p.290. However, some scholars have regarded them as separate works. In particular, Franz Pelster published an abbreviated list of de la Mare's articles under the name '*Declarationes*', which he regarded as an early version of the *Correctorium* text but was probably compiled for reference by another Franciscan during the 1280s. See William de la Mare, *Declarationes magistri Guillelmi de la Mare, O.F.M de variis sententiis S. Thomae Aquinatis*, ed. Franz Pelster (Münster, 1956); and the rebuttals of Palémon Glorieux, 'La littéraire des correctoires. Simples notes', *Revue Thomiste* 33 (1928), pp.69–96; and Roland Hissette, 'Trois articles de la seconde rédaction du *Correctorium* de Guillaume de la Mare', *RTAM* 51 (1984), pp.230–41, at 230.

a victory for the Dominican order.[3] Since most of this legislation appeared only in the years following Aquinas's death in 1274, it is usually contended that intrafraternal conflict arose only after the waning of a further 'wave' of institutional antifraternalism at Paris in 1269-72, that is, following the death of the secular master Gerard of Abbeville.[4] Or, as David Burr put it most succinctly,

> [t]he secular-mendicant controversy had united [the mendicant orders] against a common foe, but by the late 1270s victory on that front seemed assured and [they] were free to turn upon one another.[5]

Yet the suggestion that intrafraternal conflict ensued only after the more immediate threat from the secular clergy receded is not a totally accurate reflection of the way in which divisions emerged between the two orders during this period. The undercurrent of intrafraternal conflict was not totally subsumed by the need to fend off antifraternalism, even during fiercer episodes of secular-mendicant controversy. The mendicants' belief in the perfection of their *modus vivendi* as a restoration of the *vita apostolica* was one of the main criticisms that Abbeville and his allies levelled against the friars. But tension over these issues had also already emerged as areas of particular rancour among the mendicants themselves – as indicated, for example, by the provincial generals' joint encyclical of 1255, and by the 1269 dispute at Oxford.[6] The orders' 'alliance' against the secular masters barely concealed the considerable ideological differences between their respective interpretations of the apostolic life, and thus, their respective conceptions of perfection. These differences extended to other areas of mendicant life, too, as Alain Boureau has noted in relation to the disagreement over the orders' recruitment of children during the second 'wave' of the Parisian disputes.[7] Such disagreements are not reflected so obviously by the statutes and legislative documents that scholars have used to map out the emergence of intrafraternal rivalry, but they are readily discernible through an analysis of the polemical texts produced by the

[3]Maur Burbach, 'Early Dominican and Franciscan Legislation regarding St. Thomas', *Mediaeval Studies* 4 (1942), pp.139–58.

[4]See Congar, 'Aspects ecclésiologiques', pp.46-8 for the main texts and events that comprise this phase.

[5]Burr, *Olivi and Franciscan Poverty*, p.149.

[6]See, respectively, pp.68 and 8 of this thesis.

[7]Alain Boureau, *Théologie, science et censure au XIII^e siècle: le cas de Jean Peckham* (Paris, 2008), pp.157-60; see also Douie, *Archbishop Pecham*, pp.27–35.

mendicants themselves – including those by Aquinas, who subsequently incorporated many of his polemical arguments into his *Summa theologiae*, where de la Mare encountered them.

Even though it was produced several years after Abbeville's renewed campaign against the mendicants had subsided, the *Correctorium* bears witness to the relative longevity of these ecclesiological tensions, which recur numerous times in the work. Because de la Mare 'corrected' Aquinas at several removes from the secular-mendicant conflict in which his ecclesiological views were first expressed, he enjoyed greater freedom to highlight the ideological differences between the Franciscan and Dominican orders than had been available to the main participants of the institutional debates. Yet de la Mare did not merely reiterate the earlier arguments of his confrères. He was, after all, an important theological authority in his own right, and he articulated an original and idiosyncratic conception of these ecclesiological issues. Moreover, he wrote the *Correctorium* outside of the schools at Paris and with a Franciscan audience in mind. These factors play an important role in the way that the *Correctorium* should be analysed, and they significantly contributed to the intellectual vibrancy of his ecclesiological articles.

The *Correctorium*: Author, Text, and Contexts

It would be a mistake to downplay the Strasbourg ordinance's implicit endorsement of de la Mare as a respected thinker within the Franciscan milieu of the 1270s and 1280s, or the many conventional markers of success that marked his career.[8] Yet he remains a relatively shadowy presence in the scholarly literature of the so-called 'controversy of the *Correctoria*' – it is not even clear whether he prepared the *Correctorium* in Paris, where he had been regent master, or in his native England.[9] Still, it is possible to reconstruct a faint outline of de la Mare's life and career.

[8]For the early reception of the *Correctorium* in Franciscan circles, see François-Xavier Putallaz, *Insolente liberté. Controverses et condamnations au XIII^e siècle* (Paris and Fribourg, 1995), pp.100–2.

[9]The scholarship is equally divided on the question; see the detailed biographical consideration in Hans Kraml, 'William de la Mare', in *Medieval Commentaries on the Sentences of Peter Lombard*, ii, ed. G. R. Evans and Philipp W. Rosemann, 3 vols. (Leiden, 2002–15), pp.227–62, at 228-35.

Prior to writing the *Correctorium*, de la Mare had fulfilled all of the usual requirements of a late-thirteenth-century university master. Notwithstanding Michèle Mulchahey's potent vision of de la Mare 'hurl[ing] thunderbolts' from 'the lofty heights of his chair in theology in Paris', the *Correctorium*'s numerous references to Tempier's 1277 condemnation reveal that he cannot have written the *Correctorium* during his regency, which took place no later than the mid-1270s.[10] Still, it is critical to remember that de la Mare criticised Aquinas from a position of equal *quondam* magisterial authority.[11]

Moreover, the *Correctorium* was not de la Mare's only important theological work. He commented on the *Sentences* during his baccalaureate, in accordance with Parisian custom; disputed both quodlibetal and ordinary questions; and preached at least three university sermons during his regency.[12] He had returned to his native England by 1279, when he preached a sermon 'before the clergy' at Lincoln.[13] This may indicate that he had been appointed to lecture at the order's Lincoln *studium*; certainly, an appointment to teach at one of the order's lesser custodial *studia* was a common career trajectory for former regent masters, for it aided the wider dissemination of university learning within the Franciscans' own *studia* system.[14] He certainly continued to be involved in theological study, most prominently as a 'corrector' of the Latin text of the Bible and a critic of the Dominican biblical correction project overseen by Hugh of Saint-Cher.[15]

[10]Mulchahey, *First the Bow is Bent*, pp.145–6, although she places appropriate emphasis on the significance of de la Mare's *quondam* magisterial status. For the disputed dating of the regency, see Louis Jacques Bataillon, 'Guillaume de la Mare: Note sur sa régence parisienne et sa prédication', *AFH* 98 (2005), pp.367–422, at 368–9; Kraml, 'William de la Mare', pp.229–31; and Boureau, *Théologie, Science et Censure*, p.75.

[11]For the prestige of the Parisian theology masters, see Elsa Marmursztejn, *L'autorité des maîtres: scolastique, normes et société au XIII^e siècle* (Paris, 2007), pp.9–18; Ian Wei, 'The Masters of Theology at the University of Paris in the Late Thirteenth and Early Fourteenth Centuries: An Authority Beyond the Schools', *Bulletin of the John Rylands University Library of Manchester* 75 (1993), pp.37–63; William J. Courtenay, *Teaching Careers at the University of Paris in the Thirteenth and Fourteenth Centuries* (Notre Dame, 1988), pp.13–16.

[12]See, respectively: Kraml, 'William de la Mare'; Hans Kraml, 'The *Quodlibet* of William de la Mare', in *Theological Quodlibeta in the Middle Ages: The Thirteenth Century*, ed. Chris Schabel (Leiden, 2006), pp.151–170; Bataillon, 'Guillaume de la Mare', pp.383–422.

[13]Jacques-Guy Bougerol, 'Sermons inédits de maîtres franciscains du XIII siècle', *AFH* 81 (1988), pp.17–49, at 40.

[14]Roest, *Franciscan Education*, p.83; Courtenay, *Teaching Careers*, pp.19, 28–9. Nonetheless, the Lincoln *studium* is not included on a fourteenth-century list of those of the order's *studia* that offered theological teaching despite not being *studia generalia*; see Şenocak, 'The Franciscan *Studium Generale*', p.230.

[15]It is striking that even this activity could serve as a vehicle for the expression of partisan views. See

And, although de la Mare never served as a regent master at an English university, the fact that the earliest respondents to the *Correctorium* were the Oxford Dominicans demonstrates that the Oxford schools were an important arena for the earliest dissemination and discussion of his theological teachings.[16]

The *Correctorium*

The *Correctorium fratris Thomae* is by far the best known of de la Mare's works. The first and better-known recension of the text contains 117 articles drawn from the first three parts of the *Summa Theologiae*, the first book of Aquinas's *Sentences* commentary, and various ordinary and quodlibetal questions. It was most likely prepared in the period between Tempier's condemnation at Paris in March 1277, which de la Mare references at least ten times throughout the work, and the publication of the papal bull *Exiit qui seminat* in August 1279, which is not mentioned despite its relevance for his discussion of religious rules.[17] In a slightly later recension of the *Correctorium*, which survives *in toto* in a single manuscript, he not only incorporated 21 new erroneous articles, but also substantially revised some of the original 117.[18] While this recension does include a reference to *Exiit*, suggesting that it was prepared after August *1279*, it does not mention John Pecham's renewal of Robert Kilwardby's condemnation at Oxford in October 1284; this date has therefore been tentatively ascribed its *terminus ante quem*.[19] The existence of the second recension suggests that de la Mare continued to work on the *Correctorium* even after a first version began circulating, although he does not remotely engage with the interim responses of his Dominican critics. This failure to address Aquinas's defenders means that it has rarely factored into scholarly discussions of the *Correctoria* literature, even though it did circulate within the Franciscan order, and its revisions and additions often help to clarify de la Mare's original arguments.[20]

Cornelia Linde, *How to Correct the Sacra Scriptura? Textual Criticism of the Latin Bible between the Twelfth and Fifteenth Century* (Oxford, 2012), pp.21–2; Heinrich Denifle, 'Die Handschriften der Bibel-Correctorien des 13. Jahrhunderts', *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 4 (1888), pp.263–311.

[16]Mark D. Jordan, 'The Controversy of the *Correctoria* and the Limits of Metaphysics', *Speculum* 57 (1982), pp.292–314, at 293–4.

[17]For these references to the 1277 condemnation, see De la Mare, 'Correctorium', p.443.

[18]Raymond Creytens, 'Autour de la littérature des correctoires', *AFP* 12 (1942), pp.313–30.

[19]Creytens, 'Autour de la littérature des correctoires', pp.325–7. For the events of 1284, see Larsen, *The School of Heretics*, pp.42–57; and Douie, *Archbishop Pecham*, pp.285–96.

[20]Adriano Oliva, 'La deuxième rédaction du *Correctorium* de Guillaume de la Mare: les questions concernant la 1 pars', *AFH* 98 (2005), pp.421–64, Although a few of the additional articles have been edited

In both recensions of the text, de la Mare employs a similar method of response, although this is better described as methodical rather than conventionally systematic or synthetic. As the Strasbourg ordinance's reference to the arrangement of the text '*in quaternis*' implies, each of the *Correctorium* articles takes the form of a kind of gloss on particular aspects of Aquinas's arguments rather than a longer synthetic treatment of broader issues.[21] De la Mare goes through Aquinas's work until he identifies a point of contention, which he then briefly summarises before clarifying the magnitude of the 'error' and correcting in accordance with 'right reason' and the verdicts of various philosophical and theological authorities. Often these 'errors' comprise only part of Aquinas's argument, although de la Mare does occasionally rebuke his opponent's entire position: for example, he dismantles the entirety of an article concerning the perfection of the holding of communal goods by religious orders.[22] Even though de la Mare himself occasionally indicates that certain *Correctorium* articles are mutually complementary and should be read together, nonetheless his rather piecemeal approach presents an additional challenge to obtaining a broader picture of his ideas.[23] This methodical, point-by-point style may have helped his Franciscan superiors to transmit an authorised gloss alongside the *Summa Theologiae*, but it has deprived de la Mare's work of a more immediate coherence. However, the articles' presentation does not – and should not – preclude any attempt to reach a more nuanced synthesis of his thought. After all, scholars have successfully pursued a more synthetic strategy in relation to other articles of the *Correctorium*, especially those in which he criticises the theory of unicity of substantial forms and the doctrine of the eternity of the world.[24] These studies

in; and Hissette, 'Trois articles'.

[21]Palémon Glorieux, '*Non in marginibus positis*', *RTAM* 15 (1948), pp.182–4.

[22]For this article, see p.102 below. For further comment on de la Mare's methodology, see Jordan, 'Controversy of the *Correctoria*'; and Maarten J. F. M. Hoenen, 'Being and Thinking in the "Correctorium fratris Thomae" and the "Correctorium corruptorii Quare": Schools of Thought and Philosophical Methodology', in Jan A. Aertsen, Kent Emery Jr., and Andreas Speer (eds.), *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts: Studien und Texte* (Berlin, 2001), pp.417–35.

[23]Hoenen, 'Being and Thinking', p.420, regards this tendency to return to a problem numerous times as evidence of de la Mare's special interest in it.

[24]For the former, see Antonia Fitzpatrick, 'The Unicity of Substantial Form in the *Correctoria Corruptorii fratris Thomae* of Richard Knapwell, Robert Orford, and John of Paris', in Antonia Fitzpatrick and John Sabapathy (eds.), *Individuals and Institutions in Medieval Scholasticism* (London, 2020), pp.71–88, p.76; Francis E. Kelley, 'The Thomists and their Opponents at Oxford in the Last Part of the Thirteenth Century', unpublished DPhil dissertation (University of Oxford, 1977); Coloman Viola, 'L'école thomiste au Moyen Âge', in *Contemporary Philosophy: A New Survey = Philosophie Contemporaine: Chroniques nouvelles*, 6.1, ed. Guttorm Fløistad, 10 vols. (Dordrecht, Boston, and London, 1990), pp.345–77; Hadrianus Krizovljan,

demonstrate how a conscientiously systematic approach to the *Correctorium* articles can help to further substantiate the broader theological commitments that underpin certain aspects of de la Mare's thought. This more synthetic methodology also helps to shed light on the less well-known ecclesiological and practical theological aspects of the *Correctorium* and, by extension, the various intellectual contexts that influenced de la Mare's critique of Aquinas.

Contexts

Yet de la Mare's earlier works reveal that he was not always a straightforward partisan of a Franciscan 'school of thought'. Federica Caldera has shown that in his *Sentences* commentary he had demonstrated a much less stringent opposition to Aquinas and other Dominican authorities, sometimes preferring their conclusions even to those of his own confrères and predecessors, Alexander of Hales and Bonaventure.[25] These views did not prevent him from taking up the prestigious regent master's chair, suggesting that de la Mare's – and the Franciscan order's – opposition to Aquinas only crystallised at a later date, perhaps in response to the growing ideological gulf between the Dominican and Franciscan orders. This intrafraternal rift appears to have been especially deep at Oxford. While the *Correctorium* cannot be firmly established as the product of the Oxford schools, the earliest and most comprehensive responses – the *Correctorium 'Quare'* of Richard Knapwell, and the *Correctorium 'Sciendum'* of Robert Orford – were both prepared at Oxford; and, moreover, the intellectual legacy of Aquinas during this period appears to have been particularly hotly contested among the Dominicans of the English province. These facts underline the importance of de la Mare's work within an Oxford milieu. However, this positioning of the *Correctorium* perpetuates the longstanding scholarly tendency to position de la Mare between the towering figure of Aquinas on the one hand, and a posse of Dominican critics and 'defenders' of Aquinas on the other, as though his *Correctorium* were merely a convenient vehicle for the articulation of

'Primordia Scholae Franciscanae et Thomismus', *CF* 31 (1961), pp.133–75; for the latter, see Hoenen, 'Being and Thinking'; Jan A. Aertsen, 'The Eternity of the World: The Believing and the Philosophical Thomas. Some Comments', in J. B. M. Wissink (ed.), *The Eternity of the World in the Thought of Thomas Aquinas and his Contemporaries* (Leiden, 1990), pp.9–19.

[25]Federica Caldera, 'Guglielmo de la Mare tra Bonaventura, Tommaso d'Aquino e Pietro di Tarantasia: dipendenze testuali e originalità del *Commento alle Sentenze*', *AFH* 98 (2005), pp.465–508; see also Oliva, 'La deuxième rédaction', at 425.

disputed theological and philosophical *loci*.[26] Even scholars who have examined de la Mare's own ideas more closely have tended to disparage his presumption in 'correcting' Aquinas's works, and to downplay his intellectual attainments in the *Correctorium* – with one modern commentator likening de la Mare to 'ein kleiner Geist an einen spekulativen Riesen heranmacht'.[27]

This characterisation also reflects another general scholarly trend, whereby discussion of the various *Correctoria* texts centres on Aquinas's more speculative teachings, such as the theory of unicity of forms in humans, or the eternity of the world.[28] Two separate but related impulses are responsible for this overwhelming focus on speculative topics. On the one hand, the scholarly preoccupation with constructing a Thomist 'school of thought' has tended to revolve around a fixed constellation of 'essential' doctrines, in which these more speculative issues enjoy pride of place.[29] On the other hand, the *Correctorium* articles are often discussed with reference to the contents of the 219 propositions condemned by the bishop of Paris, Étienne Tempier, on 7 March 1277, and the 30 propositions condemned by Robert Kilwardby, archbishop of Canterbury, eleven days later.[30] This double condemnation is usually considered a major *caesura* in the history of late medieval philosophy, and historians and philosophers alike

[26]This tendency is exacerbated by the fact that the first point of contact for modern readers of the *Correctorium* is via its incorporation into the edition of the *Correctorium 'Quare'*, meaning that it is almost inevitably read in the light of Knapwell's criticisms. See, for example, Jordan, 'Controversy of the *Correctoria*', p.293; and Putallaz, *Insolente liberté*, pp.100–5. On the Dominican *correctoria* more generally, see Fitzpatrick, 'Unicity of Substantial Form'; Boureau, *Théologie, Science et Censure*, pp.78–9; Palémon Glorieux, 'Pro et Contra Thomam: Un survol de cinquante années', in Jean-Pierre Müller and Theodor Wolfram Köhler (eds.), *Sapientiae Procerum Amore: Mélanges Médiévistes offerts à Dom Jean-Pierre Müller O.S.B. à l'occasion de son 70ème anniversaire (24 février 1974)* (Rome, 1974), pp.255–87; Kelley, 'The Thomists and their Opponents'.

[27]Ernst Stadter, *Psychologie und Metaphysik der menschlichen Freiheit: Die ideengeschichtliche Entwicklung zwischen Bonaventura und Duns Scotus* (Salzburg, 1971), p.244.

[28]For the former, see: Fitzpatrick, 'Unicity of Substantial Form'; Boureau, *Théologie, Science et Censure*, pp.80–8; Kelley, 'The Thomists and their Opponents'; and Hoenen, 'Being and Thinking'; Aertsen, 'Eternity of the World', for the latter. This is despite a growing scholarly undercurrent that has demonstrated the importance of Aquinas's contribution to pastoral and moral theology. Leonard E. Boyle, 'The Quodlibets of St. Thomas and Pastoral Care', *The Thomist: A Speculative Quarterly Review* 38 (1974), pp.232–56; Kevin White, 'The *Quodlibeta* of Thomas Aquinas in the Context of His Work', in Christopher Schabel (ed.), *Theological Quodlibeta in the Middle Ages: The Thirteenth Century* (Leiden, 2006), pp.39–133, at 60–1.

[29]The quintessential expression of this doctrinally based theory in Frederick J. Roensch, *Early Thomistic School* (Dubuque, IA, 1966); although see the convincing critique of Fitzpatrick, 'Unicity of Substantial Form', pp.72–4; discussed in John T. Slotemaker and Jeffrey C. Witt, 'The English Dominican Intellectual Tradition', in Eleanor J. Giraud and Cornelia Linde (eds.), *A Companion to the English Dominican Province: From Its Beginnings to the Reformation* (Leiden, 2021), pp.274–301, at 286–7.

[30]CUP, i, pp.543–58, no.473; pp.558–60, no.474. Both condemnations are preoccupied with speculative issues, which has further coloured scholarly engagement.

have tended to conclude, to varying degrees, that – while the Parisian condemnation was chiefly directed towards the suppression of heterodoxy amongst the arts masters – certain doctrines of the recently deceased Aquinas were also anonymously targeted by Tempier and Kilwardby.[31] Although Aquinas's work was never directly condemned by either a university or a papal commission, certain elements of his doctrine (especially the unicity of substantial forms) were further incriminated via the condemnation at Paris of his former pupil, Giles of Rome, also in March 1277.[32] Indeed, Robert Wielockx contended that the Paris masters set in motion a similar condemnatory process that would have more directly impugned Aquinas, although this remains a disputed interpretation of the evidence.[33]

These layers of interpretation – that is, the overwhelmingly speculative content of the 1277 condemnations, and the modern tendency to privilege those speculative issues within the pantheon of medieval philosophical teaching – have dominated modern scholarly approaches to the *Correctorium*. They have all but overshadowed the other *Correctorium* articles, thereby occluding other meaningful contexts in which de la Mare took up his pen, not all of which were a direct response to the condemnations of 1277, nor even to disputed *loci* within the sphere of speculative theology.

[31] John Marenbon, *Medieval Philosophy: An Historical and Philosophical Introduction* (London and New York, 2007), pp.260–70; Kent Emery Jr. and Andreas Speer, 'After the Condemnation of 1277: New Evidence, New Perspectives, and Grounds for New Interpretations', in Jan A. Aertsen, Kent Emery Jr., and Andreas Speer (eds.), *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts: Studien und Texte* (Berlin, 2001), pp.3–19; Fernand van Steenberghen, *La Philosophie au XIII^e siècle* (2nd edn., Leuven-la-Neuve, 1991), pp.422–31; Étienne Gilson, *History of Christian Philosophy in the Middle Ages* (London, 1955), pp.408–9; though see also Leland Edward Wilshire, 'Were the Oxford Condemnations of 1277 Directed Against Aquinas?', *New Scholasticism* 48 (1974), pp.125–32; and Luca Bianchi, '1277: A Turning Point in Medieval Philosophy?', in *Was ist Philosophie in Mittelalter?*, 10th Congrès international de philosophie médiévale, Erfurt, 25–30 Aug. 1997, ed. Jan A. Aertsen and Andreas Speer (Berlin, 1998), pp.90–110.

[32] See the introduction to Giles of Rome, *Apologia*, ed. Robert Wielockx, Aegidii Romani Opera Omnia 3.1 (Florence, 1985), pp.179–223; Luca Bianchi, *Censure et liberté intellectuelle à l'Université de Paris (XIII^e - XIV^e siècles)* (Paris, 1999), pp.78–9.

[33] Robert Wielockx, 'Procedures contre Gilles de Rome et Thomas d'Aquin', *RSPT* 83 (1999), pp.293–313; although for criticisms of Wielockx's thesis, see John F. Wippel, 'Bishop Stephen Tempier and Thomas Aquinas: A Separate Process Against Aquinas?', *Freiburger Zeitschrift für Philosophie und Theologie* 44 (1997), pp.117–36; and J. M. M. H. Thijssen, '1277 Revisited: A New Interpretation of the Doctrinal Investigations of Thomas Aquinas and Giles of Rome', *Vivarium* 35 (1997), pp.72–101.

Ecclesiology in the *Correctorium*

The ecclesiological and practical theological subjects on which de la Mare touches in the *Correctorium* have not completely evaded scholarly attention. Valens Heynck, David Burr, and Kevin Madigan each examined de la Mare's influence on Peter of John Olivi's doctrine of *usus pauper* in relation to the Franciscan Rule.[34] Roberto Lambertini discussed some of the *Correctorium*'s poverty articles while tracing the development of a peculiarly Franciscan self-identity in relation to the doctrine of absolute poverty, especially de la Mare's understanding of the distinction between *dominium* and use.[35] Ulrich Hörst examined de la Mare's articles from the perspective of Aquinas's thought on poverty, in the course of which he offered a point-by-point account of articles 69 to 75 of the *Correctorium* (*i.e.*, seven of the articles based on the *Secunda Secundae*).[36] These works offer some insight into de la Mare and his ecclesiological doctrine, especially his contribution to the poverty disputes.

Yet there is no small degree of tension inherent in these modern scholarly assessments. Hörst's comparatively narrow treatment of the articles, which precludes the development of a more rounded picture of de la Mare's ecclesiological thought across the entire *Correctorium*, is based on a wholly different conception of de la Mare's methodology than the more synthetic accounts of Burr and Lambertini, which attempt to construct a detailed account of specific aspects of his thought. But even the latter authors' considerations of de la Mare's ecclesiological thought are somewhat limited, for both restrict the scope of their examination to just a few *Correctorium* articles apiece. This chapter attempts, by contrast, to offer a more comprehensive account of de la Mare's ecclesiological and practical theological thought by means of an investigation into sixteen relevant articles drawn from across the two recensions. It could be objected that this methodology necessarily involves a somewhat arbitrary method of categorising

[34]Valens Heynck, 'Zur Datierung des "Correctorium fratris Thomae" Wilhelms de la Mare. Ein unbeachtetes Zeugnis des Petrus Johannis Olivi', *FzS* 49 (1967), pp.1–21; Burr, *Olivi and Franciscan Poverty*, pp.148–9; David Burr, 'The *Correctorium* Controversy and the Origins of the *Usus Pauper* Controversy', *Speculum* 60 (1985), pp.331–42; Kevin Madigan, *Olivi and the Interpretation of Matthew in the High Middle Ages* (Notre Dame, 2003), pp.62–3. For Olivi, see p.214of this thesis.

[35]Lambertini, *Apologia*, pp.141–51.

[36]Ulrich Hörst, *Evangelische Armut und Kirche: Thomas von Aquin und die Armutskontroversen des 13. und beginnenden des 14. Jahrhunderts* (Berlin, 1992), pp.177–89.

these articles, and thereby risks introducing a certain artificial internal cohesion to de la Mare's thought that is simply not borne out by his very methodical, point-by-point mode of proceeding in the *Correctorium* itself. While de la Mare necessarily employs a methodical rather than a systematic strategy, this need not be taken as evidence that he was a totally unsystematic thinker, nor that it is impossible to achieve a more complex synthesis of his ecclesiological thought.[37]

As research into his opposition to Aquinas's theory of the unicity of forms has made particularly clear, de la Mare's overarching conception of certain broader issues is mostly consistent, even if the *Correctorium* is not necessarily a vehicle for any more systematic discussion of individual points of doctrine. But since the notion of 'intellectual schools' or 'schools of thought' based around adherence to fixed doctrinal constellations is a deeply problematic methodology, it might be asked – in the case of this very methodical, but occasionally internally inconsistent work – whether it is similarly possible to set aside the expectation of strict doctrinal consistency across individual points, in favour of an investigation into de la Mare's broader outlook on different areas of ecclesiological and practical theological inquiry, and the way that this was informed by the linchpins of the broader Franciscan tradition.[38] This more generous assumption offers considerably better insight into de la Mare's most enduring ecclesiological interests and beliefs, and also reveals that his thought was often a good deal more consistent and substantial than has sometimes been supposed. If nothing else, a more synthetic approach implicitly attributes to de la Mare's thought a coherence and an intellectual independence that befits the evidently high standing in which he was regarded within the Franciscan order at the time.

[37]Scholars have varied in their assessments of the systematic nature of the work. Gilson, *History of Christian Philosophy*, p.411; and Kelley, 'The Thomists and their Opponents', p.294, regard it as scattergun and arbitrary; but Hoenen, 'Being and Thinking', p.420; and Krizovljan, 'Primordia Scholae', pp.156–7, accept the underlying coherence of de la Mare's thought.

[38]For criticism of doctrinal schools, see especially Steven P. Marrone, *The Light of Thy Countenance: Science and Knowledge of God in the Thirteenth Century*, 2 vols. (Leiden, 2001), i, pp.1–25; and for the discussion of broader theological traditions along the lines of different religious orders, see Russell L. Friedman, *Intellectual Traditions at the Medieval University: The Use of Philosophical Psychology in Trinitarian Theology among the Franciscans and Dominicans, 1250–1350*, 2 vols. (Leiden, 2013), i, pp.21–7.

Another benefit of a synthetic approach is that it permits a more secure basis on which to assess the *Correctorium*'s place in relation to other developments in thirteenth-century ecclesiological thought. While other modern scholars have examined these individual articles with an eye to context, they have inevitably framed their research exclusively in terms of specific aspects of the Franciscan intellectual tradition – especially the poverty discourse – without seeking to contextualise any more specific impetus behind de la Mare's interest in those issues.[39] Yet a broader examination of the ecclesiological articles make it very clear that the *Correctorium* was in many ways an indirect product of the institutional secular-mendicant disputes – the influence of which had been pivotal for Aquinas's own developing ecclesiological thought. The major disputed *loci* of the secular-mendicant disputes, especially the second phase of the late 1260s and early 1270s, went on to determine the direction of Aquinas's own ecclesiological thought, as well as the axis of de la Mare's critique in the *Correctorium.* Yet the actual significance of the secular-mendicant controversy for the *Correctoria* literature has never been conclusively demonstrated, even though a closer examination of the *Correctorium* articles provides clear evidence of the extent to which de la Mare's specifically ecclesiological criticisms of Aquinas centre on doctrines that were articulated within that very context, especially in relation to the problem of defining religious perfection.

The eschatological terms in which William of Saint-Amour had cast the struggle with the mendicant orders were mostly dropped by his leading allies in the second phase, Gerard of Abbeville and Nicholas of Lisieux, who devoted less time to the issue of whether the friars had a basic right to exist and were less inclined to cast the dispute in terms of a universal struggle with the Antichrist. Instead these masters attempted to undermine the basis of the friars' claims for the perfection of the religious orders as a means of safeguarding the perfection of the Church's secular ranks.[40] Because the main

[39]For example, Lambertini, *Apologia*, pp.141–51.

[40]See chapter one, p.66 above; and Geltner, *Medieval Antifraternalism*, pp.22–3. Abbeville refers fleetingly to the dangers of the '*temporibus novissimorum*' but it is not a major theme. It is not yet clear whether Lisieux, who continued to regard Saint-Amour as his '*pater karissime*', also shared his eschatological beliefs. See CUP, i, pp.495–8, no. 439.

textual basis for the *Geraldini*s' criticisms during this second phase was the *Manus* of Thomas of York, Abbeville countered an idiosyncratic, yet nonetheless decidedly Franciscan, vision of the apostolic life in his own treatise *Contra adversarium perfectionis Christianae* – that is, a vision of the *vita apostolica* in which Christ and the apostolic community are held to have observed the highest standard of absolute poverty, which set the bar for Christian perfection.[41] This particular conception of the apostolic life informed the depiction of the religious life that Abbeville attempted to deconstruct in the *Contra adversarium*; and Abbeville's own rebuttal in turn provided the impetus for the response of the mendicants during the second wave, including Thomas Aquinas.

Thomas of York had put forward two distinctive ideas in the *Manus*: a quintipartite interpretation of the *loculos*, and a defence of mendicant preaching on the basis of a theory of papal *plenitudo potestatis*.[42] The *Geraldini* refrained from directly addressing Thomas's claims for the strength of papal power in the wake of Alexander IV's condemnation of *De periculis*. However, Abbeville did attempt to depict himself as a defender of papal prerogatives by ascribing to Thomas an implicit belief in the superior perfection of the religious state even over the pontifical, on the basis of Thomas's commitment to the perfection of absolute poverty.[43] Furthermore, whereas William of Saint-Amour had focussed on the apparently anomalous position of the friars within the Pseudo-Dionysian hierarchy, Abbeville and his allies directed their efforts towards establishing a basis for comparing the relative perfection of different ecclesiastical states in order to show that, in an objective sense, religious perfection paled in comparison to the perfection of the pontifical and episcopal states.[44] They especially attempted to demonstrate the exemplarity of the apostolic life for different states within the Church. This focus is reflected by the assiduity with which Abbeville interrogated Thomas of York's argument regarding the paradigmatic nature of Christ's acts, particularly His use of the *loculos*. Thomas's belief that Christ performed some acts *per se* and others *per alios* was a crucial element of his theory of the exemplarity of the apostolic life. He

[41] Palémon Glorieux, 'Les polémiques *contra Geraldinos*: Les pièces du dossier', *RTAM* 6 (1934), pp.5–41, at 61; Glorieux, 'L'enchaînement des polémiques', at 130. Abbeville emerged as *de facto* leader of the secular masters during this phase of the disputes, hence the *Geraldini* moniker.

[42] See chapter one of this thesis.

[43] Abbeville, *Contra adversarium*, pp.112–13.

[44] For Saint-Amour's conception of hierarchy, see p.53 above.

maintained that Christ did not carry a purse *per se* but *per alios*, insofar as He wished to demonstrate that it is possible to use money without contravening the Christian life. For Thomas, Christ had remained in a state of the highest poverty and perfection despite this act of condescension.[45] Abbeville thoroughly rejected Thomas's distinction *per se* and *per alios* precisely because he believed that Christ could never have done anything imperfectly; indeed, the true crux of this disagreement is that the two masters defined imperfection quite differently.[46] Thomas did not regard the state of imperfection – epitomised, for him, by the handling of money – as totally inconsistent with the Christian life, even though it is not akin to the highest grade of perfection which consists in absolute poverty. Abbeville, however, argued that the state of imperfection is directly opposed to, and therefore totally incompatible with, the Christian life.[47] As such, he regarded Thomas's characterisation of the carrying of the *loculos* as an imperfect act to be nothing less than an argument for the imperfection, and therefore the wickedness, of ecclesiastical states which held goods, such as the pontifical and the episcopal.[48]

Abbeville's emphasis in the *Contra adversarium* on the *Manus*'s depiction of perfection, both within the confines of the apostolic life as well as in relation to different ecclesiastical states, had important repercussions for the line of dispute pursued during the second phase of the secular-mendicant controversy. The mendicant masters were now compelled to address Abbeville's claim that secular prelates, as counterparts or successors of the apostles, were uniquely and exclusively conformed to the state of perfection inherent in the *vita apostolica*; and, as a corollary, to refute his assertion that the practice of holding and distributing common wealth in emulation of the apostles' use of the *loculos* was consonant with perfection. This position was problematic for the mendicants, who tried to defuse Abbeville's vision of perfection and to reconstruct it according to the blueprints of their own concept of the perfect life, which understandably tended to reflect the practices of their own orders. Each mendicant therefore employed a considerably different definition of perfection, sowing the seeds for later intrafraternal disagreement over individual points after the primary objective of

[45] Thomas of York, 'Manus', pp.59–64; see chapter one, p.27 above.
[46] Abbeville, *Contra adversarium*, p.285.
[47] Thomas of York, 'Manus', pp.59–60; Abbeville, *Contra adversarium*, pp.285–6.
[48] Abbeville, *Contra adversarium*, p.95.

their discourse – the refutation of the secular masters – had been achieved. Most of the *Correctorium*'s ecclesiological articles epitomise precisely this change of oppositional focus. In other words, the *Correctorium* is a work that was written outside the strict parameters of secular-mendicant conflict while also being very definitely influenced by the arguments articulated within the institutional antifraternal disputes.

During the secular-mendicant disputes, the friars needed to establish not only the fact of the inherent perfection of the religious life, but also the apostolic basis for that perfection. These twin concerns understandably coloured Aquinas's discussion of ecclesiastical states in his polemical treatises, and he subsequently reiterated them in less divisive terms in the *Secunda Secundae*, the place in which they were encountered by de la Mare. The re-emergence of these polemical concerns within Aquinas's systematic works – that is, in the works that he prepared outside of the secular-mendicant disputes – compelled de la Mare, in turn, to set out in more absolute terms a distinctly Franciscan vision of religious perfection as a rejoinder, and he worked hard to 'correct' Aquinas's distinctively Dominican vision of religious perfection. This aim, especially the correction of Aquinas's account of perfect religious poverty, was unquestionably the primary underlying motivation behind the majority of the ecclesiological *Correctorium* articles.

Ecclesiastical States and Hierarchy

Despite this focus on poverty, de la Mare frames his discussion of religious perfection in broad terms that offer considerable insight into an array of related ecclesiological concerns. This is unsurprising, for Aquinas had originally pronounced on poverty and ecclesiology in treatises and *quaestiones* prepared during the institutional conflict with the secular masters, where one of the most contentious areas of dispute had been the place of the mendicant orders within the ecclesiastical hierarchy and the perfection of the religious state. The second phase of the disputes bore witness to a new focus on establishing the particular perfections inherent in different ecclesiastical *status* – especially the episcopate and the religious orders, both of which staked a claim

to express certain elements of apostolic perfection. This inherent tension contributed to Aquinas's account of religious poverty, but he also continued to discuss ecclesiastical states in more traditionally ecclesiological terms; that is, with reference to the hierarchical norms popularised by Pseudo-Dionysius.[49]

De la Mare, too, treats of a knot of related and more straightforwardly 'hierarchical' issues in three articles in the *Correctorium*. In these articles, he compares the special perfection of religious life with the perfect characteristics of certain other ecclesiastical states, and also assesses the relative merits of the active and contemplative lives. These articles benefit from a synthetic reading, since articles 70 and 76 consider whether bishops are more perfect than religious *simpliciter*, and whether it is possible for a religious to transfer to either the episcopal order or to an order of canons. De la Mare determines both cases with reference to the relative difficulty of the essential observances pursued by religious, bishops, and canons regular, on which criteria he elaborates further in art. 68 while comparing the relative merits of active and contemplative states. Read in tandem, these three articles permit a more nuanced insight into de la Mare's conception of the perfections that characterised different ecclesiastical orders. They also help to establish the conceptual basis for his praise of the Franciscans' particularly strict *modus vivendi*, which is a crucial element of his overall conception of religious perfection.

Perfection and Hierarchy

The important Pseudo-Dionysian principle that the 'active' states within a hierarchy act upon 'passive' states – so that, for example, bishops perfect monks, and priests illuminate lay believers – had become such a mainstay of ecclesiological discussion that it could hardly be dispensed with.[50] While the religious orders sought to justify their participation in activities that seemed to fall under the Pseudo-Dionysian rubric of active states, they usually preferred to adapt rather than to ignore the Pseudo-Dionysian *schema*.

[49]See p.53.

[50]Congar, 'Aspects ecclésiologiques', pp.115–16; David E. Luscombe, 'Conceptions of Hierarchy Before the Thirteenth Century', in Albert Zimmermann (ed.), *Soziale Ordnungen im Selbstverständnis des Mittelalters*, i, 2 vols., Miscellanea Mediaevalia 12 (1979), pp.1–19; Dufeil, '*Ierarchia*', pp.552–5.

Thus, Thomas of York dealt with William of Saint-Amour's attempt to prevent the religious orders' participation in the active ministry by a judicious application of this and other hierarchical principles. By endowing the pope, as human hierarch, with a power to act directly upon all his inferiors within the hierarchy, as well as the power to alter hierarchical norms in instances of 'necessity or utility', Thomas had imbued the papacy with the power to allow the friars (who were always regarded as analogous to Pseudo-Dionysian monks) to participate in the active ministry regardless of local episcopal or parochial endorsement.[51] This theory had an added *coup de grâce* insofar as it put his opponents at risk of challenging papal claims to exercise *plenitudo potestatis*. Yet while Thomas's interpretation of the ecclesiastical hierarchy limited bishops' jurisdictional influence, it also entailed that they, and other active states, lost none of their own inherent power to perfect, illuminate, and cleanse.[52] Despite the numerous advantages of Thomas's efforts to negotiate the fundamental Pseudo-Dionysian principle that only active states could exercise the power of perfecting, his theory did not gain a more general acceptance. The interim criticisms of the *Geraldini*, who were careful to set themselves up as the true defenders of papal prerogatives, encouraged other friars to explore different strategies with which to safeguard the perfection of both the episcopal and religious orders, among which Aquinas's appears to have become especially influential.

In the *Secunda Secundae*, Aquinas acknowledged the perfection of both the religious and the episcopal states with reference to the Pseudo-Dionysian framework of active and passive perfection, wherein Pseudo-Dionysius depicts bishops as actively perfecting in relation to monks, who are passively perfected.[53]In response to the question of whether prelates are more perfect than religious, Aquinas noted that bishops are more perfect '*simpliciter*' than religious. Elsewhere, in response to the question of whether religious who are promoted to the episcopal state should continue to observe

[51]See chapter one of this thesis, p.62 above.

[52]In practice, this interpretation allowed the friars to bypass the requirement to obtain episcopal or parochial permission to undertake pastoral work, which was a considerable blow to the jurisdictional rights of the bishops and priests. For the emergence of this issue during the 1280s, see Palémon Glorieux, 'Prelats français contra religieux mendiants. Autour de la bulle: *Ad fructus uberes* (1281-1290)', *Revue d'histoire de l'église de France* 52 (1925), pp.309–31; Douie, *Conflict*, p.29.

[53]Pseudo-Dionysius, 'De ecclesiastica hierarchia', pp.1383–7; discussed further in René Roques, *L'univers dionysien: structure hiérarchique du monde selon le Pseudo-Denys* (Paris, 1954), pp.171–99.

the strictures associated with their rule, he employed an analogy with the classroom and likened episcopal perfection to 'the perfection of masters' and religious perfection to that of students, as 'a certain way of tending towards perfection'.[54] However, Aquinas accepted that certain elements of the religious life, including the crucial threefold vow of poverty, chastity, and obedience, are compatible with the episcopal state and thus should be retained after the elevation of a religious to a bishopric. In the same way that a disposition or inclination ('*dispositio*') towards perfection is not lost upon one's accession to a perfect state, he argued that these peculiarly religious characteristics do not detract from the state of perfection exemplified by bishops.[55] All of these claims first appeared in the polemical treatises produced to combat the *Geraldini*, especially *De perfectione spiritualis vitae*.[56]

De la Mare is similarly inclined to work mainly within the traditional conception of ecclesiastical perfection posited in *De ecclesiastica hierarchia*. However, while he acknowledges that bishops are 'in many ways more perfect' than religious, he challenges Aquinas's contention that they are more perfect *simpliciter*. Instead of drawing a comparison based purely on the hierarchical criteria of the active and passive transmission of perfection, de la Mare compares the essential activities of which each of the two states is comprised. As such, bishops attain the highest standard of perfection by procuring the salvation of souls, public teaching and private prayer, offering goods and making sacrifices on behalf of themselves and others, and 'conversing without being quarrelsome'; while religious do so by living in obedience, without personal goods, and in chastity. Although he avers that a bishop who fulfils all of the essential obligations of his state is more meritorious ('*maius esse meritum*') than a religious who fulfils all of *his* essential obligations, nonetheless de la Mare asks whether the episcopal state, even though 'it has greater authority and dignity and a more perfect office than the state of

[54] Thomas Aquinas, *Secunda Secundae Summa Theologiae*, Opera Omnia iussu Leonis XIII 8-10 (Rome, 1895–9), Q.184 a.7 and Q.185 a.8, respectively. De la Mare addresses both of these articles in art. 70 of the *Correctorium*, even though he is ostensibly responding chiefly to the latter.

[55] Aquinas, *Secunda Secundae*, Q.185 a.8. See also J.-A. Robilliard, 'Sur la notion de condition (*status*) en s. Thomas', *RSPT* 25 (1936), pp.104–7; and Ulrich Hörst, *Bischöfe und Ordensleute:* Cura principalis animarum *und* via perfectionis *in der Ekklesiologie des hl. Thomas von Aquin* (Berlin, 2014), pp.88–92.

[56] Thomas Aquinas, *De perfectione spiritualis vitae*, Opera Omnia iussu Leonis XIII 41B (Rome, 1969), cc.21–2. Joseph Lécuyer, 'Les étapes de l'enseignement thomiste sur l'épiscopat', *Revue thomiste* 57 (1957), pp.29–52, at 40–3; and Hörst, *Bischöfe und Ordensleute*, pp.53–78, argue that this work is the one in which Aquinas's theory of the episcopate underwent the greatest development.

religious', can also be considered more perfect 'with regards to merit'.[57] He concludes that this is not so:

> With all due respect to bishops, it seems that in a certain way the religious state may be called more perfect than the episcopal. Namely, on account of the greater and stricter discipline to which religious are subjected, and because of their greater withdrawal from the world with its occupations and opportunities for sinning.[58]

This difference in merit, where merit is synonymous with strictness or discipline of observance, is even more finely drawn in the *Correctorium*'s second recension. With greater clarity, de la Mare reiterates that the distinction between the two states is one of kind ('*generis*') – that is, they do not attain to perfection in the same way. He compares the 'sweetness' of religious perfection, which consists in contemplation, with the more dangerous yet more fecund perfection of bishops, which consists in the office of administering the sacraments.[59] Bishops have a superior hierarchical status and a superior office – which, it should be noted, de la Mare understands in terms of the work undertaken rather than the mode or aspect of the work – but this does not automatically entail that the episcopal state is more perfect than the religious. De la Mare notes that these differences *in genere* permit the transfer of bishops to the religious state without scandal: bishops can accede to the religious life, not on the basis of the perfection of their office but rather because the religious life is 'quieter and more secure', although he does not elaborate on the nature of the security it offers.[60]

De la Mare 'proves' that the religious life is more preferable with reference to hearsay, rather than by adducing more traditional authoritative references. For example, he states that 'none, or very few (*nulli vel paucissimi*)' of the people who have experienced both the episcopal and religious life would choose the former over the

[57]De la Mare, 'Correctorium', pp.289–90.

[58]Ibid., pp.290-1.

[59]Vatican City: Biblioteca Apostolica Vaticana, MS Vat. lat. 4413, f.102v: 'Nam una est suavior, alia fecundior. Sed hec cum fecunditate habet annexa pericula, hec cum suavitate videtur esse multum securior; et in hoc videtur posuisse ambigua… Ideo debet esse perfectiones in scientia sive sapientiores proficiunt sacramenta ministrando, et ideo debetur habere perfectionem actoris sive officii; et tale ministratio sacramentorum non requirit, seu non respicit, perfectionem ministrandi, sed officii.'

[60]Ibid., f.103r.

latter.[61] But this does not mean that his defence of religious perfection on the basis of its greater rigour is as ill-conceived as Richard Knapwell's rather scathing criticism implies.[62] Indeed, other *Correctorium* articles reveal that the twin virtues of difficulty and solicitude are a recurring element of de la Mare's esteem for the religious life, which he carefully incorporated into a more comprehensive scheme for determining religious perfection.

Strictness in the Religious Life

Probably the clearest theoretical explanation for the conception of difficulty that underpins the comparison drawn between bishops and religious in art. 70 may be found in art. 68 of the *Correctorium*, where de la Mare contends that Aquinas has erred in concluding that it is possible to endure longer in the contemplative than the active form of life.

De la Mare acknowledges that Aquinas is right to draw such a conclusion insofar as contemplative acts are dependent on the intellect, which always survives the body – and indeed, this is precisely the sense in which Aquinas had made such an argument in the relevant article of the *Secunda Secundae*.[63] The two friars therefore agree that acts of contemplation endure longer than other acts insofar as the intellect, which underlies them, always endures after the death of the body. But de la Mare asserts that, in another sense, it is false to regard contemplative acts as more enduring.[64] In life, when the intellect remains anchored to the body, it is difficult to remain in a state of contemplation precisely because of constant intrusions that are caused by bodily weaknesses. De la Mare attributes these bodily pitfalls to two main causes: the 'snare' of the flesh, which distracts the mind from intellectual activity; and the senses, through which *phantasmata* impinge upon the soul 'and disturb its quiet'. But he also recognises that 'the difficulty and subtlety of the objects of contemplation' – that is, 'the eternal

[61] De la Mare, 'Correctorium', pp.291–2. Glorieux misrenders '*nulli vel paucissimi*' as '*multi vel paucissimi*', which obliterates the sense of this argument.

[62] Richard Knapwell, *Correctorium corruptorii "Quare"*, ed. Palémon Glorieux, Bibliothèque thomiste 9 (Kain, 1927), p.292.

[63] Aquinas, *Secunda Secundae*, Q.180 a.8.

[64] This may be related to his conception of the religious life as being more secure, insofar as it offers greater scope for withdrawal from secular concerns.

things' – is another reason why it is more difficult to endure in contemplative acts.[65] Because of these manifold difficulties, de la Mare contends that the only way to disentangle the intellect from the body and thereby pursue contemplative acts as fully as possible, is continuously to elevate the mind above the body – indeed, to separate the two so extremely as to deprive oneself of one's corporeal senses. Depending on the extremity of the observance and on the individual's capacity to withstand such a state, it is even possible for the soul to destroy the body, that is, for the individual to die in the pursuit of a more perfect form of contemplation.[66]

De la Mare does not explicitly identify the state of contemplation with any ecclesiastical state, but this is hardly necessary. The active and contemplative lives were an established shorthand by which to denote the priestly and religious states respectively.[67] Furthermore, the list of contemplative acts delineated by de la Mare have a clear semantic relationship with the deeds performed in the religious life: meditation, reading, prayer, and the like. He maintains that it is much more difficult to endure in such acts, as 'experience teaches'.[68] De la Mare not only reiterates his belief in the merit of the contemplative acts that are especially associated with the religious life, therefore, but he also defends this contention with reference to lived experience rather than to more traditional theological or philosophical authorities.

A final basis for comparing the merits of different ecclesiastical states is established in the third of three more traditionally hierarchical articles of the *Correctorium*, art. 76, where de la Mare examines the possibility of transferring from a monastic state to an order of canons regular. Aquinas did not consider this problem in such absolute terms, acknowledging instead that there was possibility for movement between these ecclesiastical states in accordance with the needs of the individual or the circumstances in which they found themselves. If a monk or a canon was either

[65]De la Mare, 'Correctorium', p.280.

[66]Ibid., pp.280–1.

[67]Giles Constable, 'The Interpretation of Martha and Mary', in *Three Studies in Medieval Religious and Social Thought* (Cambridge, 1995), pp.1–141, at 100–1. Noting that this issue of determining the perfection of different states had long given rise to 'disputations and altercations' among the Parisian masters, and with explicit reference to art. 70 of the *Correctorium*, Henry of Ghent later described the priestly and religious states in terms of active and contemplative deeds, respectively. Henry of Ghent, *Quodlibet XIII*, q.14, pp.140–85, at 149.

[68]De la Mare, 'Correctorium', pp.279–80.

motivated by a zeal for a more perfect form of observance or unable to observe perfectly the requirements of his current state or else too weak or infirm to maintain a stricter observance, Aquinas argued that he could then obtain a licence or a dispensation to transfer to a more suitable state.[69] However, Aquinas did briefly compare the relative perfection of the canonical and monastic states in more absolute terms, in order to ascertain the basis on which a judgement could be made regarding their relative perfection and strictness, which governed these possibilities for movement between states. While he acknowledged that the monastic life might seem greater ('*maiorem*') because it is stricter ('*arctior*'), Aquinas downplayed the importance of strictness as a criterion for transferring. Instead he noted that both the religious and canonical states entail the observance of contemplative acts, of which the most pre-eminent is the performance of the divine mysteries, which is available to the canons regular but only to ordained monks (as opposed to '*monachi laici*').[70] Insofar as the canons regular are 'directly ordered' towards undertaking the divine mysteries, they are better directed towards this pre-eminent activity than monks. Nonetheless, Aquinas accepted that a canon could seek a licence to become an ordained monk, because this would allow him to continue performing the sacred mysteries while simultaneously adopting a stricter religious observance. In this way, the transfer is accommodated by the framework he established in the main response to the question, wherein an individual may be moved by zeal to transfer to a more perfect order if he obtains a licence from his superior.[71] A regular canon who elects to become a clerical monk does not relinquish the superior power to perform the sacred mysteries, and simultaneously embraces a stricter and 'greater' form of observance.

Unsurprisingly, in light of the emphasis he had previously placed on the relative 'difficulty' of different forms of observance, de la Mare regards strictness as an appropriate yardstick for determining the possibility of transfer between states.[72] But he disdains Aquinas's brief allusions to *monachi laici*, whose inability to perform the divine

[69] Aquinas, *Secunda Secundae*, Q.189 a.8.

[70] Giles Constable, *The Reformation of the Twelfth Century* (Cambridge, 1996), pp.227–9; Caroline Walker Bynum, 'The Spirituality of the Regular Canons in the Twelfth Century', in *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley, CA, 1982), pp.22–58.

[71] Aquinas, *Secunda Secundae*, Q.189 a.8 ad.2.

[72] As such, he came closer than Aquinas to canon law. Constable, *Reformation*, pp.101–2.

mysteries would render it impossible for a canon regular to transfer to that order. For de la Mare, strictness alone is the proper criterion on which to assess the legitimacy of a transfer between ecclesiastical states – the question of whether a certain state is capable of performing the divine mysteries is irrelevant.[73] He therefore accuses Aquinas of 'expressly insinuating' that it is possible to move from a lay to a clerical state even where this would entail the abandonment of a stricter observance; 'but I consider this to be false'.[74]

In support of the contention that a transfer to a canonical order – which would entail the abandonment of a stricter observance – is possible for lay monks, who cannot otherwise perform the divine mysteries, Aquinas cited Jerome's advice to Rusticus. Jerome exhorts Rusticus, a monk, to forego his desire to become an anchorite and instead to 'go and live in the monastery, so that you may deserve to be a cleric', an exhortation that Aquinas regards as evidence that Rusticus transferred from lay monasticism to a primitive form of the canonical life.[75] De la Mare rejects this interpretation as incongruous with historical reality, since it presupposes that, in Jerome's time, lay monks could abandon their order in order to take up a clerical role outside of the religious life. On the basis of Gratian's claim that in Jerome's time 'monks…were simply monks', he asserts that it used to be the case that lay monks could only attain promotion to the clerical life within the confines of the monastic life, and that this is precisely what Jerome envisaged for Rusticus.[76]

Finally, de la Mare tries to explain the apparent preferability of the canonical life insofar as it is more directly ordered towards that most pre-eminent of contemplative activities, the enactment of the divine mysteries. Not unlike Aquinas, the main body of

[73]De la Mare, 'Correctorium', p.321.

[74]Ibid., p.321.

[75]Aquinas, *Secunda Secundae*, Q.189 a.8; citing Jerome, *Epistulae*, ed. Isidorus Hilberg and Margit Kamptner, 4 vols., CSEL 54-56 (Vienna, 1996), iii, no.125, pp.118–42, at 136: 'ita ergo age et vive in monasterio, ut clericus esse merearis'.

[76]De la Mare, 'Correctorium', p.322; citing C.16 q.1 c.39 §1 ('*Superiori auctoritate*'), in Friedberg, i, cols. 771–2. Gratian wrote in the midst of the conflicts between the monks and the canons regular, which centred on a rivalry over the performance of pastoral activities; these concerns greatly influenced his own understanding of transfer between the two states. See M. Peuchmaurd, 'Le prêtre ministre de la parole dans la théologie du XII[e] siècle (Canonistes, moines et chanoines)', *RTAM* 29 (1962), pp.52–76; Bynum, 'Regular Canons'; Christopher N. L. Brooke, 'Monk and Canon: Some Patterns in the Religious Life in the Twelfth Century', in W. J. Sheils (ed.), *Monks, Hermits and the Ascetic Tradition*, Studies in Church History 22 (Oxford, 1985), pp.109–29.

whose response to this question of transferring had hinged on the capabilities and desires of the individual, de la Mare states that a sinner seeking to save his own soul should choose the form of observance that would best allow him to do this. Notwithstanding the excellence of the clerical office, which not only encompasses the performance of the divine mysteries but also the salvation of other Christian souls, it may be preferable for a sinner to choose the monastic life so that he can focus on rehabilitating his own soul. He cites the Aristotelian principle that circumstantial considerations play a role in determining the merit of actions, and that accordingly, something necessary should always be chosen in preference to a more eminent alternative, such as the power of speaking over the power of philosophical speculation.[77]

These three articles clearly establish that strictness or difficulty of observance is a crucial yardstick for de la Mare, not only as a means of resolving questions concerning the practical problem of movement between different ecclesiastical states, but also of differentiating between them on the grounds of perfection. De la Mare's reverence for strictness undercuts some of the more traditional hierarchical considerations that could otherwise be used to establish this question of relative perfection, such as hierarchical superiority or the greater merit of works that fall under the remit of the active life. Moreover, as the discussion of monks and regular canons demonstrates with particular clarity, de la Mare's insistence that strictness or difficulty of observance can be used as the basis for comparison between orders also provides a basis for him to compare the relative perfection of different orders within the same ecclesiastical state. This is a particularly important consideration owing to the significant need to establish that religious orders that observe higher or stricter forms of poverty, such as his own Franciscan order, are more perfect than those that permit a less strenuous poverty observance.

[77]De la Mare, 'Correctorium', p.322; citing Aristotle, *Topica. Boethius translator Aristotelis*, ed. Lorenzo Minio-Paluello, AL 5.2 (Rome, 1969), III.2, p.56.

Poverty: The Religious Life

Contemporaries were not oblivious of the differences that divided the religious orders – especially the secular masters, for whom the divergent opinions expressed in the friars' apologetic works must have been magnified when they themselves came to collate and refute them. At the root of these intrafraternal differences was a wholly incompatible conception of perfect poverty in the religious life. Although they tended to contrast the religious life with the episcopal or priestly in rather monolithic terms, the secular masters were well aware of this disparity between the religious orders regarding poverty. Indeed, in the treatise *Contra Pecham et Thomam*, in which he countered the polemical treatises of John Pecham and Aquinas, Nicholas of Lisieux shrewdly commented that 'although the Friars Preachers and Minors are united in begging, they nonetheless disagree greatly on this issue of poverty.'[78] The *Correctorium*'s ecclesiological articles attest to the broad and enduring accuracy of Lisieux's assessment. More than any other, the issue of poverty is the centripetal force behind de la Mare's ecclesiological criticisms of Aquinas. It is no surprise, therefore, that by far the longest of these articles – art. 75 – directly examines the important question of poverty in the religious life: namely, whether the possession of common goods impinges on the perfection of religious orders. This article is the vehicle for de la Mare's most comprehensive discussion of poverty within the specific context of the religious orders – a subject that had been of such importance during the secular-mendicant controversy, and remained a special bone of contention between the Franciscans and Dominicans after that conflict waned.

In the article of the *Secunda Secundae* to which de la Mare's art. 75 corresponds, Aquinas had determined that it is completely licit for a religious community to retain a common store of goods sufficient to meet the needs of its members. He defended this position with three main arguments. Firstly, he argued that the perfection *per se* of an order's poverty observance cannot be determined with reference to that of other orders or in relation to a general benchmark, but only to the extent that the standard of poverty

[78] This quotation is discussed further in Traver, 'Intellectual Defense', p.188; and Glorieux, 'L'enchaînement des polémiques', p.149 n.50.

observed is consonant with the particular end to which that religious order is directed. Secondly, he asserted that the retention of common goods by religious communities is consistent with the poverty observance inaugurated on behalf of the apostles by Jesus Christ, 'the institutor of poverty': that is, during His ministry the apostles had used a common purse, and after the Resurrection they had shared their resources in such a way that every individual's needs were met.[79] Thirdly, Aquinas disparaged religious orders that practise absolute poverty on the grounds that retaining nothing exposes them unduly to danger: a claim to which the Franciscans were becoming increasingly sensitive during this period, especially in relation to their Rule.[80]

Due to the *Correctorium*'s method of composition, in which de la Mare methodically works his way through Aquinas's works and attempts to counter very specific 'errors' as they appear, it is unusual to find him responding so comprehensively to every argument within a single *Summa* article. But he deems all three of these assertions worthy of rebuke and works his way through each of the three 'erroneous' elements of Aquinas's account with unparalleled thoroughness, underlining the special significance of this issue of religious poverty.[81] De la Mare works his way through each of the three 'erroneous' elements of Aquinas's account very thoroughly, underlining the special significance of this issue of religious poverty. He also revisits similar themes in other articles of the *Correctorium*. For example, he further discusses apostolic poverty in arts. 72 and 96; and in arts. 69, 71, and 73, he explains how poverty may be construed as an 'instrument' of perfection, a subject that he addressed only relatively briefly in art. 75. It is therefore possible to achieve a relatively rich synthesis of several elements of de la Mare's conception of religious poverty. Nonetheless, de la Mare evidently did not subsume all or even most of Aquinas's ecclesiological errors to the issue of religious poverty – far from it. But it is important to acknowledge that the issue of the religious orders' poverty was a major point of deviation between Aquinas and de la Mare, and

[79] Aquinas, *Secunda Secundae*, Q.188 a.6.

[80] Ibid., Q.188 a.6 ad.2; see also p.142, below.

[81] This is by far the longest response of any of the *Correctorium*'s ecclesiological articles; so long, in fact, that Robert Orford divided his own response into two parts in the *Sciendum*, the first dealing with individual solicitude and the second with the relationship between perfection and poverty in the religious life. Robert Orford, *Correctorium corruptorii "Sciendum"*, ed. Palémon Glorieux, Bibliothèque thomiste 31 (Paris, 1956), arts.75 and 75 *bis*, pp.282–91.

that, in many of the other *Correctorium* articles, de la Mare works to collapse the individual components comprising Aquinas's defence of communal poverty even where religious poverty is not the main focus of the articles in question.

Unquestionably, de la Mare disagreed with Aquinas's basic conclusion that the retention of common goods is compatible with the state of perfection that pertains to the religious life. Indeed, he begins his very detailed refutation of Aquinas's account of religious poverty with probably his most emphatic statement in all of the ecclesiological articles: 'with confidence and every peace, and without any doubt, I believe and assert that there is a far greater perfection in possessing nothing, neither individually nor in common.' Yet de la Mare also insists that he wishes in no way to reproach the perfection (or imperfection) of religious orders that practise the retention of goods in common.[82]

Poverty: The Apostolic Life

The need to establish the apostles as models and paradigms of the religious life remained as pressing a concern for the friars in the 1270s as it had been during the institutional secular-mendicant conflicts of the 1250s. De la Mare especially focusses on the interpretation of evangelical references to the apostles' poverty, most prominently the *loculos* and the exhortation from Matt. x:9–10, in which Christ instructs the community to carry neither a scrip nor a staff. In doing so, he underlines not only the absolute poverty in which he believed the apostles to have lived by divine precept, but also the continuity between the apostolic and Franciscan poverty observances. The secular masters' intense focus on the *Manus*'s account of religious perfection, with its idiosyncratic but nonetheless decidedly 'Franciscan' notion of poverty, presented Aquinas with a double-bind. He was compelled to defend the religious life from the aspersions cast by Abbeville and Lisieux, while simultaneously challenging the vision of absolute apostolic poverty – and by extension, the definition of perfect poverty – that was articulated by Thomas of York and other Franciscans. For his part, de la Mare interrogated a nexus of carefully constructed arguments and ideological positions which,

[82]De la Mare, 'Correctorium', p.310: 'religiones quae habent aliquid in communi nullatenus vituperamus de imperfectione; sed tamen cum confidentia, et pace omni, et sine dubitatione omni, credimus et asserimus quod maioris est perfectionis penitus nihil habere nec in communi nec in proprio.'

despite their appearance in Aquinas's systematic works, should more properly be regarded as the products of a period of fierce anti- and intrafraternal polemic.

Christ the Master: Glossing the Loculos

A literal interpretation of the common purse is one of the main supports for Aquinas's argument that perfection in the religious life consists in the possession of common goods. Lauding Jesus Christ as 'the institutor of poverty', and thereby presenting Him as an exemplar for the religious life, Aquinas clarified that He 'taught by example' in possessing a *loculos*.[83] Moreover, while Aquinas cited Jerome's gloss to argue that that the common purse was only intended for use by the poor, he included in this category the apostles themselves, on whose behalf Christ had compelled Judas to retain a common store of money and who are described by the gospels as having gone into the city to buy food with money they obtained from the purse; that is, Aquinas argued that the actual individual poverty of the apostles was alleviated by their sanctioned use of a common purse. He also drew clear parallels between this *modus vivendi* and that of religious orders which retain common goods.[84] Thus, Aquinas managed to avoid the exegetical gymnastics to which Franciscan commentators resorted when attempting to gloss the *loculos*: on the basis of a single gloss, he argued that the retention of money on behalf of the poor or in order to provide for the needs of a religious community is 'in conformity with the perfection that Christ taught by His own example'. He added, moreover, that the apostolic community continued to maintain a poverty observance in which they retained common money and property even after the Resurrection, distributing goods from a common store, 'each according to his work' (Acts iv:32).

Aquinas concluded his analysis of the common purse by linking the paradigmatic quality of Christ and the apostles – 'from which every religious order takes its origin', not merely his own Dominican order – with what he takes to be the fact of apostolic common property, in order to establish the perfection of common property within the

[83] Aquinas, *Secunda Secundae*, Q.188 a.7. See also Jean-Pierre Torrell, *Saint Thomas Aquinas*, i: *The Person and his Work*, trans. Robert Royal (Washington, D.C., 1996–2003), pp.89–90; and Hörst, *Evangelische Armut und Kirche*, pp.81–3.

[84] Aquinas, *Secunda Secundae*, Q.188 a.7; citing Jerome, *Commentariorum in Matheum libri IV*, ed. David Hurst and Marcus Adriaen, CCSL 77 (Turnhout, 1969), III.17.3, p.156.

religious life. He was first drawn to make this argument in response to the Parisian secular masters, who, although they shared his belief that the apostolic community had possessed goods in common, chiefly emphasised the apostolic *loculos* as an exemplar for ecclesiastical wealth distribution, particularly by prelates.[85] In arguing for the apostles' use of common goods, Aquinas not only reasserted the link between the apostolic and religious states, but he also tacitly critiqued those religious orders which, like the Franciscans, deviated from this perfect model of wealth retention.[86] Aquinas's *Secunda Secundae* account is therefore a criticism of two mutually opposing conceptions of the *loculos*: on the one hand, he combatted the claims of the Parisian secular masters; on the other, he corrected the poverty vision of his erstwhile Franciscan 'allies' in the university secular-mendicant disputes.

It is no surprise that de la Mare strongly objects to this conception of the common purse, nor that his own response to the *Secunda Secundae* is perceptibly influenced by the extensive Franciscan tradition of glossing the *loculos*, in which its use by Christ and the apostolic community was forcibly harmonised with the doctrine of the perfection of absolute poverty.[87] The secular masters' tendency to present the common purse as an exclusive exemplar for those in secular orders, partly in response to this Franciscan ideal, prompted Aquinas to take a third way – namely, to devise an interpretation of the *loculos* that acknowledged the common ownership of the apostles, but also emphasised its exemplarity for the religious orders. Aquinas articulated two main claims, separate but related, in his brief account of the *loculos*: firstly, that it was an exemplar for the retention of communal goods by religious orders in particular; and secondly, that it proved the perfection of possessing common goods in general. In response, de la Mare chooses to tackle Aquinas's claims regarding the exemplarity of Christ as 'institutor of poverty' by clarifying the way in which Christ's use of the common purse serves as a paradigm.

[85] Abbeville, *Contra adversarium*, pp.104–6. For Saint-Amour's take, see p.35.

[86] Aquinas, *Secunda Secundae*, Q.188 a.7. It is not the case, however, that Aquinas completely denied that the *loculos* could serve as an exemplar to the Church's secular orders regarding the administration of money; see Thomas Aquinas, *Super Evangelium S. Iohannis lectura*, ed. Raphael Cai (Turin, 1952), 13.5.1, p.340.

[87] See chapter one, p.28 above.

Like Thomas of York, de la Mare argues that the use of the common purse was not intended as an example to those wishing to be perfect, but as a concession to the weak and imperfect in the Church.

> [T]he greatest perfection in a master is to dispense doctrine in accordance with the capacity of his audience, teaching subtleties to subtler and more perfect people, and plain and simple stories to simple people. But simple stories are not perfect doctrine, nor are they fit for the perfect.[88]

De la Mare acknowledges that a 'simple' or literal interpretation of the *loculos*, of the kind used by Aquinas, may be invoked to support the contention that it is lawful to carry a purse, albeit only for those living in an imperfect state. Indeed, de la Mare's own tripartite account of the *loculos* allows for its interpretation partially in 'simple' terms as a condescension to the weak. But he maintains that a 'subtler' mode of exegesis is required in order to understand the way in which the *loculos* serves as an example to the perfect. By way of illustration, he compares Christ's use of the *loculos* to the apostles' possession of a sword.[89] He points out that one might be inclined to argue that it is perfect to imitate Christ in carrying a sword on the same grounds that one defended His use of the purse, that is, if one interpreted His actions in a strictly literal sense; but 'it would be stupid to do and to teach' this.[90] In order to properly understand what the *loculos* signifies about poverty and perfection – namely, that the state of holding common property is imperfect – the gospels must be read with diligent consideration, rather than interpreted only in a literal way.[91]

By interpreting the common purse in a moral or 'spiritual' exegetical mode, de la Mare participates in the *loculos* tradition that had been developed by other prominent Franciscan theologians, largely in response to ongoing external criticism of the Franciscan *modus vivendi*.[92] Gerard of Abbeville had criticised the suggestion that Christ could have done anything imperfect, which he regarded as a necessary corollary of

[88]De la Mare, 'Correctorium', p.317. This principle was commonly cited in *artes praedicandi*, and originates in the work of Gregory the Great. G. R. Evans, *The Thought of Gregory the Great* (Cambridge, 1987), p.83.

[89]John xviii:10–11 and Luke xxii:50–1.

[90]De la Mare, 'Correctorium', p.318.

[91]Ibid., p.314.

[92]See chapter one of this thesis, pp.22–45.

Thomas of York's discussion of the *loculos* in terms of a concession to the weak and imperfect, despite Thomas's repeated assertion that the performance of these activities did not detract from Christ's absolute perfection *per se*.[93] In turn, Bonaventure returned to the task of interpreting the apostolic purse in the 1269 treatise, *Apologia pauperum*, which set out out to refute Gerard. As he had done around fifteen years earlier in the disputed questions *De perfectione evangelica*, Bonaventure retained a tripartite exegetical framework for glossing the *loculos* in *Apologia pauperum*. However, instead of recycling his previous discussion of the *loculos* in terms of poor relief, a consolation to the weak, and a source of relief in hard times, Bonaventure now presented Christ's use of the purse as a consolation to the weak, a refutation of the wicked, and a guide to the perfect – that is, he only retained one of his earlier modes of interpretation.[94] Yet the influence of Thomas of York's more expansive fivefold treatment of the common purse is discernible in Bonaventure's new strategy of further subdividing these three initial categories, so that he actually incorporated six glosses in total.[95]

According to Bonaventure, the weak on whose behalf Christ kept a purse are simply Christians who do not wish to surrender the use of money – unlike Aquinas, he did not include the apostles in this category. The wicked, meanwhile, may be of two kinds: either heretics whose disdain for money is such that they consider it totally illicit, such as Manicheans; or the avaricious, whose desire for money is inordinate. Finally, he divided into three categories the perfect for whom the *loculos* serves as an exemplar: coenobitic religious communities, which share goods in common rather than appropriating them individually; clerics, who dispense ecclesiastical goods for the sake of the poor; and 'the apostles, and others who profess the same form of poverty', namely those who 'desire always to be without purses on account of their love of poverty, who only carry a *loculos* when a time of necessity demands it.'[96] Like Thomas of York, Bonaventure attributed this latter form of use to the apostolic community with reference

[93]Abbeville, *Contra adversarium*, pp.166–7; Gerard of Abbeville, 'Exceptiones contra Manus quae contra Omnipotentem', in Max Bierbaum (ed.), *Bettelorden und Weltgeistlichkeit an der Universität Paris: Texte und Untersuchungen zum Literarischen Armuts- und Exemtionsstreit des 13. Jahrhunderts (1255-1272)* (Münster, 1920), pp.169–207, at 184; and further discussed on 91 of this thesis.

[94]See p.25 of this thesis.

[95]Bonaventure, *Apologia pauperum*, p.284. See also p.23 of this thesis.

[96]Ibid., p.285.

to the female disciples from the gospel of Luke, who retained *dominium* over the goods used by the apostles.[97] He concluded his discussion of the *loculos* by reiterating that Christ serves as an exemplar for *all* forms of Christian life, whether or not these make use of money. But crucially, Bonaventure's sexpartite gloss was predicated on a vision of apostolic poverty in which the apostles themselves retained neither common nor individual goods, except in dire necessity. Thus, he struck a balance between defending the fact of absolute apostolic poverty and demonstrating the paradigmatic quality of Christ's use of the *loculos* for the entire Christian community. He thereby effectively legitimised both different ecclesiastical uses of money and the state of absolute poverty, in response to the controversial circumstances in which he was writing as well as developments in the Franciscan *loculos* tradition.

Following his confrères' adoption of increasingly elaborate and multifaceted exegetical strategies, de la Mare eschews any simple interpretation of the *loculos*. Like Bonaventure, he invokes a slightly awkward threefold method of exegesis for the *loculos* that attempts to safeguard the absolute poverty of the apostolic life. But there is an important difference: his main opponent is Aquinas, a Dominican, instead of the secular master and wealthy 'prince of the Church', Abbeville.[98] De la Mare therefore engages in reclaiming a poor Christ on behalf of the religious orders in accordance with a specifically Franciscan vision of absolute poverty, but in such a way as to refute Aquinas's interventions in favour of the Dominican practice of holding goods in common. Namely, he explains that Christ carried a common purse with which to procure material goods for three reasons:

> in order to provide for the sustenance of life, both [1] for the assistance of the poor and [2] for His own use and theirs in times of necessity; and [3] as a condescension and a dispensation on behalf of the weak who would exist in the Church.[99]

[97]Bonaventure, *Apologia pauperum*, p.285.

[98]Philippe Grand, 'Le Quodlibet XIV de Gérard d'Abbeville. La vie de Gérard d'Abbeville', *AHDLMA* 31 (1964), pp.207–69, at 210; Stephen M. Metzger, *Gerard of Abbeville, Secular Master, on Knowledge, Wisdom, and Contemplation*, 2 vols. (Leiden, 2017), i, pp.49–60.

[99]De la Mare, 'Correctorium', p.314: 'Tribus enim de causis Salvatorem loculos legimus habuisse et necessaria emisse: scilicet ad sustentationem vitae, ad subventionem pauperum, et ad usus proprius et suorum propter imminentem necessitatem; et condescensionem et dispensationem propter infirmos qui talia erant facturi in Ecclesia'. For clarity, I have slightly edited the rather idiosyncratic punctation of this

Furthermore, de la Mare follows both the *Manus* and the *Apologia* in defining the weak to whom Christ condescended as the ordinary Christians who would continue to use money to meet their needs, rather than the apostles themselves, as Aquinas did in the *Secunda Secundae*.[100] De la Mare therefore denies that the apostles routinely made recourse to a shared repository of goods. Instead he accepts and elaborates upon the contention – which had entered the Franciscan *loculos* tradition in the *Manus*, and which Bonaventure then adopted in the *Apologia* – that the apostolic common purse was intended to serve as a model for future ecclesiastical administration. He categorizes two of Christ's three uses of money (namely, as a means of self-sustenance and as poor relief) as models for priestly rather than religious wealth, asserting that:

> possessing a thing or things in common…namely, in such a way as to dispense them among the poor, is not the way in which religious hold common goods, but rather priests, who are stewards and dispensers – although not *domini* – of the Church's goods.[101]

It is clear that de la Mare has slightly modified the discussion as it had been developed by Bonaventure and Thomas of York in response to the claims of the secular masters, in order to account for his own opponent – that is, he engages with the emphasis placed by Aquinas, a Dominican, on the *loculos* as an exemplar for poverty within the religious life. Whereas Aquinas upheld the *loculos* as a model for the common possession of goods by the religious orders, de la Mare presents such uses as a paradigm for those in the Church's secular ranks, for whom the distribution of ecclesiastical wealth is a crucial facet of their existence.[102] While it is suitable for priests, this 'mode of having' a *loculos* is not at all consonant with the perfection of religious life. It is hard to imagine that such a claim would have been exerted in direct refutation of Abbeville or Lisieux: but owing to the Dominican identity of de la Mare's opponent, such an interpretation could be used as a means of harmonising gospel references to the *loculos* with a defence of absolute poverty in the religious life.

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passage. The three reasons therefore run parallel to those delineated by Bonaventure in *De perfectione evangelica* two decades earlier; see the table on p.24.

[100] De la Mare, 'Correctorium', pp.315–16.

[101] Ibid., p.316.

[102] Ibid., p.316: 'potius ostenditur perfectio praelationis'.

De la Mare not only declines to link the possession of the *loculos* with the religious *modus vivendi*; he also denies that Christ routinely used it on His own behalf or that of the apostles. Rather, Christ resorted to this use only in dire necessity (rather than utility).[103] Such an exceptional mode of use can hardly be regarded as a model for those seeking perfection, for actions taken by reason of necessity are not perfect in themselves, and have no bearing on perfection.[104]

Christ's use of the *loculos* is the first of two main evangelical exemplars to which Aquinas made recourse in trying to show that the apostles had retained and used common goods. He also pointed to Acts iv, in which the apostles are described as having distributed alms amongst one another 'each according to his work', as evidence of their common possession of goods and money.[105] De la Mare acknowledges that the apostles of the primitive Church could have consumed their necessities through the money placed at their feet in exchange for preaching, and that such consumption was '*ex ordinatione…domini*'; however, he is careful to qualify the terms in which the goods they consumed can be construed as possessions of either the community or the individual apostles.[106] Again, de la Mare emphasises that this *modus vivendi* was not intended as an example to religious but rather to priests, for whom Acts serves as a crucial paradigm insofar as the distribution of money and goods to the poor.[107] Despite the account of apostolic wealth delineated in Acts iv – and at the command of Christ Himself – the apostles remained absolutely poor in fact, and retained nothing of their own.[108] De la Mare introduces a battery of gospel references and patristic authorities to support his contention that this state of poverty had been commanded of the apostles by Christ – including Peter's claim, also from Acts, to possess neither silver nor gold, which Ambrose had regarded as a fulfilment of the precept from Luke ix (and Matt. x) 'to possess neither gold nor silver.'[109]

[103]De la Mare, 'Correctorium', pp.314–15; citing Bede, *In Lucae*, p.211.
[104]De la Mare, 'Correctorium', p.316.
[105]Aquinas, *Secunda Secundae*, Q.188 a.6.
[106]De la Mare, 'Correctorium', pp.318–19. See also Lambertini, *Apologia*, pp.147–9.
[107]De la Mare, 'Correctorium', pp.318–19.
[108]Ibid., p.318.
[109]De la Mare, 'Correctorium', p.318; citing the discussion of Acts iii:6 in Ambrose, *Expositio evangelii secundum Lucam*, ed. Marc Adriaen, CCSL 14 (Turnhout, 1957), VII.56, p.232.

De la Mare redeploys the same arsenal of gospel references to apostolic poverty in two other *Correctorium* articles, which shed further light on his understanding of the apostolic mode of acquiring and consuming material goods.

The Exhortation from Matt. x:9–10

De la Mare's insistence that Christ commanded the apostles to observe the state of absolute poverty, such that it constituted a precept within the apostolic life, is further elaborated in his discussion of Matt. x in arts. 72 and 96 of the *Correctorium.* The former is based on the *Secunda Secundae*, the latter on the *Quaestiones de virtutibus.*[110] In these articles, de la Mare focuses on Aquinas's interpretation of Matt. x:9–10; namely, Christ's exhortation to the apostles to undertake their preaching missions without money or other material goods. The treatments of this passage offer further insight into de la Mare's and Aquinas's very different conceptualisations of the way that apostolic poverty served as a paradigm for perfection within the Christian life, but especially for those in religious orders.

The exhortation in question follows shortly after the calling of the twelve apostles, as Christ delineates the *modus vivendi* by which He expected them to abide: 'Do not possess gold, nor silver, nor money in your purses; nor a scrip for your journey, nor two coats, nor shoes, nor a staff; for the labourer is worthy of his hire.'[111] De la Mare chastises Aquinas for interpreting this exhortation, not as a statement about the 'perfection of life' in an objective sense, nor as a precept or a counsel, but rather as a specific concession to 'apostolic dignity'. For de la Mare, this passage establishes the fact of absolute apostolic poverty, but it does not represent a special concession based on the unique dignity of the apostles themselves. Rather, it demonstrates the perfection of absolute poverty *per se.*[112] In art. 96, the longer of the two articles, de la Mare adds that Aquinas's 'misinterpretation' of Matt. x is partially based on a misunderstanding of the

[110]De la Mare's method of listing 'errors' point by point as they appear may explain the reappearance of almost exactly the same question in two places in the *Correctorium.* Nonetheless, his treatment of the articles are similar enough to permit the elaboration of a more synthetic response, as Knapwell partly acknowledges in his answer to art. 96: 'dictum est supra in responsionibus ad obiecta contra secundam secundae, articulo 12 [*i.e.* art. 72 of the *Correctorium*] Knapwell, *Quare*, p.389.

[111]Matt. x:9–10.

[112]De la Mare, 'Correctorium', pp.385–6.

treatment of that passage in Augustine's *De consensu evangelistarum.*[113] He maintains that Augustine did not regard the whole of Matt. x:9–10 as an optional permission or concession, as Aquinas implies, but rather as partly preceptive and partly permissive. More precisely, de la Mare understands Augustine to have perceived Matt. x:9 as a clear precept or command to the apostles to surrender material goods, and Matt. x:10 as an optional power to consume the goods donated by the Christians to whom the apostles preached.[114]

A synthetic reading of these two *Correctorium* articles offers deeper insight into de la Mare's understanding of this passage, not least because the contextual differences that affected the axis of Aquinas's interpretation do not much influence his own reading of the exhortation. But while art. 96 is, for de la Mare, essentially just a revival of the same issue that he had already dealt with in art. 72 – namely, the preceptive status of Matt. x – Aquinas had discussed the exhortation in two quite different theoretical contexts in the *Secunda Secundae* and the disputed question *De virtutibus.*[115] In the *Secunda Secundae*, Aquinas treats of the exhortation from Matt. x with an eye to the perfection of the holding of personal goods within the episcopal state.[116] In *De virtutibus*, however, he is interested in the exhortation in relation to the broader question of whether *all* Christians should possess perfect charity – that is, whether Christ's words to the apostles had a preceptive or obligatory force, and whether that force extends only to the apostles or to every Christian, not only to bishops.[117] Both texts were prepared towards the end of Aquinas's second Parisian regency and follow closely on the heels of an argumentative line that he had initially developed in response to the simmering secular-mendicant tensions.

Aquinas's earliest discussion of Matt. x took place in the context of the conflict with the secular masters, which coloured his argument in important ways. In around 1271–2, in chapter 21 of his treatise *De perfectione spiritualis vitae*, he made use of

[113]De la Mare, 'Correctorium', pp.295–7, 383–9.
[114]Ibid., pp.296–7; 386.
[115]Ibid., for a cross-reference between the two articles.
[116]Aquinas, *Secunda Secundae*, Q.185 a.6.
[117]Thomas Aquinas, *Quaestiones Disputatae*, ed. Raimondo Spiazzi, 2 vols. (8th edn., Turin, 1949), Q.24 ['*De caritate unica*', Q.11] ad.7.

Augustine's *De consensu*.[118] In this polemical work, he discussed this exhortation while investigating the different perfections inherent in the episcopal and religious states. He combats the contention – drawn from an argument made by the secular masters in response to a deliberate corruption of an argument put forward by Thomas of York, who had never drawn such a conclusion – that the exhortation from Matt. x can be interpreted to mean that bishops, as 'the successors of the apostles', should not possess goods of their own.[119] Citing *De consensu*, Aquinas argued that Christ deliberately fused into a single injunction these two related claims regarding the worthiness of the worker and the need to surrender material goods, precisely to clarify that the *whole* of the exhortation was 'a permission, not a command'. That is, Aquinas believed – and understood Augustine to have taught – that Christ permitted the apostles to surrender all their own goods and to live from alms obtained through preaching, but that He did not strictly mandate this way of life, only acknowledged its legitimacy.[120] From *De consensu*, Aquinas also borrowed Augustine's reference to the preferred *modus vivendi* of the apostle Paul, who eschewed preaching for alms in favour of performing manual labour. Paul had lived in this way without contravening a gospel precept, for Christ had merely presented the acquisition of goods through preaching as a possible mode of living, not an obligatory one.[121] Aquinas thus avoided having to assign a strictly preceptive status to any part of Christ's exhortation to live in poverty from Matt. x, thereby emphasising that absolute poverty was a mandatory component of neither the *vita apostolica* nor of the episcopal or pontifical states.

In both the *Secunda Secundae* and *De virtutibus*, Aquinas continued to interpret the Matthaean injunction in light of *De consensu*, much as he had in *De perfectione*. However, he utilised Matt. x and its Augustinian interpretation in quite different ways across the three texts. In the less openly controversial setting of the *Secunda Secundae*, Aquinas

[118]Torrell, *The Person and his Work*, p.336; James A. Weisheipl, *Friar Thomas D'Aquino: His Life, Thought, and Works* (Oxford, 1975), pp.222 for the *Secunda Secundae*, 254–5 for the *quaestiones disputatae*.

[119]In actuality, Thomas of York merely uses Matt. x as proof the principle that Christ taught absolute poverty to be the apex of perfection: 'could these words be any clearer?' Thomas of York, 'Manus', p.44. For the corrupted argument, see Abbeville, *Contra adversarium*, pp.199–200.

[120]Aquinas, *De perfectione*, c.21: 'ostendit permissum hoc esse, non iussum'.

[121]Aquinas, *De perfectione*, p.c.21; citing II.30 of Augustine, *De consensu evangelistarum libri quattuor*, ed. Franciscus Weihrich, CSEL 43 (Vienna and Leipzig, 1904), pp.177–9, at 178. Both Augustine and Aquinas cite 1 Cor. ix:11–12.

again resolved episcopal and religious counterclaims to the apostolic life by differentiating between the different aspects of apostolic perfection on which the episcopal and religious lives are based.[122] Considering the contested question of whether bishops may retain personal goods, he acknowledged that the exhortation from Matt. x seems to imply that Christ commanded the apostles, whose successors are the bishops, to retain nothing of their own.[123] Yet this is not the only way that the exhortation may be interpreted. It might also be read in the spiritual sense used by Jerome, who construes it as a warning to bishops not to base their preaching exclusively on 'worldly knowledge and wisdom'.[124] It could also be understood to have a more literal meaning, as Chrysostom had averred with reference to the apostles' work of converting the Jews; that is, the apostles may have surrendered their material goods to show the literal-minded Jews that they abided by the same higher standard of morality that they preached.[125] Alongside these interpretations, Aquinas cited the reading of Matt. x from Augustine's *De consensu*, which completely strips it of any mandatory force. In the main body of this *Summa* article, Aquinas had noted that no-one is required to undertake supererogatory works unless compelled by a solemn vow. Consequently there is no need to treat Matt. x:9–10 as a precept for the episcopal state, since the complete relinquishment of goods is not an essential characteristic of the episcopal office, and indeed it might inhibit bishops in performing the pastoral works comprising that office. Furthermore, the interpretation of the passage from *De consensu* implies that it has no preceptive force whatsoever, regardless of state.[126]

In *De virtutibus*, Aquinas used the Matt. x exhortation in order to show that Christ made some commands of the apostles 'in the person of all the faithful'. By this, he meant that they were intended to bind not only the apostles but every Christian wishing to be saved, in contrast to other commands that were intended for those pursuing 'the perfection of life and the priestly office'.[127] Aquinas reasserted, as he had in the *Secunda*

[122]The memory of the initial pontifical context did not completely fade, however; in the *Secunda Secundae*, Aquinas takes care to defend the papacy from the charge of imperfection for having failed to surrender the possession of all goods. Aquinas, *Secunda Secundae*, Q.185 a.6 ad.2.

[123]Ibid., Q.186 a.2 arg.9.

[124]Ibid., Q.185 a.6 ad.2.

[125]Ibid., Q.185 a.6 ad.2.

[126]Ibid., Q.185 a.6.

[127]Aquinas, *Quaestiones Disputatae*, Q.24 ['*De caritate unica*', Q.11] ad.7.

Secundae, that Christ also made some exhortations that were intended for the apostles alone, as a special 'concession' to the unique 'power and dignity' of their rank. One such power is that of exchanging a life of material self-subsistence for one in which material goods are received in return for preaching, in accordance with the injunction in Matt. x that 'the labourer is worthy of his hire'.[128] While, in Pseudo-Dionysian hierarchical terms, bishops are properly the successors of the apostles, the Matthaean exhortation is not mandatory within the episcopal state because Christ never intended it to have the force of a precept, even in relation to the apostles themselves.

In art. 72 of the *Correctorium*, de la Mare ignores Aquinas's examination of the characteristics peculiar to the episcopal state, and focuses instead on the implications of Aquinas's conclusion for the apostolic *modus vivendi*. He notes that these amount to an assertion that the apostles were not commanded to surrender all material goods.[129] De la Mare rejects both claims and bases his rebuttal on a careful distinction between the different parts of the exhortation: namely, the act of surrendering material goods on the one hand, and the act of using the power to accept alms in exchange for preaching on the other. He asserts that the first of these acts was commanded of the apostles and therefore bound them with a preceptive force, while the second was conceded or permitted to them in recognition of their status, but without any binding preceptive force – and that this, moreover, was what Augustine had attempted to show in *De consensu*.[130]

In art. 96, de la Mare returns to this latter point at greater length. He criticises Aquinas for ascribing to Augustine the assertion that the whole of the Matthaean exhortation reflects a special apostolic concession rather than a more general affirmation of the inextricable relationship of absolute poverty to the state of perfection. De la Mare maintains that, on the contrary, the passage from *De consensu* is ambiguous on the preceptive quality of the injunction, and claims that Augustine neither affirmed nor denied the importance of absolute poverty for perfection. He therefore acknowledges

[128] Aquinas, *Secunda Secundae*, Q.185 a.6 ad.2; Aquinas, *Quaestiones Disputatae*, Q.24 ['*De caritate unica*', Q.11] ad.7. A parallel passage to Matt. x:10 may be found in Luke x:7, and the injunction is also repeated by Paul in 1 Tim. v:18.

[129] These two 'errors' also reappear in art. 96 De la Mare, 'Correctorium', p.384.

[130] Ibid., pp.296–7: 'Ex his patet quod illud: Nolite possidere aurum neque argentum, etc, prohibitum fuit apostolis, non permissum; sumere vero sumptus et alimenta ex ipsa praedicatione concessum fuit non autem praeceptum'; see also art. 96, pp.386–7.

that part of the passage does have the permissive or concessive meaning described by Augustine, but downplays the significance of Augustine's interpretation for the discussion of apostolic poverty.[131]

Yet precisely because his main aim is to safeguard the doctrine of absolute apostolic poverty, de la Mare marshals other gospel passages in order to prove the preceptive mode of Christ's exhortations to the apostles to surrender *all* material goods. These passages include Mark vi:8, which is parallel to Matt. x:9, where the evangelist explicitly ascribes a mode of command to the exhortation through his use of the verb *praecipere*.[132] Furthermore, following Ambrose's commentary on Luke, de la Mare insists in both articles that Peter lived without 'gold or silver' (Acts iii:6) in accordance with the 'precept or preceptive command (*praeceptim vel mandatum quod praeceptum est*)' of Christ from Matt. x:9.[133] In art. 96, he also appends an analysis of the Matthaean exhortation by John Chrysostom, who had emphasised that Christ instructed the apostles to surrender their own belongings in Matt. x so that they would be able to dedicate themselves entirely to gospel preaching, an act that freed them from solicitude in the eyes of God and of those to whom they ministered.[134] Many of the same gospel passages also appear in art. 75, in which de la Mare sought to clarify the apostolic mode of seeking and consuming material goods to illustrate the greater perfection of religious orders that retain nothing individually or in common.[135] The repetition of this network of passages and interpretations underlines the central significance of poverty within the *Correctorium*'s account of the apostolic life.

Also in art. 96, in response to *De virtutibus*, de la Mare sets out his understanding of the precise nature of the second part of the exhortation, concerning what Augustine had called a 'concession' to the apostles to accept material goods in exchange for preaching. In *De virtutibus*, Aquinas had discussed Matt. x in relation to Christian perfection more widely. In that context, he roundly dismissed its binding force and instead identified the exhortation as a special concession to the apostles, who were

[131]De la Mare, 'Correctorium', p.386.
[132]Ibid., p.296.
[133]De la Mare, 'Correctorium', p.296; citing Ambrose, *Expositio evangelii secundum Lucam*, VII.56, p.232.
[134]De la Mare, 'Correctorium', p.386.
[135]Ibid., pp.318–19.

nonetheless not obliged to undertake it – as proof, he cited the example of Paul's preference for manual labour. In other words, as de la Mare points out, Aquinas denies the exhortation any preceptive force at all, in relation both to the apostles and to other Christians. By extension, the command to pursue a life of absolute poverty is stripped of any claim to constitute an essential component of Christian perfection.[136] The reason for de la Mare's rejection of Aquinas's interpretation of Matt. x is clear – he wishes to show that absolute poverty is consonant with the state of perfection in the Christian life in a more general sense. Throughout art. 96, he repeatedly describes Aquinas's discussion of Matt. x in terms of a misinterpretation of 'the perfection of life', which 'consists in poverty'.[137] Indeed, it seems that for de la Mare, the self-evident perfection of poverty *per se* provides sufficient grounds for reading it into the apostolic *modus vivendi* – for the apostles could not have done other than conformed to poverty, which is perfect, in accordance with their elevated status within the Christian life.

A second important point of contention raised in art. 96 concerns the terms in which Aquinas had distinguished the apostolic state from other Christian states, especially the meaning of the epithet 'power and dignity (*potestatem et dignitatem*)'. De la Mare contends that these terms are unsuitable because of their incongruity with the apostolic state of absolute poverty, at least without considerable qualification. For Aquinas, the apostles' power and dignity served as an exemplar for the episcopal state, which assumed the place of the apostles in the ecclesiastical hierarchy in accordance with Bede's interpretation of Luke x.[138] But de la Mare, for whom the issue of poverty is a central component of *any* perfect state, regards the special apostolic 'mode of seeking and consuming goods (*modus petendi et sumendi*)' not only as the defining characteristic by which to assess the perfection of life, but as direct evidence of the apostles' very *lack* of power and dignity, at least in the sense of those terms as applied by Aquinas. De la Mare suggests that this power and dignity inheres in those who can enjoy 'whatever they want, whenever they want it', such that:

[136]De la Mare, 'Correctorium', p.386.

[137]Ibid., p.385.

[138]For Bede's interpretation of this passage, see chapter one, p.54. Aquinas drew the same comparison between the apostles and the episcopate in *De perfectione spiritualis vitae.*

> if in some way or at some time there is power and dignity, it is evident that this is not so except in those who, with power and dignity, can seek and consume from other people the things that are due to them; such as if the lord king were travelling through the cities and towns of his realm without silver or gold. But the apostles were not permitted such a mode of seeking and consuming, hence the aforesaid abdication [*i.e.* of all goods] should not be said to pertain to the dignity of apostolic power, but rather to the perfection of life insofar as that consists in poverty.[139]

De la Mare attributes to the apostles a power to seek goods from other people, as was their due for performing the Lord's work, but he maintains that this was granted exclusively in the form of mendicant begging. It was rather the state of absolute poverty to which they had been reduced – or rather, elevated – which brought them into conformity with the state of perfection. Hence, this perfect observance of poverty is what Christ had always intended to confer on them with a preceptive force. He maintains that:

> when Christ ordained the apostles to live by the gospel, He evidently did not command them to consume their necessities by extorting them from believers through strife and violence, but rather through entreating and begging. But the *dominium* and power in things (*potestas in re*) that cannot be had except through entreating and begging in no way differs from poverty, in the same way that an heir does not differ from a servant while he remains a child, even though he is the lord of all of them.[140]

In short, de la Mare understands the apostles to have enjoyed a power or right of begging that rendered them legally equivalent to children. They did not enjoy the kind of power and authority implied by Aquinas's use of epithets associated with dignity, which would have effectively granted them the extensive power over material goods enjoyed by secular kings.

[139] De la Mare, 'Correctorium', pp.385–6.

[140] De la Mare, 'Correctorium', p.385; see also Lambertini, *Apologia*, pp.141–51 for an overview of de la Mare's understanding of *dominium*.

The discussion of apostolic poverty undertaken in these articles enriches the account set out in the middle of art. 75, as de la Mare counters Aquinas's account of the perfection of holding goods in common within the religious life. It was clearly important to him to clarify the actual poverty of the apostles – the centrality of which endeavour within these *Correctorium* articles is evinced not least by the threefold repetition of the same tissue of gospel texts and interpretations that describe the apostles' poverty. Having reiterated that Peter and the other apostles gloried in possessing neither gold nor silver nor any other material goods, and recycling the same battery of authorities that appear in arts. 72 and 96, de la Mare turns for a third time to the possibility that Acts iv:32 might be construed as evidence that the apostles accepted the money laid at their feet in exchange for the work of preaching, and that this justifies the retention of common goods in the religious life.[141] But again, de la Mare denies that this power of consuming goods is intended as a model for religious, and instead advocates for its relevance in relation to those who occupy the priestly state.[142] It is useful to note the parallels in strategy between this treatment of the exhortation from Matt. x and the discussion of the *loculos*, especially his insistence that a literal interpretation of these exhortations cannot be used as the basis for determining the characteristics of perfection. In the same way that he regards Augustine's interpretation of Matt. x:9–10 as only one of *several* legitimate ways of glossing the pronouncements of the gospel, a purely literal interpretation of Christ's exhortations regarding the apostolic life cannot serve, for de la Mare, as the *only* basis on which to discern the special characteristics of Christian perfection.[143]

These three articles demonstrate the importance that de la Mare attached to the paradigmatic quality of the *vita apostolica* with reference to poverty, in defence of which he defended two separate but related claims in opposition to Aquinas's treatment of poverty in the *Secunda Secundae*: that is, de la Mare upheld the fact *per se* of the apostles'

[141]De la Mare, 'Correctorium', pp.318–19.

[142]Ibid., p.319: 'patet, proprie est de praelatis… Manifestum igitur quod de praelatis intendit; praelati vero quia sunt dispensatores bonorum Ecclesiae sine diminunatione perfectionis possidere possunt aliis dispensanda; regulares vero qui huiusmodi causam non habent sine diminutione perfectionis non possunt.'

[143]Ibid., p.386.

participation in the state of absolute poverty, and emphasised the bearing that absolute apostolic poverty had on the perfection of other ecclesiastical states. Due to the depth of Abbeville's engagement with the *Manus*, which prompted him to focus with special care on the problem of apostolic poverty during the second phase of the mendicant-controversy at Paris, Aquinas and other mendicant protagonists had been compelled to articulate their understanding of these two issues in greater detail. Aquinas was especially bound to provide a defence of the exemplary function of the apostolic life for both the episcopate and the religious orders, and to illustrate the ways that different aspects of the apostles' observance bore upon episcopal and religious perfection. Although de la Mare concurs in the need for this kind of twofold exegetical strategy, he refuses to deny the fact of absolute apostolic poverty, which is for him a crucial element of the life to which the Franciscans had been called. Unconstrained by the more pressing secular-mendicant tensions that afflicted Aquinas and his own confrères, Bonaventure and Thomas of York, de la Mare is freer to explore other strategies with which to combat evangelical allusions to apostolic wealth or the use of material goods. His treatments of both the *loculos* and the exhortation from Matt. x show that his favoured strategy for dealing with certain literal interpretations of these facets of the apostolic life, whose existence seemed to imply that the apostles had retained purses and other material goods, was to depict them as models for Christian perfection that applied solely to priests and secular orders within the Church. In this way, de la Mare's discussion of apostolic poverty represents a further development in Franciscan poverty discourse in terms of an overt criticism of the practices of other mendicant orders that retain common goods.

Poverty: Precepts and Counsels

The issue of apostolic poverty is one of the two most prominent aspects of de la Mare's poverty discussion. Whereas the *vita apostolica* had long offered fertile ground for proponents and opponents of the doctrine of absolute apostolic poverty, the second phase of the secular-mendicant controversy also bore witness to the emergence of a new theoretical context in which to conceptualise the importance of poverty: that is, as a virtue *per se* rather than simply as a facet of apostolic life. This development is hinted at

in the account of religious poverty on which de la Mare had focussed in art. 75 of the *Correctorium*, in which Aquinas fleetingly asserted that the three vowed virtues of poverty, chastity, and obedience should not be understood as a perfect in themselves, but rather as 'instrument[s] of perfection'. Indeed, Aquinas ranked poverty as the least important of these three virtues.[144] De la Mare does not miss this. He remarks in art. 75 that, while 'penances and poverty' are not perfections in themselves but rather 'instruments' (that is, 'ways leading to perfection'), nonetheless 'it is clear that [penances and poverty] are the best instruments, and the most aptly proportioned to achieving the end to which they are instituted and ordered' – namely, towards the end of charity.[145] This admission is more remarkable than it may initially appear. For, whereas de la Mare could draw abundantly from existing Franciscan tradition when discussing poverty in relation to the apostolic life, he was compelled to derive the basic terms of his theoretical discussion of poverty from Aquinas himself.

The task of defining the parameters of apostolic poverty was of major significance for both anti- and intrafraternal conflict throughout the thirteenth century: the poverty of the apostles provided a rich seam for authors who wished to show how the apostles served as an exemplar for different *status* within the contemporary Church. But it was not the only outlet for the discussion of poverty in polemical terms. Indeed, while discussions of the *loculos* and other aspects of the *vita apostolica* tended to reinforce the importance of poverty as a yardstick for measuring Christian perfection, other forms of polemical poverty discourse implicitly challenged the importance of poverty in that respect. Most significantly, there arose more theoretical treatments of poverty that served to establish it, not as the chief paradigm for Christian perfection, but as one of several virtues within a hierarchy. Indeed, there could be no clearer evidence for the enduring impact on the discussion of poverty by the friars of the Parisian secular-mendicant controversy's second phase than the considerable influence exerted by a conceptual framework that Aquinas developed as a means of distinguishing

[144] Aquinas, *Secunda Secundae*, Q.188 a.7 ad.1.

[145] De la Mare, 'Correctorium', p.311: 'Si vero dicatur quod poenitentia et paupertas non sunt perfectiones sed instrumenta et viae ad perfectionem ducentes, quae quidem perfectio est caritas, constat quod haec instrumenta optima, convientissima proportione ad finem praedictum inducendum instituta sunt et ordinata, quia per Christum in quo sunt omnes thesauri sapientiae et scientiae reconditi.'

between essential and instrumental virtues. Through the judicious application of this framework, Aquinas set out a theory of Christian perfection in which poverty and other counselled virtues played a considerably diminished role within the hierarchy of virtues.

Aquinas originally introduced the distinction between essential and instrumental virtues in response to the attacks of the *Geraldini*, as a means of distinguishing between the different degrees of perfection inherent in precepts and counsels. The distinction between precepts and counsels was already well understood: the preceptive virtues, epitomised by the Decalogue, are mandatory for all Christians and provide a baseline level of observance; while counsels are non-mandatory acts of virtue, such as abstaining from meat, which supplement the precepts, and which were particularly associated with the religious life because the threefold vow of poverty, chastity, and obedience entailed a more rigorous form of observance than that imposed on other Christians. While religious themselves therefore tended to uphold counsels as a higher and more perfect form of virtue than precepts, Abbeville and his supporters emphasised the priority and fundamentality of precepts and asserted their preferability over counsels in order to undermine claims about the perfection of religious life. The opponents of the *Geraldini*, particularly Aquinas and his Franciscan counterpart, John Pecham, were therefore tasked with defending the perfection of religious life via a careful negotiation the relationship between counsels and precepts. Aquinas's discussion of instrumental and essential virtues initially emerged out of this discourse. However, over the course of his second regency, he soon honed this distinction in order to downplay the importance of poverty within the hierarchy of virtues pertaining to religious perfection; and it became increasingly streamlined until it was afforded a prominent place within his discussion of the virtues in terms of ends and means. There are, furthermore, signs in the *Summa* – on which de la Mare appears to have picked up in the *Correctorium* – that Aquinas had yet to perfect this conceptual framework, to which he repeatedly returned in the final few questions of the *Secunda Secundae* in relation to different ecclesiastical states. The ongoing process by which Aquinas reworked the theory is discernible with great clarity in the *Correctorium*, as de la Mare critiques its successive appearances in the *Summa*.

The Recruitment of Children

Aquinas's theory of essentiality and instrumentality initially developed without a clear focus on poverty because it emerged in the context of a completely different issue in the secular-mendicant controversy. This was the religious orders' recruitment of children, for which Gerard of Abbeville took the mendicant masters to task in several quodlibetal questions.[146] His two main complaints were that the friars often ignored canonical restrictions regarding the minimum age at which children could be induced to join religious orders, or otherwise induced youths to take vows immediately without the standard year-long probationary period.[147] He maintained that inducing underage children to enter religious orders constituted a form of entrapment or illicit seduction ('*illectionem sive seductionem*'), and also put them at risk of incurring the mortal sin associated with breaking a solemn vow.[148] It is unclear whether Abbeville had in mind any specific instance of illicit recruitment, but it is not difficult to imagine that the friars did occasionally resort to dubious tactics in their efforts to secure the most promising candidates, especially since recruitment was also a source of considerable intrafraternal tension.[149] The problem may have become more acute over time, for the demographics of mendicant recruits changed as the orders became better entrenched across western Europe: whereas they had mostly sought out capable adults in their earlier days, the mendicants were increasingly able to accommodate the care and education of children as they became better established.[150] This gradual demographic change attracted controversy long before the 1260s: as early as 1244, a papal decree strictly forbade the friars of both orders from allowing children under the age of 18 to embark on the

[146]See especially Boureau, *Théologie, Science et Censure*, pp.146–62; Alain Boureau, 'L'enfant peut-il faire vœu? John Peckham et Thomas d'Aquin adversaires de Gérard d'Abbeville (vers 1270)', *Cahiers du Centre de recherches historiques* 21 (1998), pp.87–98; and Glorieux, 'Les pièces du dossier', pp.13–17.

[147]These critiques are the subject of a pair of questions regarding the entrance of children into the religious life. Sophronius Clasen, 'Die *Duplex Quaestio* der Gerhard von Abbeville über den Ordenseintritt Jugendlicher', *Antonianum* 22 (1947), pp.177–200, at 195–9.

[148]Clasen, 'Die *Duplex Quaestio*', p.198; a conscious evocation of Alexander III's description of the recruitment of children under 14 in terms of a 'seduction'. X 3.31.8 ('*Ad nostram noveris*'), in Friedberg, ii, col. 571.

[149]Eccleston, *Tractatus*, pp.49–50; Matthew Paris, *Chronica Majora*, i, pp.474–6; Boureau, *Théologie, Science et Censure*, pp.142–3.

[150]The early Franciscans seem actively to have shied away from recruiting children, who might prove a burden on the rest of their community. See Şenocak, *The Poor and the Perfect*, pp.215–18. Conversely the early Dominicans welcomed the opportunity to recruit children and so found efforts to curb the practice more restrictive. Mulchahey, *First the Bow is Bent*, pp.80–5.

novitiate, or from waiving the mandatory probationary period of one year, which all regular orders were expected to impose.[151] Yet Abbeville's decision to discuss the issue suggests that the mendicants continued to engage in both practices well into the 1260s.

One of the key arguments that Abbeville employed to support his claim that children were unsuited to the religious life is based on the relationship between precepts and counsels. He had suggested that it is necessary for entrants to the religious life to have first achieved proficiency in observing precepts before embarking on the more strenuous observances associated with the religious life, which consists in the fulfilment of counsels. He believed it unlikely that mere children would have achieved this high standard of observance in relation to precepts, thus making the religious life a difficult and unrealistic proposition for any underage recruit.[152] As such, it was incumbent on both Pecham and Aquinas to refute Abbeville's claims partly by revisiting the issue of the counsels and precepts in relation to the religious recruitment of children. Both friars chose to challenge the assumption that counsels and precepts were related to one another in the way that he asserted – that is, that precepts were ordered towards counsels as a propaedeutic. Accordingly, Pecham and Aquinas were originally drawn into the discussion of counsels and precepts in relation to the religious recruitment of children.

Pecham had focussed on refuting Abbeville's claim for the necessary priority of the precepts. He eventually settled on a *schema* in which counsels are depicted as the highest grade of observing precepts. Pecham maintained that the highest, most perfect grade of observance – for example, in relation to the precept to 'love God with all your heart' – is naturally prior to the lower grades even though its attainment is temporally posterior to them, 'just as removing an obstacle is naturally prior to moving unhindered, and removing a snare [is naturally prior] to walking freely'. According to Pecham, when an individual intends to engage in virtuous behaviour it is natural, and indeed necessary, for them to begin by directing their intention towards the highest degree or grade of observance, which consists in counsels.[153] He contended that children make especially

[151] BF, i, pp.342–3 ('*Non solum in favorem*'). The sole exception was deathbed profession, a mainstay of the recruitment practices of both the monastic and mendicant orders.

[152] Abbeville, *Contra adversarium*, p.287.

[153] John Pecham, *Quodlibeta quatuor*, ed. Ferdinand M. Delorme and Girard J. Etzkorn (Grottaferrata, 1989), Q.I q.20, pp.48–9; see also John Pecham, 'Quaestio de pueris oblatis', in *Quaestiones disputatae*,

worthy recruits to the religious life because they have not encountered the many opportunities for sin offered by the wider world, which makes it easier for them to direct themselves towards the observance of the highest form of precept, that is, counsels.[154]

In *Contra doctrinam retrahentium a religione*, Aquinas similarly asserted that converts to the religious life need not have achieved a perfect standard of observing precepts, meaning that children can enter orders if they wish. Like Pecham, he argued that an intention that is directed towards the fulfilment of counsels must be regarded as naturally and temporally prior to the observance of precepts, albeit only in the case of moral precepts (that is, the precepts of the Decalogue other than those to love God and neighbour). The two highest precepts – the charitable precepts, to love God and neighbour – enjoy, in turn, a natural priority over counsels. In this way, Aquinas argued, both moral precepts and counsels are directed towards the two highest precepts as their end.[155] This latter caveat is important, since it allowed Aquinas to touch upon the function of counsels and moral precepts as well as their mutual interrelation. Also in *De contra retrahentes*, he averred that counsels serve an instrumental function in relation to the precepts of charity: their role is to remove impediments to the fulfilment of the mandate to love God and neighbour. He ascribed little intrinsic value to the counsels *per se*, or to their enactment: religious do not practise virginity simply because it is inherently virtuous or they wish to avoid adultery, or practise poverty because it is inherently virtuous or they wish to avoid committing theft, but because these are instruments or ways that better allow them to love God more proficiently. In that sense, counsels pertain to perfection not in any major or essential way, but rather only as 'certain ways or instruments' through which it is possible to attain the crucial end of charity, which consists in the love of God and of neighbour.[156] Aquinas offered this explanation to refute another aspect of Abbeville's discussion of the relationship

ed. Girard J. Etzkorn, Jerome Spettmann, and Livarius Oliger (Grottaferrata, 2002), pp.227–260, at 255–6; and John Pecham, 'Quaestio de perfectione evangelica', in *Quaestiones disputatae*, ed. Girard J. Etzkorn, Jerome Spettmann, and Livarius Oliger (Grottaferrata, 2002), pp.263–312, at 310–12.

[154]Pecham, *De perfectione evangelica*, p.312.

[155]Thomas Aquinas, *Contra doctrinam retrahentium a religione*, Opera Omnia iussu Leonis XIII 41C (Rome, 1970), c.7.

[156]Ibid., c.6: 'Sic igitur patet quod consilia ad vitae perfectionem pertinent, non quia in eis principaliter consistat perfectio, sed quia sunt via quaedam vel instrumenta ad perfectionem caritatis habendam.' De la Mare shared in this conception of instrumental virtues as ways leading to perfection; see p.131 of this thesis.

between precepts and counsels – namely, the insinuation that counsels are inherently more perfect than precepts, which was an important component of Abbeville's claim that proficiency in precepts is a prerequisite to embarking on counsels. While the theory of instrumentality both mitigated this claim and resolved the problems it posed to the religious orders' child recruitment practices, since it prevented precepts being construed as a propaedeutic to counsels, it also stripped counsels of any claim to an essential perfection or virtue of their own. Aquinas regarded the performance of counsels as fundamentally worthless unless they were directed to the attainment of charity.

For de la Mare, however, the idea that counsels lacked an essential virtue was unconscionable. He devotes three of the *Correctorium* articles to refuting Aquinas's account, and one of his main interests is in safeguarding the inherent perfection of poverty as one of the three counsels of the religious life.

Poverty as an Instrument in Cassian's Collationes

The doctrine of instrumentality quickly lost its early connotations regarding religious recruitment. In Aquinas's later works, it appeared more prominently as an aid to his efforts to conceptualise the relationship between poverty and the other preceptive and counselled virtues. He continued to develop and refine his relatively novel vocabulary of essentiality and instrumentality, as he sought to demonstrate the subordination of counsels to precepts while simultaneously emphasising the superior, supererogatory perfection of counsels.[157]

Perhaps the earliest evidence of this refinement or conceptual shift can be traced to the period between Aquinas's fourth quodlibet, disputed during Lent 1271, and his completion of the treatise *Contra retrahentes* that autumn. In the quodlibet, and certainly apropos the conflict between the mendicant and secular masters, Aquinas considered whether counsels are ordered towards precepts.[158] In this *quaestio*, he moved away from the issue of establishing temporal or natural priority, which had been so crucial to the

[157]This process of refinement has been characterised as a 'deepen[ing]' of argument, but in fact Aquinas simplified his definition of counsels and precepts by paring back extraneous distinctions and criteria. Torrell, *The Person and his Work*, pp.84–90, at 87.

[158]For the dating of this article, which is one of two comprising Aquinas's double question on the entry of children into the religious life, see the Leonine introduction to Aquinas, *Contra retrahentes*, p.7 n.2.

conflict over recruitment. Instead he briefly alluded to a dichotomy of essentiality and instrumentality which he derived from John Cassian's *Collationes*, an authority he referenced in every subsequent account of the same dichotomy. Cassian related how Abbot Moses described 'fasting, vigils, meditation on the Scriptures, nakedness, and deprivation of all the faculties' not as perfect in themselves but as instruments of perfection. He purported to show that excessive concern for these activities should be avoided, for they are not ends in themselves but only aid in directing the practitioner towards an end of charity, without which their undertaking is meaningless.[159] Aquinas employed the term '*instrumentalis*' in much the same way, but he introduced '*essentialis*' as his preferred term for acts and virtues that are perfect in themselves.

De la Mare does not disagree with Aquinas's interpretation of Cassian in describing these acts as instrumental. In fact, he interprets the *Collationes* in a similar way and admits that Cassian wished to emphasise that fasting, vigils, and other disciplinary measures are not perfect ends in themselves but a means of attaining the end of perfection.[160] His dissatisfaction with the *Secunda Secundae*'s account of poverty as an instrument stems instead from the limited way that Aquinas construes the essential perfection of the virtues, which de la Mare deems to be 'insufficient'.

> [Aquinas] deduces that human perfection consists in the two precepts of charity in an essential way, but in an instrumental way in the counsels and other precepts that are ordered to charity. His meaning is clear from the conclusion he later makes in [IIaIIae] Q.185 a.6 ad.1, for there he says that 'The perfection of Christian life does not consist in voluntary poverty in an essential way; rather, voluntary poverty [is directed] in an instrumental way to the perfection of life.' And this seems to me an insufficient definition; indeed, because this follows from his conclusion, it seems false to me.[161]

While de la Mare accepts that precepts may be categorised as primary and essential, and counsels as secondary and instrumental insofar as they take charity as their end, he

[159]John Cassian, *Collationes XXIIII*, ed. Michael Petschenig, CSEL 13 (Vienna, 2004), I.7, p.14: 'igitur ieiunia, vigiliae, meditatio scripturarum, nuditas ac privatio omnium facultatum non perfectio, sed perfectionis instrumenta sunt, quia non in ipsis consistit disciplinae illius finis, sed per illa pervenitur ad finem.'

[160]De la Mare, 'Correctorium', pp.283–4.

[161]Ibid., p.282. The *Summa* article that de la Mare cites in this quotation is the subject of art. 71 of the *Correctorium*, providing a further impetus to read arts. 69 and 71 synthetically.

rejects the application of these definitions to every individual precept and counsel in such strictly dichotomous terms. Despite his adoption of the novel – and distinctly Thomist – language of instrumentality and essentiality to discuss the relationship between counsels and precepts, de la Mare's primary goal is to safeguard the inherent essential perfection of every virtue, especially the virtue of voluntary poverty.[162]

Aquinas: A Developing Theory of Essentiality and Instrumentality

Aquinas's account of the relationship between essentiality and instrumentality in the context of precepts and counsels did not emerge fully formed, even though he had already touched upon it in relation to the religious recruitment of children. Yet it is valuable to reconstruct the process by which he arrived at the conception of counsels and precepts for which de la Mare later reproved him, not only because it offers insight into this process of refinement within the confines of the secular-mendicant controversy, but also because it sheds further light on what he hoped to achieve by casting counsels in such a strictly instrumental role.

Aquinas had first employed the terminology of instrumentality in the apologetic treatise *De perfectione spiritualis vitae*, completed in 1270.[163] In *De perfectione*, he cited Cassian's *Collationes* to explain how the 'instruments' of fasting and other vigils are practised so that religious may unburden themselves of 'noxious passions' and set their hearts squarely upon the acquisition of charity. But in a later chapter, in which he justified pontifical and episcopal wealth, Aquinas clarified that the counselled virtues, as mere 'instruments', cannot be perfect *per se*.[164] These brief allusions to the dichotomy between essential and instrumental perfection suggest that he had already begun to engage with Cassian's conceptual framework to account for the function of counsels in the religious life. Nonetheless, he only gradually came to afford it a place of greater significance.

[162]It is not clear, on the basis of a wider survey of Aquinas's discussions of virtue, that he actually subscribed to the limited definition of the virtues in relation to charity that de la Mare attributes to him in this article. Bonnie Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C., 1995), pp.27–8.

[163]Aquinas, *De perfectione*, cc.8–9.

[164]Ibid., c.9.

In his fourth quodlibet, Aquinas based his argument that counsels are ordered towards precepts on a discussion of the interior and exterior modes of virtues. He defined all precepts as acts of virtue that simultaneously possess an interior and an exterior mode; that is, a mental and a corporeal mode, respectively. For example, the precept to avoid adultery has an interior mode, which consists of avoiding concupiscent thoughts; and an exterior mode, which consists of avoiding illicit sexual activity. Counsels are always ordered towards precepts, but differently in accordance with whether the precept takes an interior or exterior mode. Insofar as precepts are understood in their interior mode, counsels take them as their direct end, for counsels confer a mental purity that assists in subduing the passions of the mind, and so contribute to the cultivation of the two charitable precepts, to love God and neighbour. But insofar as they are ordered towards precepts in their exterior mode, counsels do not take precepts as a direct end; rather, they aid in the bodily fulfilment of the corresponding precept 'more steadfastly and securely (*tutius et firmius*)' by removing impediments to their fulfilment. Aquinas clarified that 'the first of these is the cause of the second' – that is, the bequest of mental purity in the interior mode is the cause of the removal of impediments in the exterior mode – because 'a steadfast (*firma*) observance of exterior acts is caused by the interior disposition of the well-disposed mind (*ex interiori affectione mentis bene disposite*)'.[165] Thus, for example, the observance of chastity confers a mental purity that assists in the avoidance of concupiscent thoughts; which, by extension, aids in avoiding sexual acts. In short, Aquinas argued that counsels are directly ordered, not to charitable precepts, but rather to the fulfilment of moral precepts in their interior mode, in which capacity they confer a mental purity that assists in the fulfilment of precepts in their exterior mode. This framework reveals that he was still keen to establish that counsels have priority of observance – for the issue of priority was, after all, an important hangover from the discussion of precepts and counsels in the context of religious recruitment – although he soon relinquished that requirement.

Aquinas did not make any reference to Cassian's language of instrumentality in the main argument of this quodlibetal question, although his response has similar

[165] Thomas Aquinas, *Quaestiones Quodlibetales*, ed. René-Antoine Gauthier, Opera Omnia iussu Leonis XIII 25 (Rome, 1996), Q.IV q.12 a.2 [q.24].

connotations insofar as he regards the observance of counsels as a kind of instrument for the removal of impediments. He briefly referred to a dichotomy of essentiality and instrumentality in the second argument *ad contra*, but only with reference to this characterisation of precepts and counsels in terms of interior and exterior virtue:

> the perfection of life consists essentially in precepts insofar as they are interior acts of virtue…but instrumentally in counsels, because counsels of this kind are as a sort of instrument, through which perfection may be more easily attained.[166]

In this way, Aquinas ensured both that counsels are ordered to precepts and that they expedite the attainment of a more perfect state. This argument anticipated the more streamlined dichotomy that Aquinas was to put forward in the *Secunda Secundae*. In all later appearances of the precept-counsel relationship, however, he discarded the extraneous distinction between interior and exterior preceptive modes in favour of a more straightforward account of the relationship of counsels to precepts.

The earliest signs of this shift away from the twin issues of temporal priority and interior and exterior modes are discernible in the sixth chapter of the *Contra retrahentes*, which is directed towards unravelling Abbeville's definition of counsels as perfect and precepts as imperfect – another linchpin of his criticism of Thomas of York's definition of imperfection. In this work, Aquinas did not distinguish between interior and exterior acts of virtue. Instead he made much more expansive use of the distinction between essentiality and instrumentality, mostly to demonstrate that all counsels are ordered towards perfection merely as instruments or ways of having perfect charity, and not because perfection consists in them chiefly ('*principaliter*'); for he held that perfection consisted in an essential way only in the two precepts of charity.[167] This very brief account in the *Contra retrahentes* serves as a bridge between the earlier quodlibet and the later *Secunda Secundae*. It shares two of the three main characteristics with the *schema* from the quodlibetal *quaestio*: firstly, the ordering of counsels to precepts, primarily the precepts of charity; secondly, the understanding that counsels confer a

[166] Aquinas, *Quaestiones Quodlibetales*, ad.2.
[167] Aquinas, *Contra retrahentes*, c.6.

more secure form of charity. But the third outcome – the promotion of the charitable precepts as the singular end of all virtuous acts, without the added concept of mental purity – offers the surest insight into why Aquinas abandoned his earlier distinction between interior and exterior acts of virtue. In the *Contra retrahentes*, Aquinas argued that counsels cannot be directed towards moral precepts because something greater cannot take something lesser as its end. To illustrate his point, he employed the same example he had previously used in the *quaestio* – that of the relationship between the counsel of virginity and the precept against adultery. But rather than emphasising that counsels are pursued because they confer a greater inherent perfection than preceptive states, as he had done in the quodlibet, now he explained that they are desirable simply because they increase the practitioner's love for God.[168] In other words, they assist in the fulfilment of the charitable precepts.

All three accounts share the important assertion that other precepts and counsels are directed towards the two precepts of charity. But charity had played a comparatively minor role in the framework of precepts discussed in the quodlibet, where the distinction drawn between exterior and interior precepts entailed that Aquinas modify his definition of the way in which counsels are directed towards it as an end. In order to account for the two preceptive modes, he imbued counsels with a power of conferring mental purification upon interior precepts, which in turns assists the practitioner in undertaking precepts in the exterior mode and thus assisting in the attainment of love of God and neighbour. But in the *Secunda Secundae*, moral precepts and counsels are now presented as being ordered simply towards charitable precepts. The major distinction between counsels and moral precepts is that moral precepts prohibit activities that directly oppose the fulfilment of charitable precepts, while counsels simply remove impediments. As a result, charity is more firmly established as the sole end of all other precepts and counsels, while the intermediary function of moral precepts is much less pronounced.

[168] Aquinas, *Contra retrahentes*, c.6.

De la Mare's Theory of Instrumentality

De la Mare does not engage directly with either Aquinas's quodlibetal *quaestio* or the two polemical texts, only the *Secunda Secundae*. Nonetheless, his treatment of the subject is complex. He does not reject outright the terms of discussion introduced by Aquinas – indeed, he adopts the relatively novel vocabulary of essentiality and instrumentality, and he accepts that counsels and moral precepts are instruments insofar as they are related to the precepts of charity. But in some respects, the account of counsels and precepts that underpins de la Mare's rebuttal in the *Correctorium* articles is more similar to Aquinas's earlier quodlibetal conception, especially the issue of establishing natural and temporal priority. Whereas Aquinas had focused on articulating a framework in which moral precepts and counsels are described in terms of a strict dichotomy of ends and means, de la Mare labours to show that all virtues – whether preceptive or counselled – may be regarded as both means and ends: that is, they serve an instrumental function in relation to the acquisition of other virtues, and simultaneously possess an essential perfection of their own. This manoeuvre allows him better to underline the inherent value of poverty in relation to the acquisition of charity, as the end of virtuous action.

De la Mare's criticism is founded on two claims: the essential perfection of both precepts and counsels, and the higher or supererogatory perfection of counsels. In relation to the first claim, de la Mare asserts that Aquinas's application of the terminology of essentiality and instrumentality is 'insufficient' because he wishes to emphasise the intrinsic good of all virtues, whether precept or counsel, but especially the virtue of voluntary poverty. In art. 69, he eschews some of the distinctions between counsels and precepts on which Aquinas's account depended, most significantly by asserting that both precepts and counsels constitute virtues or works of virtue.[169] Aquinas had defined precepts but not counsels as virtues, by which he effectively eliminated any claim to an essential perfection of their own. By contrast, de la Mare's

[169]De la Mare, 'Correctorium', p.283. This broadening of the definition of virtues to encompass the counsels is a deviation from Pecham's account, which had strictly defined the precepts alone as works of virtue. Pecham, *Quodlibeta quatuor*, Q.I q.20, p.48.

strategy of attributing the status of virtues to counsels immediately offers him greater scope to argue for their inherent perfection.

He validates this argument with recourse to descriptions of virtue made in other contexts, both ethical and natural scientific. Aristotle had argued in the *Physics* that every virtue has a certain inherent perfection; and in the *Nicomachean Ethics*, that every virtue 'insofar as it is a virtue' both perfects those who possess it and renders good their related activities.[170] De la Mare also borrows from Boethius by employing an anthropomorphic analogy, wherein the virtues are likened to the limbs and sensory organs, which are both instruments of the body and essential elements of its integral perfection as well as being essentially perfect in themselves.[171] De la Mare also compares them to the rational sciences, which are inherently perfect in themselves as well as being instruments in relation to philosophy. He then cites Aristotle a third time to distinguish between the dispositions (*habitus*) and the actions (*operationes*) of the virtues, which he describes as being akin to primary and second perfections, respectively.[172] For de la Mare, the exercise of virtuous acts perfects the *habitus* already possessed; as such, these acts are 'almost akin to perfections of perfection'.[173] This emphasis on the inherent perfection of all the virtues is of significance for the contemporary dispute over Aristotle's definition of *habitus*, and briefly brings the discussion of counsels and precepts into the domain of psychological speculation.

De la Mare's determination to marshal these works in defence of his conception of the virtues provides further insight into an important aspect of his critical technique;

[170]De la Mare, 'Correctorium', pp.282–3; 299; citing Aristotle, 'Physica (recensio de Guillelmi de Morbeka)', in Thomas Aquinas, *Commentaria in octo libros Physicorum Aristotelis*, Opera Omnia iussu Leonis XIII 2 (Rome, 1882), VII.3, p.266; and Aristotle, *Ethica Nicomachea: Translatio Roberti Grosseteste Lincolniensis sive 'Liber Ethicorum'. A. Recensio Pura*, AL (Leiden, 1972), II.5, p.402.

[171]De la Mare, 'Correctorium', p.283; citing Boethius, *In Isagogen Porhyrii Commenta*, ed. Samuel Brandt, CSEL 48 (Vienna, 1906), I.3, pp.140–3.

[172]De la Mare's dependence on Aristotle bears out Bonnie Kent's observation that the *Correctorium* does not contain 'criticism[s] of Aristotle's teachings so much as a careful disassociation of Aristotle's teachings from Aquinas's' where de la Mare believes Aristotle to have been right. Kent, *Virtues of the Will*, pp.81–4, at 81.

[173]De la Mare, 'Correctorium', p.283; citing Aristotle, 'De caelo et mundo', in Thomas Aquinas, *Commentaria in libros Aristotelis de caelo et mundo, de generatione et corruptione et meteorologicorum*, Opera Omnia iussu Leonis XIII 3 (Rome, 1882), p.121: '["]Omnis res cuius operati est, fit propter operationem suam.["]' See Bonnie Kent, 'Speaking Theologically: The Concept of *habitus* in Peter Lombard and His Followers', in Nicolas Faucher and Magali Roques (eds.), *The Ontology, Psychology and Axiology of Habits (Habitus) in Medieval Philosophy* (Ann Arbor, 2019), pp.67–85; and Odon Lottin, *Psychologie et morale aux XII^e^ et XIII^e^ siècles*, 6 vols. (Louvain, 1942–60), iii.1, pp.99–150.

namely, his wish to demonstrate how Aquinas's teachings are opposed to accepted theological and philosophical authorities. In particular, he does not refrain from employing Aristotelian philosophical principles as a buttress for his own arguments. His repeated recourse to Aristotle during his discussion of the virtues may be seen as a parallel to his use of Augustinian works in arts. 72 and 96, where de la Mare had laboured to show how Aquinas's interpretation of Matt. x:9–10 is based on a faulty understanding of Augustine's meaning in *De consensu.* Despite the tendency of many modern scholars to differentiate between so-called Augustinian and Aristotelian intellectual traditions, it is not clear that de la Mare conceived of such a stark distinction. He is happy to employ either of these authorities where they seem to present Aquinas's account with difficulties, or to bolster his own position. In that sense, the *Correctorium* can be regarded as a harmonising work in which the only thinker whose work he wishes to undermine is Aquinas himself: de la Mare adduces as many authorities as possible to illustrate where and how Aquinas's teachings conflict with accepted theological and philosophical authorities.[174]

The two main lines of de la Mare's argument – the inherent perfection of every virtue and the distinction between *habitus* and acts of virtue – are obviously intended to counter Aquinas's insistence that counsels and moral precepts, as mere 'instruments' of perfection, lack any perfection of their own and so do not strictly constitute virtues. De la Mare insists that 'in this life, the perfection of humankind consists essentially in counsels and other moral precepts, not just the charitable precepts' – that is, Christian perfection consists in all of the virtues in aggregate, even though it inheres especially ('*maxime*') in charity.[175] Yet he claims that even charity can be regarded as an instrument, insofar as it is considered in relation to the higher end of beatitude. In that context, charity retains its own essential perfection while assuming an instrumental perfection in relation to beatitude as the end to which it, like all virtues, is ultimately directed.[176] Having disrupted the strict dichotomy between instrumental and essential

[174]As Bonnie Kent notes with reference to de la Mare's discussion of the will, de la Mare does not attack Aristotelian doctrine where it seems to support Aquinas's argument but quietly omits to mention it. Kent, *Virtues of the Will*, pp.91–3.

[175]De la Mare, 'Correctorium', pp.283; 293.

[176]De la Mare, 'Correctorium', p.283: 'Etiam ipsa caritas viae est perfectio, et nihilominus instrumentum ordinatum ad beatitudinem'; citing 1.3.8 in Peter Lombard, *Sententiae in IV libris distinctae*, 2 vols. (3rd edn.,

perfection that Aquinas posited in the *Secunda Secundae*, de la Mare then proceeds to clarify a second key aspect of the discussion of counsel and precept – that is, the means by which they may properly be distinguished from one another, if not through this framework of essentiality and instrumentality. Because he insists on the one hand that both precepts and counsels are virtues, and on the other hand that perfection may inhere instrumentally and essentially in the same virtue, it is necessary for him to set out more explicitly the nature of the differences between the perfection of counsels and precepts. If he failed to do this, he would risk derogating the heightened status of counsels – and by extension, the religious life in which he believes them especially to inhere.

While Aquinas's method of distinguishing the two had rested chiefly on the differences between the instrumental function of counsel and moral precept, de la Mare's definitions of these functions are sufficiently similar to render impossible any meaningful distinction on that basis.[177] Instead he opts to differentiate between counsels and moral precepts on the basis of the different kinds or degrees of essential perfection that inhere in them, '*aliter et aliter*'.[178]

For de la Mare, precepts are essential in relation to the acquisition of necessary, sufficient perfection, while counsels are essential in relation to the acquisition of abundant, supererogatory perfection. As such, counsels are not properly essential in the context of necessary perfection, nor precepts in the context of supererogatory perfection; although *stricto sensu* the latter is attainable only through the observance of both counsels and precepts, not merely counsels alone.[179] De la Mare makes two important clarifications regarding this latter admission: firstly, that supererogatory perfection is achieved primarily ('*principalius*') through counsels; secondly, that counsels confer greater merit within the life of supererogation. He justifies both claims with reference to the religious life, and so returns – perhaps inadvertently – to the context in which Aquinas first developed a dichotomy of instrumental and essential virtue: the issue of

Grottaferrata, 1971–81), i, p.60.

[177]De la Mare, 'Correctorium', p.283: 'praecepta enim moralia nihil praecipiunt nisi virtutes et operationes virtutum, et prohibent contraria; et consilia etiam nihil aliud prohibent et consulunt'. The basic difference appears to be in the mode of command, rather than the substance of the virtue.

[178]Ibid., pp.284; 292–3.

[179]Ibid., p.284: 'in ambobus simul'.

religious recruitment. De la Mare argues that abundant, supererogatory perfection must inhere chiefly in counsels, otherwise those who vow the religious life (as well as those inducing them to vow) would seem to be acting in vain when they dedicate themselves especially to observe counsels rather than precepts.[180] Since 'there is no-one who doubts' that the merit of religious life consists in the observance of counsels – even though religious also observe the moral precepts to a higher standard than other Christians – it is clear that counsels confer an intrinsically greater merit within the supererogatory life codified by religious observance.[181]

De la Mare delves more closely into the particular value of supererogatory voluntary poverty in art. 71 in response to Aquinas's incorporation of his doctrine of instrumentality into the discussion of episcopal poverty. Again de la Mare concedes that poverty is by no means an essential component of necessary perfection, although naturally he maintains that it is essential in the context of supererogatory perfection.[182] He also affirms that the degree of an individual's poverty has a direct bearing on their attainment of charity, going so far as to state that 'where there is greater poverty, there is greater perfection'.[183] While this assertion is a natural corollary of the belief that counsels enhance the virtue of the practitioner, de la Mare's decision to emphasise the significance of poverty – instead of chastity or obedience – is characteristic.

While arts. 69 and 71 together provide a fairly comprehensive insight into de la Mare's conception of Aquinas's theory of essential and instrumental poverty, art. 73 sheds light on yet a further shift in the Thomist account.

Later in the *Secunda Secundae*, when considering the question of whether religious must obey all of the counsels, Aquinas introduced a further category called consequential perfection, which denotes the virtues and virtuous activities that are direct consequences of the essential perfection which inheres in the two precepts of charity.[184] In the previous article of the *Summa*, he had concluded that the charity attained through

[180]De la Mare, 'Correctorium', p.284.
[181]Ibid., p.285.
[182]Ibid., pp.292–3.
[183]Ibid., p.293; see also art. 75, p.312: 'Ergo quantum est de conditione statuum perfectior erit caritas ubi religio pauperior.'
[184]Aquinas, *Secunda Secundae*, Q.186 a.2.

the performance of the charitable precepts is the end of all forms of religious life, a finding on which this article now turns.[185] Aquinas compared the different forms of religious life to different cures offered to the sick, wherein a cure is administered in accordance with the ailment in order to attain the greatest possible health. In the same way, religious rules are differently ordered towards the shared end of securing charity, in accordance with the needs addressed by that form of religious life. It is sufficient for religious merely to aim at the attainment of perfect charity; the consequential perfections that arise as a result of that observance are only necessary if they are stipulated by the religious rule that an individual religious has vowed. The addition of this third category of virtue reflects a less radical ideological shift than the one that took place during the summer of 1271, when the dichotomy of instrumentality and essentiality totally superseded the earlier framework based on interior and exterior acts of virtue. Nonetheless, its appearance (only a few questions after he appeared to have affirmed the simple dichotomy of instrumentality and essentiality) suggests that Aquinas was still in the process of refining his conception of the Christian virtues. He continued to grapple with the problem of how to develop a metaphysical account of the relationship between counsel and precept that would satisfy his conception of how virtues were practised within the religious life.

De la Mare begins his rebuttal by clarifying once again that there may be instances in which individual virtues pertain to charity 'dispositively and instrumentally', while also maintaining that every virtue retains an essential perfection of its own, especially poverty. Yet he is sceptical of Aquinas's definition of consequential perfections, particularly the suggestion that these would 'pertain to charity more, and more frequently' than would the instrumental virtues. Indeed, de la Mare contravenes much of his own discussion of the inherent perfection of every virtue by claiming that the consequential virtues cannot be regarded as essentially perfect.[186] The sole exception – that is, the only context in which consequential virtues can be regarded as both more prevalent than instrumental virtues, as well as essentially perfect – are the

[185] Aquinas, *Secunda Secundae*, Q.186 a.1.

[186] De la Mare, 'Correctorium', p.298: 'Nobis autem non videtur quod hoc sit verum, immo quod sint perfectiones et per consequens pertineant essentialiter ad perfectionem; et quod magis et frequentius pertineant ad caritatem consequenter quam instrumentaliter.'

virtues insofar as they are considered in relation to Jesus Christ, whose charity was 'from the moment of His conception…so perfect that it could never be subsequently enhanced'. Because Christ's charity was always completely essential and perfect, every other virtue was related to that charity *consequenter* in Him.[187] However, notwithstanding this concession, de la Mare rejects the supposed importance of consequential virtues. His dislike of this third category is perhaps most obviously explicable as an offshoot of his insistence that every virtue is intrinsically or essentially perfect in itself, notwithstanding any instrumental relationship it might have to other virtues.[188] Nonetheless, he acknowledges that he had earlier identified the perfection of 'every virtue, or grade of virtue', and in this article he at last elaborates further with reference to poverty. He avers that even if voluntary poverty is construed as a grade of virtue rather a virtue *per se*, it would be 'the most eminent grade (*eminentissimi*)', for 'the voluntary poverty in which everything is given altogether and all at once (*simul et semel*) to the poor is the highest grade of generosity or corporeal mercy.'[189] De la Mare observes that nothing further can be added to further perfect the highest grade of a virtue – by extension, it may be supposed, he would consider the notion that an essentially perfect virtue could be further perfected by the addition of a consequential virtue to be an absurd proposition.

De la Mare briefly returns to the framework of instrumentality and essentiality in art. 75, in relation to the issue of religious poverty. He seeks to refute Aquinas's argument that religious orders which retain goods in common are more perfect than those which set aside all goods whatsoever in favour of absolute poverty, especially the assertion that the perfection of an order's poverty observance can be assessed in accordance with the end to which the order has been established. Aquinas stated that two orders with a similar standard of poverty may nonetheless not be equally perfect in their poverty observance, for an order with responsibility for hospitals requires greater wealth than an order of preachers and teachers.[190] In response, de la Mare maintains that the perfection of poverty observance in the religious life is better ascertained on the basis of the relationship between poverty and 'the common and final end of [all]

[187]De la Mare, 'Correctorium', p.299.
[188]Ibid., p.299.
[189]Ibid., p.299.
[190]Aquinas, *Secunda Secundae*, Q.185 a.6.

religious life, namely the increase of perfect charity.' He describes poverty as 'the best-proportioned instrument' for securing this vital charitable end in the religious life, noting that the practice of poverty itself contributes to the perfect observance of charity.[191] He also denies the validity of Aquinas's criteria for taking the particular end to which an order has been established as the benchmark for establishing the perfection of its poverty observance, since charity is enhanced most thoroughly by the utter destruction of cupidity. He argues that this is true

> only with respect to the common and final end of [religious] life – namely, the acquisition and perfection of charity – that any individual religion whatsoever has a more perfect poverty, the more it has poverty in proportion to its final end. For this is evidently the religion which has nothing, neither in common nor individually, because it thereby completely destroys and annihilates cupidity.[192]

It is not wholly clear that de la Mare adapted Aquinas's theory of instrumentality and essentiality solely to buttress this theory of the greater perfection of absolute poverty within the religious life. Still, the reappearance of this theoretical framework in art. 75 shows that it continued to be important for him to safeguard the essential perfection of voluntary poverty, without compromising the central virtue of charity.

Other Responses to Aquinas

De la Mare's engagement with instrumentality and essentiality is fairly unprecedented among Aquinas's near-contemporaries. This is unsurprising, for Aquinas only developed his conceptualisation of counsels and precepts towards the end of his life, during the second bout of conflict with the secular masters.

However, de la Mare was not the first prominent Franciscan to find fault with Aquinas's dichotomy of essentiality and instrumentality and to speak out in defence of the inherent perfection of the other virtues, especially poverty. As early as 1270, in an addendum to the fifth chapter of his own response to Gerald of Abbeville, John Pecham had briefly turned away from rebuking Abbeville's poverty doctrine in order to address

[191] De la Mare, 'Correctorium', p.313.
[192] Ibid., p.313.

the teachings 'of a certain person, who otherwise seems to labour on behalf of the truth'.[193] Pecham contends that this erstwhile ally erred in claiming that:

> perfection consists totally in charity, in such a way that it is the fulfilment of the spiritual life (*spiritualis vitae*) in accordance with Paul's enjoinder to the Colossians [iii:14]: 'Above all things have charity, which is the chain of perfection.' But [this erstwhile ally says] that in the other [virtues] to which charity is adjoined there is only perfection in a limited way (*secundum quid*).[194]

It is clear not only from the circumstances surrounding the composition of the *Tractatus pauperis* and the description of the argument, but also from Pecham's play on the title of the treatise *De perfectione spiritualis vitae*, that he was here referring to Aquinas. Pecham's method of refutation shares numerous similarities with de la Mare's, though he ultimately shows greater reluctance to adopt or adapt the dichotomy of essentiality and instrumentality, preferring instead to reconstruct the hierarchy of virtues in such a way as to elevate the place of poverty alongside charity.

Aquinas's dichotomy also attracted criticism from the secular masters during this period of academic conflict. At around the same time, Nicholas of Lisieux included the theory of instrumental and essential perfection as the second of a list of errors explicitly drawn from *De perfectione spiritualis vitae*, which he then countered in his own treatise, *De perfectione et excellentia statum clericorum.*[195]

It seems, therefore, that Aquinas's novel framework attracted considerable attention from contemporaries, much of it negative. Although de la Mare was not its earliest critic, he was probably the first to adopt and adapt its major principles to such an

[193]The work, the *Tractatus pauperis*, has been published in six parts. John Pecham, *Tractatus Pauperis contra insipientem*; ed. Anastasius van den Wyngaert (Paris, 1925); 'Trois chapitres de Jean Peckam pour la défence des Ordres mendiants', *SF* 29 (1932), ed. Ferdinand M. Delorme, pp.47–62, 164–93; ed. Charles Lethbridge Kingsford, A. G. Little, and Felice Tocco (Aberdeen, 1910), pp.21–90; 'Quatre chapitres inédits de Jean de Pecham, O.F.M., sur la perfection religieuse et autres états de perfection', *CF* 14 (1944), ed. Ferdinand M. Delorme, pp.84–120; *Fr. Richardi de Mediavilla quaestio disputata de privilegio Martini papae IV, nunc primum edita*, ed. Ferdinand M. Delorme (Quaracchi, 1925), pp.79–88.

[194]Pecham, *Tractatus pauperis*, in 'Quatre chapitres inédits', ed. Delorme, pp.117–18; citing Aquinas, *De perfectione*, c.1.

[195]Palémon Glorieux, 'Une offensive de Nicholas de Lisieux contre Saint Thomas d'Aquin', *Bulletin de littérature ecclésiastique* 39 (1938), pp.121–9, at 123. Since the longer treatise remains unedited, it is difficult to gain further insight into Lisieiux's response.

extent, certainly among the Franciscans. He did so chiefly to bolster the supererogatory status of counsels, particularly voluntary poverty. All the same, he fleetingly demonstrates a familiarity with the discussion of counsels and precepts in the context of the dispute over the recruitment of children by the religious orders. This may indicate that he knew of the polemical circumstances in which Aquinas had first been drawn to comment on the relationship, or at least that he was aware of the practical issues that the dichotomy of essentiality and instrumentality was originally designed to address.

De la Mare's decision to use Aquinas's dichotomy as the basis for his own rebuttal has a much broader importance for *Correctorium* scholarship, because it reflects a willingness to extrapolate and adapt a distinctively Thomist ideological framework, in this case in relation to the hierarchy of the virtues. Whereas other scholars have doubted de la Mare's inclination to construct a rebuttal 'within the parameters of Aquinas's philosophy', his discussion of the instrumentality and essentiality of the virtues shows that this is not always true.[196] De la Mare did not accept Aquinas's conception of the virtues without qualification, but he was prepared to adapt elements of his discussion to buttress his own conception of the virtues.

The Religious Vow

However, de la Mare was much less prepared to accept other aspects of Aquinas's conception of religious life. One of these aspects is Aquinas's implicit attempt to cast aspersion on the Franciscan method of vowing, upon which he touches when describing religious rules that are so strict as to place adherents at risk of incurring mortal sin. De la Mare refutes these efforts to depict the Franciscan observance as dangerous, while simultaneously defending his conception of strictness and difficulty as inherent characteristics of the religious state *per se*.

The charge that the Franciscan vow was so arduous as to be dangerous must be read in the wider context of contemporary disputes between the Franciscans and Dominicans, which focussed especially on the issue of the Franciscan poverty

[196] Antonia Fitzpatrick, *Thomas Aquinas on Bodily Identity* (Oxford, 2017), p.176.

observance.[197] It is therefore no surprise to find de la Mare touching on the issue of poverty in the context of the religious vow in art. 75, his long treatise in defence of absolute religious poverty.

In keeping with his conception of the underlying hierarchy of virtues, in which charity holds the highest place, Aquinas conceptualised the observance of rules in terms of a hierarchy of ends wherein precepts and counsels are directed towards the same shared end – that is, the fulfilment of the charitable precepts to love God and neighbour. The threefold religious vow, encompassing the counsels of poverty, chastity, and obedience, is thereby directed to the ultimate attainment of charity, although different religious orders admit of variations in the details of their observance. The rightful place of a specific counsel within the hierarchy of ends can be determined only with reference to the particular end to which a religious order is directed – to contemplation, for example, or to hospitality – meaning that the perfection of different religious orders cannot be objectively compared on the basis of specific virtues. Their perfection should be assessed instead with reference to the conformity of the religious virtues to the specific end of that order.[198]

De la Mare agrees that the religious virtues, given concrete expression by the threefold vow, are essential characteristics of the religious life and hence mandatory for all religious. He also accepts, to a degree, that the perfection of other virtues associated with the religious life may be assessed in accordance with the ends of a particular order. But his underlying concern to defend absolute poverty as the apex of religious perfection compels him to depict the virtues of poverty, chastity, and obedience in more absolute terms that allow for a direct comparison between religious observances. Yet there are some crucial points of disagreement between his and Aquinas's discussion of religious rules, especially as these pertain to the relative safety of different forms of profession.

De la Mare also touches on other issues related to Aquinas's account of the religious vow. In arts. 74 and 106, he tries to show that the form of vowing has no effect on the binding or preceptive power of religious rules, and that the mode of profession is

[197]Burr, *Olivi and Franciscan Poverty*, pp.148–53.
[198]Aquinas, *Secunda Secundae*, Q.188 a.6.

irrelevant to the question of whether a religious rule is more or less dangerous than any other – a vow to serve a rule *simpliciter* is essentially the same as a vow to live *secundum regulam*. In numerous other articles, he posits a far stricter interpretation of the vow of obedience in relation to the religious obligation to obey priestly commands. In all of these articles on the religious vow, de la Mare is compelled to strike a careful balance: he argues, on the one hand, that strictness and discipline are essential components of religious perfection that are codified in rules; on the other, he defends the Franciscan order from the charge that it represents an observance that is so stringent as to be dangerous.

The Form of Profession

While Aquinas declined to compare the perfection of religious orders on the basis of their practice of counsels and precepts, he was less ambivalent about the relative difficulty of different forms of profession. Indeed, he repeatedly implied that a religious observance might be more or less dangerous in accordance with the form of profession.[199] This problem is set out more directly in two other *Correctorium* articles, which de la Mare treats as a complementary pair.[200] In both articles, he disdains Aquinas's claim that there is a substantial difference between professing 'to serve a rule (*servare regulam*)' and professing 'to live according to a rule (*vivere secundum regulam*)', particularly that the latter form of profession is to be preferred as 'safer' and 'more cautious'.

Aquinas had castigated as reckless and dangerous the act of professing everything in a rule, claiming that any transgression would therefore constitute a mortal sin. He never specified which religious rules fall under which rubric (either swearing to serve a rule or professing in accordance with it) except for his own Dominican order, to which he ascribed the safer form of profession '*secundum regulam*'.[201] Still, de la Mare takes him to have implied that the Franciscan Rule falls into the first category: an inference that is not outright rejected in the *Correctorium*, although de la Mare takes great care to

[199] Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.1 [q.15]; Aquinas, *Secunda Secundae*, Q.88 a.4.

[200] De la Mare, 'Correctorium', pp.306, 406. His earliest Dominican critics, Knapwell and Orford, share this conception of the two articles as a pair. Knapwell, *Quare*, pp.306, 407; Orford, *Sciendum*, p.334.

[201] Aquinas, *Secunda Secundae*, Q.186 a.9 ad.1. Despite Aquinas's assertion, the Dominicans continued to face criticism regarding the preceptive force, and thus the safety, of their form of profession. See p.201 below.

disentangle the simple form of profession '*servare regulam*' from the charge that vowing to serve a rule is less secure or even dangerous than the alternative.[202] At the same time, de la Mare continues to defend strictness as a crucial facet of religious perfection.

The *Correctorium* is not the earliest Franciscan text to deal with Aquinas's insinuation that it is dangerous to profess the entirety of a religious rule; clearly, this claim struck at the root of the Franciscans' self-conception of their own method of vowing. In the *Tractatus pauperis*, for example, John Pecham had moved to defend the Franciscan Rule from accusations that it represented an overly arduous standard of observance by distinguishing the pronouncements that Francis intended as binding precepts from those pronouncements which, because they were admonitory, could be set aside in 'necessary' circumstances.[203] Pecham's response illustrates that this method of determining the precepts and counsels with reference to the text of the Rule was already popular among the Franciscans, and de la Mare pursues a similar strategy in the *Correctorium*.

However, before developing his own argument about precepts and counsels, de la Mare first emphasises that papal interpretations of the Franciscan Rule endorse the simple mode of profession '*servare regulam*' in the straightforward sense. Concurrently, he emphasises that several pontiffs have approved the Rule.

> At the start of blessed Francis's Rule, which was approved by Pope Innocent III and also confirmed by his successor Honorius III, it says, 'This is the Rule and Life of the Friars Minor: to observe the holy gospel of our Lord, Jesus Christ.' And at the end, it says, 'We solemnly promise to observe poverty and humility, and the gospel of our Lord, Jesus Christ.'[204]

These instances of papal approbation not only prove the legitimacy of the Franciscan form of life, but acknowledge the legitimacy of the simple form of vowing that Aquinas had tried to disparage.

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[202] In typically mollifying fashion, Orford later maintained that Aquinas had not meant to criticise the orders that employ the former mode of profession, only to underline the greater security offered by the latter. Orford, *Sciendum*, p.282.

[203] Pecham, *Tractatus pauperis*, ed. Wyngaert, pp.40–2.

[204] De la Mare, 'Correctorium', p.304.

De la Mare also cites papal bulls to reinforce his claim that the texts of rules are sufficient in themselves to permit the vowing agent to distinguish precept from admonition. All of the pontifical glosses cited take the text of the Franciscan Rule as the exclusive basis for identifying the mandatory elements (both *praeceptorie* and *inhibitorie*) of Francis's vision for his order, in order to clarify for the brethren which aspects of the rule are obligatory.[205] In art. 106, de la Mare creates a chain of papal glosses on the text of the Rule to buttress his interpretation of the Franciscan vow as one in which the text is sufficient to distinguish command from exhortation, citing – in the first recension – Gregory IX's *Quo elongati* (1230),[206] Innocent IV's *Ordinem vestrum* (1245), and a pronouncement of Alexander IV (presumably *Nec insolitum*, 1254).[207] The second recension incorporates a yet more recent papal gloss, Nicholas III's *Exiit qui seminat* (1279), which further endorsed the text itself as the means by which to distinguish between *praeceptorie vel inhibitorie* pronouncements.[208] By including these decrees, de la Mare argues for the importance and consistency of papal interpretations of the Franciscan Rule, which serves to legitimise the mode of professing it whole, as well as to disprove the charge that its adherents are required to observe its contents in entirety.

Following these papal decrees, as well as his confrère Pecham, de la Mare explains that some elements of religious rules are given in the mode of precepts and prohibitions; others in the form of statutes; and still others as simple admonitions, which, although they represent a more perfect standard of behaviour, are not necessary components of Christian life. As such, the wording of a rule is sufficient to enable the vower to identify which parts are vowed according to which of these three modes.[209] De la Mare also contends that the form and structure of rule texts, as well as the texts themselves, help to distinguish between their mandatory and non-mandatory elements. He poses a rhetorical question: if it were simply the case that rules are totally binding in every respect, then why are religious rules divided into chapters,

[205]De la Mare, 'Correctorium', pp.304–5, 406.
[206]Ibid., pp.304–5, 405.
[207]Ibid., p.405.
[208]MS Vat. lat. 4413, f.149r; see Creytens, 'Autour de la littérature des correctoires', p.325. Burr, *Olivi and Franciscan Poverty*, pp.153–4 notes that *Exiit* itself may have drawn inspiration from de la Mare's discussion of the Rule in these articles.
[209]De la Mare, 'Correctorium', p.305.

> some of which contain the substance of the rule, namely poverty, continence, and obedience; others, additional mandatory precepts and prohibitions; some chapters, information regarding what should be done; others, admonitions of what should be avoided; still others, exhortations to what is perfect – according to which form of composition, Saint Francis also divided his own Rule? Therefore [Aquinas] falsely states that a rule renders obligatory every single thing contained in it.[210]

His reference to 'instituting fathers' in the plural is an attempt to strengthen this point about the textual structure of religious rules by ascribing it a more universal applicability, and therefore a certain normative power.

In much the same way, de la Mare not only maintains that the division of rule texts in accordance with these different modes of obligation is a common feature of many rules – the form of vowing is as well. He argues that Benedict, like Francis, required postulants to vow the whole rule; as such, the Benedictine Rule would similarly appear to be a snare and a danger according to Aquinas's distinction between methods of profession.[211] This reference to the Benedictines allows de la Mare to universalise the principle that the form of professing *secundum regulam* does not entail the mandatory observance of every individual aspect contained therein – that is, a Benedictine can transgress elements of their Rule without falling into mortal sin, much as a Franciscan could.[212] And like his Franciscan counterparts, the Benedictine postulant can be sure that he is not ensnaring himself partly on the basis of a papal interpretation of the Benedictine Rule. Honorius III decreed that novices who donned the habit and followed the Benedictine Rule for more than a year must not delay in formally professing to serve it 'according to the form…professed by the order', in accordance with Benedict's own recommendation regarding the admission of novices. De la Mare understands Honorius to have implied through the wording of this decree that the Benedictines profess '*servare regulam*'. He argues that the pope would not have endorsed a form of profession that might prove a dangerous snare to postulants, and that therefore it cannot be dangerous

[210]De la Mare, 'Correctorium', p.406.

[211]De la Mare, 'Correctorium', p.306; citing the mode of profession described in Benedict of Nursia, 'Regula', in *La Règle de S. Benoît*, ed. Adalbert de Vogüé, 2 vols. (Paris, 1971–2), c.58: 'Et si [ingressus] habita se cum deliberatione *promiserit se omnia custodire et cuncta sibi imperata serva*, tunc suscipiatur in congregatione …' Italics mine.

[212]De la Mare, 'Correctorium', p.304.

to vow in such a way.[213] By drawing this comparison with the Benedictine method of vowing, de la Mare both implies that professing the entirety of a rule is the norm amongst all the regular orders, and strengthens his claim that such a mode of vowing has consistently enjoyed papal approval.

De la Mare reaches a slightly different, albeit more decisive conclusion in art. 106. Instead of defending the mode of profession that entails a vow '*servare regulam*', he contends that there is no substantial difference between professing a rule and professing obedience according to a rule. He also advises religious who claim to profess '*secundum regulam*' – like Aquinas and the Dominicans – to stop insisting that the two modes of vowing entail two different modes of observance, one stricter and one safer. The form of profession *secundum regulam* in no way differs from the more usual form of profession in which a rule is sworn simply. But de la Mare pushes this criticism a step further. Having demonstrated the scale of papal intervention on religious rules, which serves both to advocate the importance of the text as a basis for distinguishing counsel from precept as well as to underline that vowing *servare regulam* is the norm, he maintains that the alternative form of profession is 'contrary to right reason and the canon law'. He thus rather grandly advises Aquinas to concede that the two modes of vowing are the same – implicitly, if not decisively, turning the charge in relation to the mode of profession against his Dominican opponent.[214]

It was in connection to his work on precepts and counsels in religious rules that, nearly half a century later, Hugolino remembered de la Mare as a 'solemn master' of the order, alongside Bonaventure, Pecham, and Alexander of Hales. Hugolino's praise for de la Mare's teachings on the Franciscan Rule coincided with Clement V's endorsement, in the 1312 bull *Exivi de paradiso*, of the methodology for distinguishing between precepts and counsels on the basis of the Rule's form and text.[215] *Exivi* built upon the methodology

[213]De la Mare, 'Correctorium', pp.305–6; citing X 3.31.22 ('*Ex parte*'), in Friedberg, ii, col. 578: 'postquam per annum gestaverint habitum monachalem, regulam secundum formam ordinis profiteantur et servent'.

[214]De la Mare, 'Correctorium', p.406: 'Oportet ergo dicere quod idem est profiteri obedientiam secundum regulam et observationem morum secundum regulam quam profiteri regulam, et e converso; alioquin eiusmodi professio quae fit promittendo obdientiam secundum regulam et observationem morum secundum regulam esset rectae rationi et iuri canonico contraria.'

[215]For Hugolino's remembrance of de la Mare as such, see *Chronica Fratris Nicolai Glassberger*, Analecta Franciscana 2 (Quaracchi, 1887), p.115; although as a proponent of the theory of *usus pauper*, he in fact misrepresents de la Mare's (and the other masters') understanding of religious rules.

set out in *Exiit qui seminat*, and David Burr suggests that Nicholas III actually based his analysis of the Rule's 'preceptive or inhibitory' passages on the methodology articulated by de la Mare.[216] Burr and others have also noticed parallels between the discussion of the Franciscan vow in the *Correctorium* and in the works of Peter of John Olivi, going so far as to dub Olivi's work on the Franciscan Rule 'an instalment in the [*C*]*orrectorium* controversy' in its own right – although de la Mare himself never articulated any idea akin to Olivi's theory of *usus pauper*, which was hardly compatible with his own belief in the clear guidance offered by the Rule's text and form.[217]

The Vow of Obedience

Aquinas argued in favour of the greater power of the vow itself because he believed that a vow of obedience only required religious to obey 'directly insofar as what is written in their rule, or indirectly insofar as what may be inferred from it'. Thus a broader interpretation of the religious profession, in which any priestly command became obligatory on the basis of the vow of obedience, seemed to him 'incautious or illicit'. He regarded his interpretation of the vow of obedience as compatible with the form of religious profession *secundum regulam*, even citing Bernard of Clairvaux's claim from *De praecepto et dispensatione* that Benedictines should 'not obey [their superiors] in everything, but only in accordance with the limits of the Rule'.[218] Aquinas therefore limited the parameters of the vow of obedience, freeing religious from the obligation to accede to priestly commands to divulge secret sins because it did not have a direct bearing on their fulfilment of their rule.

[216]Burr, *Olivi and Franciscan Poverty*, pp.153–4. As Burr notes, *Exiit* was regarded by at least one Franciscan contemporary as a direct rebuttal to the 'doggy barks' of Dominican detractors of the Franciscan *modus vivendi*.

[217]Burr, *Olivi and Franciscan Poverty*, p.155; Burr, 'The *Correctorium* Controversy and the Origins of the *Usus Pauper* Controversy', p.334. See also Heynck, 'Datierung'; and Madigan, *Olivi and the Interpretation of Matthew*, pp.62–3.

[218]Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.1 [q.15]: 'sufficiens obediencia est ut religiosus obediat suo prelato de hiis que ad regulam pertinent vel directe, sicut ea que sunt scripta in regula, vel indirecte, sicut ea quae ad haec reduci possunt, ministeria exhibenda fratribus et pene pro culpis inflicte et huiusmodi; perfecta autem obediencia est ut simpliciter in omnibus obediat que non sunt contra regulam vel contra Deum; set quod aliquis obediat prelato in hiis que sunt contra Deum vel contra regulam, est obediencia incauta et illicita.' He cites Bernard of Clairvaux, 'Liber de praecepto et dispensatione', in *S. Bernardi opera*, iii, ed. Jean Leclercq, Charles H. Talbot, and Henri Rochais, 8 vols. (1957–77), pp.253–94, cc.iv-vi, pp.258–62: 'non…omnimodam, sed determinate "secundum Regulam"' – a clear deviation from de la Mare's interpretation of the Benedictine form of vowing '*servare regulam*'.

De la Mare challenges this conception of the vow of obedience. He refers to another ostensibly Bernardine maxim which arrives at precisely the opposite conclusion, in claiming that a religious who professes a rule 'gives his entire body and soul' and commits himself to his priest through the vow of obedience.[219] A religious who refuses to accede to his priest's command would therefore seem to contravene his vow of obedience, and all because of 'a stupid promise'. As such, de la Mare avers, it is better to avoid making any such promises to one's brethren, for they present 'opportunit[ies] for disobedience'; that is, for contravening the priest and the vow.[220]

There is, of course, a theoretical component to the two friars' arguments. Once again, Aquinas's argument depends largely on the prime place of charity within the hierarchy of virtues. He asserted that a secret sworn between brothers was not only an act of faith and fidelity, but also of charity; it was therefore a more solemn obligation than the religious vow to obey a priest's command, which depended on fidelity alone.[221] In response to this argument, de la Mare omits the crucial reference to charity. Instead he argues that the two obligations should be compared within the parameters of the shared virtue which underpins both – namely, on the basis of faithfulness or fidelity, rather than charity. In that context, the religious vow is more compelling than a simple promise.[222] This approach is consonant with his theory of the essential perfection of individual virtues in themselves, without reference to charity, which he articulated during his treatment of instrumental and essential perfection.

However, the priority of different forms of fidelity is a relatively minor element of the overall argument of the *Correctorium* response, which is mostly given over to a consideration of the obligation that the vow of obedience entails in relation to priestly commands. De la Mare elaborates a little further on the relationship between the vow and the obligation in several other articles.

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[219]De la Mare, 'Correctorium', p.398: 'secundum Bernardum, subditus profitendo se totum quoad corpus et animam dat et committit praelato suo, nihil sibi de se et de rebus suis retinendo.'

[220]Ibid., p.398.

[221]Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.1 [q.15] ad.1.

[222]De la Mare, 'Correctorium', p.398: 'non tamen [promissione] obligatio fidei, id est fidelitatis, quae est virtus moralis species iustitiae; quia sicut iure naturali obligamur ad observandum fidelitatem proximo, ita et ad obediendum praelato; et ultra hoc, ad obediendum praelato obligamur voto solemni professionis seu religionis.'

In art. 64, for example, he refutes Aquinas's argument that an inferior need only obey a priest's commands inasmuch as he carries them out with his body; according to Aquinas, a subject's will should remain free and unfettered by any priestly directive, regardless of a vow.[223] But for de la Mare it is essential that both the body and the will are directed towards the fulfilment of priestly commands, in conjunction with Paul's exhortation to 'obey the Lord with fear and trembling in your hearts' – that is, to obey one's superior with body and soul.[224] Naturally this claim rests on the supposition that priestly commands enjoy a power equivalent to divine precepts, on which de la Mare elaborates elsewhere in the *Correctorium*.[225] But in relation to the question of what this requirement entails in relation to the vow of obedience, he argues that it further strengthens the obligation to obey a priestly command with the mind and the body.[226] Indeed, so binding is the vow of obedience, that he deems it 'most sacred and true' that a religious should immediately direct his will and desire towards the fulfilment of any priestly command whatsoever, 'even if [the priest] commands something that is impossible' – and (it may be supposed) whether or not that command pertains directly to their rule.[227]

The importance that de la Mare attaches to the religious orders' fulfilment of priestly commands is rooted in his belief not only in the strength of the obligation entailed by the vow of obedience but also the strength of the priestly command, bolstered by an overwhelmingly positive conception of the disposition of commanding priests. He elaborates further on this latter belief in art. 134 of the second recension – an entirely new article in which he rejects Aquinas's claim that dictates of the conscience should always be preferred to a priestly command, even when the conscience errs. Aquinas argued that the conscience binds with a power akin to that of divine precept and so is more compelling than any human directive, even commands issued by a priest. He added that while an erring conscience did not enjoy the power of divine precept in the 'simple

[223]Aquinas, *Secunda Secundae*, Q.104 a.5.

[224]De la Mare, 'Correctorium', pp.264–5, citing Eph. vi:5.

[225]See p.158, below.

[226]De la Mare, 'Correctorium', p.265: 'Sicut enim ipsa est iuris proprii, ita in homine libero corpus pertinet potest dare ius alteri quod habet in corpore, ita et ius quod habet in ratione sui ipsius'.

[227]Ibid., p.265: 'ideo religiosius et verius videntur nobiscum sentire qui dicunt quod per hoc intelligitur quod in omnibus actibus…si etiam impossibile praelatus praeciperet, saltem voluntate et desiderio teneturobedire subditus'.

and perfect' way that a rightly ordered conscience did, it nonetheless retained a limited divine power *secundum quid*, that is, insofar as the individual could not know that his conscience erred and so would continue to attribute to it the power of divine precept. Because of this belief, the individual must privilege the commands of his conscience.[228] Aquinas's inclination to elevate the conscience is totally antithetical to de la Mare's position, which imbues the priestly command, rather than the individual conscience, with a power equivalent to divine precept. De la Mare compares the difference between a priestly command and an errant conscience to the difference between truth and falsehood, maintaining that, whereas the conscience is fallible and untrustworthy, priestly commands can always be trusted to be aligned with the truth.[229] He does briefly posit a more straightforwardly hierarchical basis for the strength of priestly commands when he states that a priest should always be preferred to a subject; and here he reiterates that truth is preferable to falsehood, and goodness to wickedness.[230] Yet he regards the essential righteousness of priestly commands – that is, their inherent virtue and similitude to divine precepts – as the most compelling basis on which to prioritise their enactment. He makes this even clearer in another part of the second recension, in his revised response to art. 64, where he clarifies that the total subjugation of the will to a priest is desirable because priests are motivated to direct their subjects towards the desire for and the performance of virtue. In other words, de la Mare believes that priests inherently act for the spiritual and moral benefit of the sinner and the community.[231]

But the kind of priestly command that de la Mare examines in most detail is the command to divulge a secret sin, especially in cases where a subject has solemnly promised to conceal his sinning brother's wrongdoing. In this case, de la Mare reiterates that the priestly power to command is stronger than any solemn promise; and he asserts, moreover, that such commands are fuelled by a priestly desire 'to help and not to hinder (*prodesse et non obesse*)' their subjects. But it is only possible to appreciate the full

[228] Aquinas, *Quaestiones Disputatae*, i, *Quaestiones de Veritate*, Q.17 a.5.

[229] MS Vat. lat. 4413, ff.125v-126v.

[230] Ibid., f.126v: 'hoc positio praefert praelato subditum, veritati falsitatem, et bono malum; quia malum contra conscientiam praecepto praelati quod est bonum, contra quos esse in peccato. Isaiah [v:20]: 'De quod dicitis malum bonum, et bonum malum, ponentes tenebras lucem et lucem tenebras.'

[231] Ibid., ff.81r-82v, at 82v: 'motus interiores non minus ardiantur ad salutem quam exteriores, nec minus interdum in eis contingat errare, ergo non minus indiget rectificatione, et ideo necessarium est exponi superioribus a quibus possunt rectificari.'

significance of this dispute by examining it in the light of the process of fraternal correction, which – according to certain interpretations – limited a priest's power to involve himself in the spiritual amendment of secret sins, at least until certain other corrective measures had been taken.

Delation and Fraternal Correction

The acts of admonishing and denouncing a sinner are successive steps in the evangelical process of fraternal correction, which Christ delineated in Matt. xviii:15–17.

> If your brother sins against you, go and correct him between you and him alone. If he hears you, you have made a treasure of your brother. If he does not hear you, go and correct him before one or two others so that your every word stands before one or two witnesses. If he still does not hear you, tell the Church. If he does not hear the Church, then he is to you as a heathen and a publican.

On the basis of this passage, medieval commentators established that fraternal correction should take place in four distinct phases, each contingent on the failure of the last. The sinner should first be privately admonished by one privy to their sin, then admonished a second time in the presence of a few witnesses. It was then possible to seek formal ecclesiastical intervention in the form of a public denunciation. If the sinner remained recalcitrant, they should be excommunicated.[232]

Despite the apparent straightforwardness of the process delineated in Matt. xviii, theologians found considerable scope for disagreement, much of which had a clear relevance for ecclesiology.[233] For example, a prominent and decidedly hierarchical tangent of the correction discourse was the question of whether an inferior could correct

[232] Alexander of Hales, *Glossa in Quatuor Libros Sententiarum Petri Lombardi*, 4 vols. (Quaracchi, 1951–7), iv, d.19 mem.2, pp.499–502; and Hugh of Saint-Cher, 'Postilla in Evangelium secundum Matthaeum', in *Opus admirabile*, vi, 8 vols. (Venice, 1714), f.62va. See also Takashi Shogimen, *Ockham and Political Discourse in the Late Middle Ages* (Cambridge, 2007), p.109; Gregory S. Moule, *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200 - 1400* (Leiden, 2016), p.244; Edwin D. Craun, 'The Imperatives of *Denunciatio*: Disclosing Others' Sins to Disciplinary Authorities', in Mary C. Flannery and Katie L. Walter (eds.), *The Culture of Inquisition in Medieval England* (Cambridge, 2013), pp.30–44, at 30–1; Jeffrey Hause, 'Some Developments in the Medieval Christian Practice of Fraternal Correction', in Andreas Speer and Maxime Mauriège (eds.), *Irrtum – Error – Erreur* (Berlin and Boston, 2018), pp.529–39.

[233] This disagreement was longstanding. John Sabapathy, 'Some Difficulties in Forming Persecuting Societies before Lateran IV Canon 8', in Gert Melville and Johannes Helmrath (eds.), *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal* (Affalterbach, 2017), pp.175–200, at 191.

their superior – sometimes phrased in terms of whether a layperson could correct a priest – although de la Mare does not comment on this particular issue.[234] He focuses instead on the question of whether it is permissible for a priest to correct a sinner according to a procedure that deviates from the Matthaean order. In two *Correctorium* articles, arts. 63 and 104, de la Mare argues that a priest may enact a simple denunciation without the prior admonition stipulated in Matt. xviii. In other words, he is mostly preoccupied with negotiating the binding force of the Matthaean order of correction. Yet his treatment of the order in which correction should take place offers still further insight into the themes of hierarchy and obedience in relation to correction, due to his interest in the Matthaean exhortation from the perspective of the priestly motivation to act for the wellbeing of his flock.

Delation and Intrafraternal Conflict

De la Mare's interest in this problem did not emerge spontaneously, although – unlike other ecclesiological and moral theological issues discussed in the *Correctorium* – the topic of fraternal correction seems not to have been a major area of dispute during the secular-mendicant controversy. Gerard of Abbeville had treated of correction in at least six quodlibetal questions, some of them disputed during the thick of his criticisms on the friars, but he never did so with an eye to either secret sins or the special prerogatives of priests.[235] The priestly power to compel acts of delation emerged instead as a locus of disagreement amongst the friars themselves, and tended, moreover, to be discussed along distinctively partisan lines.

The Franciscan tradition had been instituted by Walter of Bruges, who held the regency at Paris in around 1267–8 and later served as the minister for the French province.[236] In a series of influential disputed questions, Walter detailed the special

[234]Shogimen, *Ockham and Political Discourse*, p.109; see also Craun, 'Imperatives of *Denunciatio*', pp.68–82, for this issue of correcting superiors; and Hause, 'Fraternal Correction', for its origins in twelfth-century discourse. This question is discussed by Alexander of Hales, *Quaestiones Disputatae 'antequam esset Frater'*, 3 vols. (Quaracchi, 1960), i, Q.28 mem.6, pp.506–7; Walter of Bruges, *Quaestiones disputatae*, ed. Éphrem Longpré, Les philosophes belges: Texts et Études 10 (Leuven, 1928), q.30; and Aquinas, *Secunda Secundae*, Q.33 a.4.

[235]See the relevant index entry in Palémon Glorieux, *La littérature quodlibétique de 1260 à 1320*, 2 vols. (Kain and Paris, 1925–35), i, p.362 (although Abbeville also discussed correction in Q.XVII q.10). For the difficulty of dating Abbeville's quodlibets, see Metzger, *Gerard of Abbeville*, pp.97–8.

[236]Palémon Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle*, 2 vols. (Paris, 1933–4), ii,

powers that priests enjoyed in relation to the process of correction. In particular, he defended the priestly prerogative to command the revelation of secret sins and even to override the order of correction stipulated in Matt. xviii in particularly dire circumstances, although he regarded both of these as last resorts that were to be pursued chiefly for the benefit of the wider community.[237] Walter likened the priest to a surgeon, who could amputate a malignant limb if there was no other way to prevent infection spreading throughout the body.[238]

Walter's interest in the priestly role not only influenced de la Mare and other Franciscans, but also anticipates the underlying thrust of the articles disputed in *De secreto*, which is usually included (somewhat misleadingly) within Aquinas's oeuvre. This *opusculum* offers an account of six questions that were put to six Dominican masters, of whom Aquinas was one, during the general chapter at Paris in May 1269.[239] Although for the most part the masters shared consistent views ('*responderunt una voca*') and argued that a priest's power to command the revelation of secret sins was strictly limited, Aquinas deviated from his confrères in two cases. Firstly, he argued that a priest could command the revelation of a secret sin where the sin committed was public knowledge, such as the theft of a house or a case of arson.[240] Secondly, he argued that a priest who received two corroborating private revelations of a sin – one in the confessional, one *extra confessionem* – could command the public revelation of the sin if one of the accusers swore an oath of *inscriptio* (which required a witness to testify on the understanding that they would undergo the punishment associated with the crime if the accused were acquitted). In such instances, Aquinas maintained, a priest became a 'judge of the truth', not unlike a secular judge administering an oath.[241] His confrères disagreed

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pp.84–6.

[237] Walter of Bruges, *Quaestiones disputatae*, qq.34 and 32, respectively.

[238] Ibid., q.33, pp.227–8. This comparison is conspicuously absent from de la Mare's discussion of correction, despite his evident dependence on other aspects of his confrère's account.

[239] See the introduction to the Leonine edition: Thomas Aquinas, *De secreto*, ed. Hyacinthe Dondaine, Opera Omnia iussu Leonis XIII 42 (Rome, 1979), pp.487–8, pp.475–6; as well as Daniel Antonin Mortier, *Histoire des maîtres généraux de l'Ordre des frères précheurs*, 7 vols. (Paris, 1903–14), ii, pp.120–3; and Pierre Mandonnet, *Des écrits authentiques de S. Thomas d'Aquin* (2nd edn., Fribourg, 1910), pp.139–41.

[240] Aquinas, *De secreto*, q.6. He reiterated this view in his *quaestiones quodlibetales* and the *Secunda Secundae*. See also Jacques Chiffoleau, '"Ecclesia de occultis non iudicat": L'Eglise, le secret et l'occulte du XII^{e} au XV^{e} siècle', *Micrologus. Nature, Sciences and Medieval Societies* 14 (2006): *Il segreto nel Medioevo*, pp.359–481, at 391.

[241] Aquinas, *De secreto*, q.5.

with these conclusions on the basis of a principle that had been established in the other *De secreto* questions, and to which Aquinas himself had subscribed: namely, that only God can judge secret sins.[242] They maintained, moreover, that Aquinas erred in permitting a priest to compel an oath of inscription on the basis of a secret sin, for they believed that secret sins were effectively unprovable because they could only be judged by God.[243] Although they claimed that the inability to judge secret sins severely restricted a priest's capacity to command their revelation, the other Dominican masters did not totally reject the possibility that an act of *delatio* could be legitimately pursued in some cases of secret sin. With Aquinas, they agreed that a promise to conceal a secret sin could be set aside if it seemed to precipitate some greater scandal or else to jeopardise the common good – that is, if 'a greater evil would seem to prevail over a lesser good'.[244] The six masters also agreed that a priest could command the revelation of a secret sin that was preceded by infamy (*infama*), for when a sin entered into the public sphere, priests could legitimately elicit oaths in the process of investigating the truth.[245]

The Dominican masters discussed these questions only a year or so after the circulation of Walter's disputed questions on correction and the priestly power to command delation. As such, it is not unreasonable to posit a causal link between the appearance of the subject in the two works. However, these seeds of intrafraternal disagreement failed to germinate in the face of the more pressing challenge posed by Abbeville and the other secular masters, who renewed their campaign against the friars over the summer of 1269.[246] Only during the late 1270s, when the secular-mendicant controversy had waned once again, is there clear evidence of renewed Franciscan interest in the problem of priestly delation. Not only did de la Mare treat of this issue, but the Franciscans made it the official policy of the order to accede to priestly commands to reveal secret sins, passing an ordinance to that effect at the general chapter of Assisi in 1279. This legislation amended an earlier Narbonne constitution which had exhorted the Franciscans to refrain from publicly challenging 'the commonly-approved

[242] Aquinas, *De secreto*, qq.2–3.
[243] Ibid., q.5.
[244] Aquinas, *De secreto*, q.4: 'maius malum preponderat minori bono.' See also Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.1.
[245] Aquinas, *De secreto*, q.4.
[246] Glorieux, 'L'enchaînement des polémiques', pp.136–7.

opinion' of the masters, and appears under the statutory rubric regarding the activities of the brothers rather than the imposition of disciplinary measures. As such, it reflects the general and provincial ministers' keenness to uphold Walter's theory of delation as a magisterial pronouncement that enjoyed the order's special endorsement (not unlike the 1282 Strasbourg ordinance, in relation to de la Mare's *Declarationes*).[247]

On the basis of these texts, it is possible to sketch in broad terms the positions set out by representatives of the two orders, which both anticipated and underpinned the lines of the dispute over delation in de la Mare's *Correctorium* articles. The Dominicans prioritised the obligation to correct most secret sins privately, as *De secreto* makes clear. They defended this position on the basis of the Matthaean process with its two private admonitions, which, in their hands, became a blueprint for the correction of secret sins, and which they regarded as proof that a more public, priestly denunciation was permissible only in cases where the sinner remained incorrigible after two admonitions. While he deviated in some particulars, Aquinas subscribed to these fundamental beliefs in *De secreto*, and he re-emphasised both of these points in the *Secunda Secundae* and his quodlibetal questions, where they caught de la Mare's attention.[248] De la Mare therefore attacks two related claims: that a priest could not command a subject to reveal a secret sin; and that, if he did so, he would contravene the divinely mandated Matthaean framework for enacting correction. Yet the *Correctorium* articles reflect a more widespread Franciscan belief in the inherently benevolent paternalism that guides priestly acts of correction, as well as the quasi-divine power of priestly commands. De la Mare articulates both of these teachings, but not without further adapting them to the particular characteristics of Aquinas's arguments. In so doing, he pushes some of Walter of Bruges's conclusions considerably further – especially in relation to the flexibility of the fourfold Matthaean order of correction.

[247] Michael Bihl, 'Statuta generalia ordinis edita in capitulis generalibus celebratis Narbonae an. 1260, Assisii an.1279 atque Parisiis an. 1292', *AFH* 34 (1941), pp.13–94, 284–358, at 80–1. See also Walter of Bruges, *Quaestiones disputatae*, pp.ii-iii.

[248] Aquinas, *Secunda Secundae*, Q.33 a.7 ad.5; Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16].

Both de la Mare and Aquinas viewed fraternal correction chiefly as a means of securing the sinner's spiritual benefit (*lucrifactio*), at least in the case of secret or private sins that did not impinge upon the wellbeing of the wider community.[249] The nub of the disagreement between the two friars' accounts is thus how such *lucrifactio* can be attained. Aquinas prioritises the sinner's reputation and wishes to preserve them from unnecessary public shame (*fama*), which he regards as an unavoidable corollary of priestly involvement in the process of correction. But de la Mare believes that priests are best disposed to attain the goal of *lucrifactio*, and so he subordinates the risk of incurring *fama* to the spiritual benefit that he inevitably associates with priestly intervention.

The principle that correction centred on the attainment of *lucrifactio* had originally been established by Augustine, whose works set the terms of much of the medieval correction discourse.[250] He defined fraternal correction as a charitable impulse that was to be pursued out of love for the sinner. This belief was effectively 'canonised' by its inclusion in the *Decretum*, in the midst of Gratian's discussion of how prelates should proceed in cases of rumoured sin, and alongside another Augustinian assertion that it was necessary to ensure that, where possible, secret sins were corrected secretly. These two principles were related, for Augustine regarded the impulse to spare the sinner from public shame as a corollary of the charitable mode in which fraternal correction was supposed to be pursued.[251] Aquinas, however, introduced an important and influential caveat regarding secret sins: they did not need to be corrected privately if they impinged upon the common good.[252] He argued that, in circumstances where the sinner's wrongdoing only affected himself and one or two others, he should initially be privately corrected via a secret admonition in order to spare his reputation, at least until he proved

[249]De la Mare, 'Correctorium', p.260: 'fraterna correctio et ordo correctionis ad lucrifactionem, id est ad correctionem fratris peccantis ordinatur'; Aquinas, *Secunda Secundae*, Q.33 a.1: 'correctio delinquentis est quoddam remedium quod debet adhiberi contra peccatum alicuius'; Thomas Aquinas, 'In IV Sententiarum', in *Scriptum super libros Sententiarum magistri Petri Lombardi, episcopi Parisiensis*, iv, ed. Pierre Mandonnet and Marie Fabien Moos, 4 vols. (Paris, 1980), d.19 q.2 a.1.

[250]Moule, *Corporate Jurisdiction*, pp.283–90.

[251]C.2 q.1 cc.446–7 ('*Multi corriguntur*' and '*Si peccaverit*'), in Friedberg, i, cols.446–7.

[252]Matthew Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford, 1999), pp.109–10; Eleonore Stump, *Aquinas* (London and New York, 2003), pp.328–34; Shogimen, *Ockham and Political Discourse*, pp.108–10; Moule, *Corporate Jurisdiction*, pp.287–8.

himself incorrigible. But in cases where the sin had an immediately detrimental impact on the wider community – such as if a traitor secretly conspired to hand over a city to its enemies; or a heretic covertly converted believers away from the faith – Aquinas deemed it more necessary to preserve the common good than the sinner's reputation, because the sinner not only transgressed virtue but justice. As such, it might well be preferable to undertake an immediate denunciation, without any prior admonition, in order to quell the risk of danger to the community.[253] Nor did he regard this as a breach of the Matthaean process of correction, for secret sins that impacted the common good did not accord with Christ's stipulation in Matt. xviii that the sin had occurred 'between you and him alone'.[254]

Aquinas justified his recourse to the common good as a yardstick partially with reference to *Qualiter et quando*, the eighth canon of Lateran IV (1215). In *Qualiter et quando*, Innocent III formally integrated the Matthaean process of correction into the arsenal of authorised inquisitorial processes, most likely compelled by the prevalence of the Albigensian heresy and the decline of certain longstanding ritual practices for establishing guilt and innocence, such as trial by fire.[255] The pope delineated three processes through which priests could 'inquire into and punish the excesses of their subjects', namely by means of accusation, denunciation, or inquisition. In order to ensure that priests acted judiciously and did not expose their subjects to undue notoriety, he clarified that each of these courses of action should be preceded by an appropriate preliminary process – an oath of inscription in the case of accusation, admonition in the case of denunciation, and 'clamorous rumour (*clamosa insinuatio*)' in the case of inquisition.[256] Of these three modes, the Matthaean process tended to be regarded (by the Dominicans, at least) as synonymous with the process of an admonition followed by

[253] Aquinas, *Secunda Secundae*, Q.33 a.7; Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16]; Aquinas, 'In IV Sententiarum', d.19 q.2 a.1.

[254] Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16].

[255] Henry Ansgar Kelly, 'Inquisitorial Due Process and the Status of Secret Crimes', in Stanley Chodorow (ed.), *Proceedings of the Eighth International Congress of Medieval Canon Law* (Vatican City, 1988), pp.407–28; Richard M. Fraher, 'IV Lateran's Revolution in Criminal Procedure: The Birth of *Inquisitio*, the End of Ordeals, and Innocent III's Vision of Ecclesiastical Politics', in R. I. Castillo Lara (ed.), *Studia in honorem eminentissimi Cardinalis Alphonsi M. Stickler* (Rome, 1992), pp.97–111, at 101–3. However, the existence of a sharp division between 'public' acts of penance in the earlier Middle Ages and the 'private' or 'secret' nature of penance in later centuries is open to dispute; see Chiffoleau, '"Ecclesia de occultis non iudicat"', pp.367–9.

[256] X 5.1.24 ('*Qualiter et quando*'), in Friedberg, ii, cols.745–7.

denunciation.[257] Aquinas and his Dominican confrères maintained, furthermore, that this process was particularly apt for the correction of secret or private sins. If a secret sin became sufficiently well-known for rumour to have reached the ears of a priest, then *stricto sensu* the proper mode of inquiry changed from denunciation to inquisition, in accordance with *Qualiter et quando*. But if the secret sin remained private, it did not satisfy the requirements for an immediate public inquisition and so it had to be dealt with in accordance with Matt. xviii. Therefore a priest could not command the revelation of the secret as the preliminary to an inquisitorial procedure, not only because he lacked the power to judge secret sins but also because this risked inducing his subject to divulge the sin in opposition to the divinely inspired Matthaean framework. Nor could he proceed to make a denunciation – the Church could not 'be told' – without first ensuring that the sinner had already been unsuccessfully admonished.[258]

De la Mare counters the first of these assertions – that a priest could not command the revelation of a secret sin – in art. 103 of the *Correctorium*. Here, he further elaborates on the positive assessment of the priestly power that he had set out in arts. 64 and 134, in which he had imbued the priestly command with a power equivalent to divine precept as a rebuttal to Aquinas's insistence that a priest could not pry into secret sins. This belief underlies his response to the question of whether to esteem a sworn secret over a priestly command. Aquinas had answered resolutely in the affirmative due to his much more limited conception of both the vow of obedience and the power of a priestly command, especially in relation to secret sins, as well as his emphasis on the charitable basis on which such secrets were sworn.[259] De la Mare's rebuttal is two-pronged. On the one hand, he states that the vow of obedience is in itself a compelling reason to divulge the secret, since, by means of that vow, religious commit themselves to obeying every priestly command with all their body and soul.[260] On the other hand, he argues that the obligations incumbent on religious as a result of the vow are conjoined with the priest's

[257] Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16]: 'In via ergo denuntiationis intenditur correctio delinquentis; et ideo secundum praeceptum domini, matth. xviii, debet praecedere fraterna correctio, ut scilicet corripias eum inter te et ipsum solum; quod si non audierit, coram duobus vel tribus; et ultimo dicatur Ecclesiae'; Orford, *Sciendum*, pp.238–9. See also Wim Decock, *Theologians and Contract Law: The Moral Transformation of the Ius Commune (ca. 1500–1650)* (Leiden and Boston, MA, 2013), pp.95–7.

[258] Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16].

[259] Ibid., Q.I q.8 a.1 [q.15].

[260] De la Mare, 'Correctorium', p.398; see above, p.151.

prerogative or disposition to act for the benefit of his flock – or, as de la Mare puts it, the wish and the obligation 'to help and not to harm (*prodesse et non obesse*)' sinners. That is,

> if [a religious] receives a secret committed to him in faith, [and promises] in such a way that he may not reveal it to a priest who commands out of a desire to help and not to harm (*prodesse et non obesse*), then the promise is both illicit and prejudicial to the priest and to the subject [who hears the secret], who should be guided by their priest. And it is also prejudicial to the subject whose secret it is, who should, and can, be helped by their priest.[261]

In other words, de la Mare argues priests who command their subjects to reveal secret sins are motivated by the desire to secure the wellbeing of both parties to the secret sin.

However, de la Mare does not conceive of priestly inquiries and commands solely as the fulfilment of a jurisdictional or judicial right or prerogative born of his duties *ex officio*, although he certainly believes that those rights are prejudiced by promises to conceal secret sin; rather, his argument is reinforced by a belief in the innately charitable disposition of a priest towards securing the good of his flock. This belief is most clearly articulated in art. 63, albeit in relation to the basis on which a priest could judge a secret sin rather than the impetus for his commanding an act of delation. He states that a priest who judges a secret sin does not intend to proceed judicially, in the person of a judge with a power of condemning and enacting punitive measures, but rather 'as a father, pastor, and doctor seeking to perform a cure'. This is because a secret sin should be dealt with in such a way as to spare the sinner from *fama*.[262] However, this caveat regarding reputation is not a major element of de la Mare's discussion of delation and correction, and he does not mention it again in any of these articles – a stark difference from its central position within Aquinas's account.

Yet the tendency to regard priests as paternal figures who denounce sinners out of charity presents his account of priestly correction with certain difficulties.[263] Knapwell and Orford were to remark upon the apparent dissonance between de la Mare's

[261]De la Mare, 'Correctorium', p.398.

[262]Ibid., p.262.

[263]De la Mare never explicitly describes this mode as 'paternal correction', as certain later theologians did; see Shogimen, *Ockham and Political Discourse*, p.107 n.9. Nonetheless, he seems to understand it as a higher and uniquely priestly form of fraternal correction.

particular endorsement of the denunciation, which they both regard as an *ex officio* prerogative of priests, and his insistence that nonetheless a priest would proceed to denounce as a private person with charitable motives.[264] At best, the *Correctorium* articles are ambiguous on this point.

Following Alexander of Hales, most thirteenth-century theologians tended to contrast the charitable, brotherly mode of admonition with the judicial, priestly mode of denunciation. Alexander differentiated between the two modes in his *Sentences* commentary, written before he took the Franciscan habit. Peter Lombard had examined the priestly power of the keys in the context of his discussion of the characteristics of ecclesiastical judges.[265] Because Lombard followed the canonists in construing the power of binding and loosing as a form of judicial power, and because Christ conferred the power of the keys slightly later in Matt. xviii – the same chapter in which He delineated the order of fraternal correction – it is unsurprising that Alexander attempted to confer a special judicial character on priestly involvement in the process of correction.[266] He argued that, as a judicial form of correction, denunciation did not have a charitable root but depended, instead, upon the *ex officio* power of priests to punish sinners. Still, Alexander did not believe that this power to impose a suitable punishment excused priests from the obligation to undertake correction in the charitable mode compelled by Matt. xviii, which remained obligatory for all Christians; nor does his distinction in any way detract from the fundamentally charitable basis on which the process of fraternal correction was always supposed to proceed.[267] Many subsequent theologians utilised variations of this distinction between the charitable and judicial forms of correction, including Aquinas, whose conception is especially influential for Orford and Knapwell.[268] Likewise, de la Mare had previously employed a similar distinction in a

[264]Knapwell, *Quare*, p.263: 'si non correxerit praelato, non quidem in iudicio praesidenti, quia hoc est dicere Ecclesiae, sed secretius extra iudicium existenti; et sic dicere praelato non est nisi dicere quasi personae privatae quae potest prodesse et non obesse'; Orford, *Sciendum*, pp.237–8.

[265]Philipp W. Rosemann, *The Story of a Great Medieval Book: Peter Lombard's Sentences* (Peterborough, ON, 2007), pp.60–70.

[266]IV.19 in Lombard, *Sententiae*, ii, pp.365–71; for the keys, see Tierney, *Origins*, pp.39–45.

[267]Alexander of Hales, *Glossa*, iv, dist.19, pp.343–6; Alexander of Hales, *Quaestiones Disputatae*, i, Q.28 mem.1, pp.498–500.

[268]Albertus Magnus, *Super IV libros Sententiarum*, ed. Auguste Borgnet, Alberti Magni Opera Omnia 29-30 (Paris, 1894), dist.19 a.22, p.828; Aquinas, *Secunda Secundae*, Q.33 a.1; Walter of Bruges, *Quaestiones disputatae*, q.23. However, see Shogimen, *Ockham and Political Discourse*, p.107 n.9.

quodlibetal *quaestio* that considered whether fraternal correction was a precept, in the course of which he acknowledged that the obligation to perform fraternal correction bears differently upon subjects and priests. This distinction was borne out by the difference between the charitable, fraternal admonition and the priestly, judicial denunciation and reprimand.[269]

However, de la Mare does not make explicit this distinction in the *Correctorium* articles on delation, even when he defends the legitimacy of a scenario in which a priest undertakes correction in both modes – first enacting a secret admonition, and then performing a denunciation. Instead he simply argues that it is preferable for a priest to perform both forms of correction than either one alone, because this would seem to better advance the correction of the sinner and thereby secure their *lucrifactio.* This claim implicitly rests on the assumption that priests may correct in both of the two modes, fraternal and judicial, as Alexander had claimed; but de la Mare somewhat muddies the waters when he asserts that both kinds of correction – namely, admonition or 'secret correction', and denunciation – may be pursued by a single priest in response to the same incident of wrongdoing.[270] This belief is incompatible with Aquinas's claim that it was illicit for a priest to issue a command that entailed the performance of fraternal correction according to any order contrary to that established in Matt. xviii, unless the common good was affected. While de la Mare considers it preferable for a priest to undertake both kinds of correction, nonetheless he avers that denunciation – or the judicial, punitive form of correction – is preferable to a charitable admonition from the perspective of the sinner's spiritual wellbeing. This is because a priest who has proven himself to be 'good, pious, and discerning' is uniquely placed to inculcate the sinner with the two criteria necessary for a successful rehabilitation – namely, a sense of anxiety about their future spiritual wellbeing, on the one hand, and repentance for their

[269]Florence, Biblioteca Medicae Laurenziana, MS Plut. 17 sin 7, ff.16r-16v, at 16v: 'correctio fraterna sit in praecepto et quantum ad praelatos et quantum ad subditos, sed differenter. Quantum enim ad fratres et subditos correctio per viam amicabilis admonitionis et secundum ut est actus caritatis, quantum ad praelatos per viam admonitionis et obiurgationis et interdum punitionis et sic est actus iustitiae.' For context, see Kraml, 'The *Quodlibet* of William de la Mare'.

[270]De la Mare, 'Correctorium', p.260: 'illa via et omnes viae tenendae sunt quae magis et directius et probabilius proficiunt ad eius correctionem. Sed denuntiatio facta praelato etiam cum correctione secreta magis proficit ad fratris correctionem, scilicet peccantis, quam correctio sola. Ergo videtur potius secundum rationem rectam quod utraque potius facienda sit quam altera solum'.

past illicit behaviour, on the other. But de la Mare holds that the benevolent priest can secure this end more effectively through a denunciation than through simple admonition.[271] He therefore presents a methodology in which denunciation – the judicial, priestly form of correction – is always preferable to a simple admonition, but where the performance of both together is even more preferable and more likely to secure the end of *lucrifactio*, especially when both forms of correction are enacted by a priest with 'good and pious' intentions.

The Order of Correction

Whether or not he deliberately blurs the line between charitable and judicial forms of correction, de la Mare's preference for priestly correction in the 'paternal' mode is crucial for understanding the line of argument in art. 104, where he counters the second article of the same quodlibetal *quaestio*. Having weighed the obligations associated with sworn secrets against those associated with priestly commands, and concluded that the former overrode the latter, Aquinas considered whether a priest could ever command the revelation of a secret without a prior admonition. He argued that this was impossible because of the strictures imposed by the Matt. xviii exhortation, which – he believed – stipulated that private, secret sins should be denounced only after certain prior admonitions had failed to bring about the sinner's repentence.[272] Conversely, de la Mare reiterates that, because priestly intervention in the correction of sinners is founded upon the desire 'to help and not to harm (*prodesse et non obesse*)', there are very few constraints on his ability to pursue that desire.[273] As such, he demonstrates a much more flexible attitude to the preceptive basis of the Matthaean order.

In both the *Secunda Secundae* and his first quodlibet, Aquinas had maintained that it is obligatory to follow the Matthaean order when undertaking the correction of a secret sin that does not impinge upon the wider community. Thus, a priest perverted the order of correction and thereby contravened a divine precept if he commanded the

[271] De la Mare, 'Correctorium', pp.260–1.

[272] Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16].

[273] De la Mare, 'Correctorium', p.400: 'tunc si quis praelatus qui potest et vult prodesse, praecipit sibi revelare culpam fratris sui ad corripiendum, propter praecepti necessitatem necesse habet subditus revelare tali qui vult et potest prodesse et non obesse'.

revelation of a secret sin without any prior admonition. These transgressions were further compounded because he induced his subject to obey a priestly command over a divine precept, and to contravene the divinely ordained order of correction.[274] While he prized secrecy as an element of *lucrifactio*, Aquinas's argument depended chiefly on the divinely instituted basis of the Matthaean order, which he regarded as superior to and more compelling than any human command, including the command of a priest.[275] In light of his totally different conception of the power of priestly commands, to which he attributed a power equivalent to that of divine precepts, it is no surprise that de la Mare should have held a markedly different view of the priestly power to contravene Matt. xviii; nor that his argument should rest chiefly on a more positive conception of the priestly prerogative to ensure a sinner's *lucrifactio*.

The question of whether to observe the order of correction is a slightly different matter from the question of whether it is always obligatory *per se* to enact correction. Aquinas and de la Mare share similar views on the latter, founded upon an another passage of Augustine. *De civitate Dei* held that fraternal correction was a positive precept and, as such, only mandatory in certain circumstances: if there seemed to be someone else who was better placed to undertake the correction, for example, or if the correction seemed unlikely to succeed at that time.[276] Similarly, Aquinas and de la Mare both acknowledge that fraternal correction is a positive precept and is therefore required only in certain circumstances.[277] Yet Augustine's discussion had been refined further by the careful codification of Walter of Bruges. Walter stipulated that there were six conditions – three incumbent on the sinner, and three on the rebuker – which, when they all coincided, rendered obligatory the immediate enactment of correction according to the Matthaean order. In the absence of any of these six conditions, Walter believed that correction could be legitimately deferred.[278]

[274] Aquinas, *Secunda Secundae*, Q.33 a.7 ad.5; Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.2 [q.16].

[275] Aquinas, *Secunda Secundae*, Q.33 a.7; Aquinas, *Quaestiones Quodlibetales*, Q.I q.8 a.1 [q.15].

[276] Augustine, *De civitate Dei*, ed. B. Dombart and C. Kalb, 2 vols., CCSL 47-8 (Turnhout, 1955), I.9, pp.8–10.

[277] Aquinas, *Secunda Secundae*, Q.33 a.2; De la Mare, 'Correctorium', p.399. De la Mare determined on exactly this problem in a quodlibet during his regency, where he stated that 'praeceptum de correptione est praeceptum affirmativum, ideo non obligat semper et ad semper sed tamen pro loco et tempore cum aliis circumstantiis debitis'. See also MS Plut. 17 sin 7, f.16v.

[278] Walter does not state the correction to be set aside, only deferred: 'potest differre sine peccato quousque haec simul concurrunt'. Walter of Bruges, *Quaestiones disputatae*, q.29, pp.198–207, at 204.

De la Mare employs exactly the same six conditions in art. 104 to illustrate the positive nature of the Matthaean exhortation, a decision that also demonstrates the importance of his confrère's exposition to his own work.[279] However, de la Mare significantly alters Walter's caveat that the order of correction from Matt. xviii may be deferred if any of the six conditions are absent, since he argues that is possible to pursue a correction according to a *different* order. That is, he argues that if any of the six conditions are absent, then at that time ('*tunc*'),

> if a prelate, who can help (*prodesse*) and wishes to do so, commands his subject to reveal his brother's guilt to him so that he may be corrected, then the subject necessarily has to reveal this to someone who wishes to help and not to harm (*prodesse et non obesse*), because of the necessary nature of the command.[280]

In other words, the Matthaean order of correction is required only when *all six* of Walter's conditions are fulfilled. If one or more of these are absent, it is possible either to abandon the correction, or to defer it – or else to undertake it in a different order, such as an order in which a benevolent priest decides to forego the Matthaean requirement for an initial admonition preceded by an ecclesiastical denunciation.[281] However, in art. 63, de la Mare also argues that the Matthaean order of correction itself does not exclude priests from participating in the process of fraternal correction at an earlier stage than merely enacting a denunciation. He asserts that:

> when the Saviour commanded correction and its order, He did not prohibit a priest from making a secret denunciation. For when He said 'tell the Church', this pertained to the accusation before witnesses who are consulted during the second part of the correction. It is clear, therefore, that the Saviour did not prohibit [a secret priestly denunciation] either explicitly or implicitly; nor does not it follow as a consequence that the denunciation and the correction cannot both be done, for neither is impeded by the other. And so it seems that a priest who issues a command of this kind does not command against divine precept…[282]

[279]De la Mare, 'Correctorium', pp.399-402, at 399-400.

[280]Ibid., p.400.

[281]He had made a similar claim in his earlier quodlibet. MS Plut. 17 sin 7, f.16v: 'si creditur probabiliter quod melius emendatur per denuntiationem sine admonitionem prima, credo quod omitti potest; et sic patet quod multis recipit correptio et modus correptionis proscriptus dispensationem et exceptionum'.

[282]De la Mare, 'Correctorium', p.261.

In art. 104, de la Mare attempts to further substantiate the flexibility of the Matthaean exhortation with rather vague references to established ecclesiastical practices. For example, he asserts that a religious may reveal a sworn secret to a well-disposed priest 'such that if only he [himself] knows it, he may reveal it to the priest alone; and if he knows it with others, he may reveal it [to the priest] with them or in their presence'.[283] De la Mare also harkens to another established practice, enacted among the religious orders themselves, when he writes that:

> when a religious who has priestly authority makes to correct an inferior religious in a meeting of chapter or somewhere similar, and does so insofar as he is a religious (*ex status religionis*), it is not always necessary for a correction to occur according to the order posited in Matt. xviii. This can be determined with reference to *Qualiter et quando*. [Moreover,] I do not believe that this [Matthaean] order is observed towards religious in every circumstance.[284]

In fact, both of these references to religious modes of correction appear to refer to a well-known passage from the Rule of Augustine, which provided the basis for the Dominican observance.[285] In the fourth chapter, Augustine had set out the way in which correction should be undertaken amongst the brethren. He instructed the monks not to avert their eyes from one another's sins, which he felt would allow spiritual wounds to fester, but instead to admonish them at once. In a clear allusion to Matt. xviii, the brothers were advised to admonish the sinner before one or two others if the initial admonition failed. However, Augustine added a new step in the process of correction when he wrote that a rebuking brother should first reveal the sin to the head of the chapter (*praepositus*) 'before admonishing him before the others'. He added this step so that the *praepositus* could attempt a 'secret correction' of his own, which – if it proved to be successful – would curb the notoriety that the revelation of the secret sin might attract.[286] While Augustine's reasoning is consistent with his belief that a secret sin should ideally be corrected secretly, and indeed Aquinas had repeatedly discussed this

[283]De la Mare, 'Correctorium', p.400.
[284]Ibid., p.402.
[285]Moule, *Corporate Jurisdiction*, pp.274–80; Melville, *Medieval Monasticism*, pp.177–9.
[286]Augustine, 'Regula ad servos Dei', in Luc Verheijen, *La Règle de saint Augustin*, i, 2 vols. (Paris, 1967), pp.417–37, at 426–7.

passage of the Augustinian Rule in that light,[287] for de la Mare this reference served as the basis on which to legitimise a priest's involvement in both the ecclesiastical denunciation and the prior 'secret correction', particularly when enacting corrections within religious communities.

While de la Mare's vision of fraternal correction closely follows Walter of Bruges' exposition, at least inasmuch as both Franciscans prioritise a priest's dual power to command correction and to secure more effectively the sinner's spiritual amendment, the *Correctorium* articles treat the fourfold Matthaean order with even greater flexibility. De la Mare's idiosyncratic belief in the inherent benevolence of priests towards their subjects is articulated in other *Correctorium* articles, which together contribute towards a more fully realised vision of the priestly role and the preceptive force of the exhortation from Matt. xviii. The re-emergence of this distinctively Franciscan belief about the priestly power also hints at the decline of bipartisan ecclesiological arguments, at least along secular-mendicant lines. In much the same way that he is willing to discuss the literal dimension of the apostolic *loculos* with reference to the episcopate and the priesthood, thereby inherently acknowledging the relevance of the *vita apostolica* as a model for those orders, de la Mare's endorsement of priestly power reflects the practical reality that the threat from the secular masters had subsided, and that other targets had emerged, especially in the wake of the 1277 condemnation.

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As a former regent master at Paris, de la Mare remained a prominent figure within the Franciscan order and continued to engage with a range of contemporary theological issues, many of an ecclesiological nature. The *Correctorium* attests not only to this, but also to the value – indeed, the necessity – of broadening the fairly narrow contextual parameters in which scholars have tended to discuss the *Correctorium* itself. Although the 1277 condemnations at Paris and Oxford certainly provide a relevant context in which to examine de la Mare's criticism of Aquinas's more speculative doctrines, such as the eternity of the world and the unicity of substantial forms, the *Correctorium* articles

[287] Aquinas, *Secunda Secundae*, Q.33 a.8 ad.4; Aquinas, 'In IV Sententiarum', d.19 q.2 a.3.

also draw upon areas of Aquinas's systematic works that dealt with more ecclesiological or practical topics, many of which had been developed and refined during the mendicant orders' conflicts with the secular masters at Paris. These more ecclesiological 'errors' comprise a substantial proportion of both recensions of the *Correctorium*, such that they can be said to comprise an important contribution to overall efforts to interpret the text.

The Parisian secular-mendicant controversy had been an important impetus for Aquinas's initial engagement with ecclesiological issues, and these disputes remain deeply relevant for their reappearance in the more systematic works in which de la Mare encountered them. But the controversy of the *Correctoria* also more directly sheds light upon the institutional conflict between the mendicant and secular masters. While the tendency to characterise the Parisian institutional disputes as a series of secular-mendicant controversies is not inapt, it has unfortunately encouraged a misconception that the mendicant orders' united front was underpinned by a broad doctrinal consensus on the key issues under debate, at least during the disputes themselves. This was not the case. The Dominicans and Franciscans shared a belief in the validity *per se* of the mendicant *modus vivendi*, as well as the inherent perfection of the religious life, which were both major areas of disagreement during the secular-mendicant clashes of 1269–72; but this apparent consensus was born out of a shared commitment to securing the friars' position within the universities, which obscured numerous disparities between the orders' argumentative strategies and ideological assumptions. The secular-mendicant axis of the Parisian controversy should not, therefore, unduly conceal the intrafraternal disagreement to which the slightly later *Correctorium* bears ample witness; the seeds of this conflict had been sown well before de la Mare took up his pen and did not spring up *ex nihilo* in the late 1270s.

Although de la Mare's decision openly to criticise Aquinas's conception of the religious life may have been prompted by the dwindling of secular-mendicant tensions and the dissolution of the orders' united front, it was also significant that Aquinas set out his vision of religious perfection in the form of a theological *Summa*.[288] Aquinas's

[288] As noted in the prologue: 'propositum nostrae intentionis in hoc opere est, ea quae ad Christianam religionem pertinent, eo modo tradere, secundum quod congruit ad eruditionem incipientium.' Thomas Aquinas, *Prima Summa Theologiae*, Opera Omnia iussu Leonis XIII 4/5 (Rome, 1888–9), p.5; although for

systematisation of his ecclesiological doctrine in the *Secunda Secundae* of 1271–2 provided a much stronger impetus for de la Mare to attack it than its initial appearance in the polemical treatises prepared during the conflict with the secular masters in the late 1260s. De la Mare could hardly have strengthened his own position by attacking works that Aquinas had produced with the explicit purpose of defending the religious life. But he was better able to criticise these arguments when they appeared in the *Secunda Secundae*, where their more straightforwardly systematic presentation lent Aquinas's pronouncements a more decisive sense of stability and authoritativeness. This change in genre, from polemic to *summa*, formalised the points of discontinuity between the visions of religious life defended by Aquinas and by the Franciscans, and solidified the ideological gulf between the two orders' perceptions of perfection in the apostolic and religious forms of life.

Finally, but by no means least of all, this examination of the *Correctorium*'s ecclesiological articles demonstrates that de la Mare criticised Aquinas from a position of greater underlying coherence than has sometimes been acknowledged. He was especially keen to emphasise strictness and difficulty as distinguishing characteristics of the religious *modus vivendi*, a strategy that both underpinned and strengthened the longstanding Franciscan ideological commitment to the doctrine of absolute poverty. However, de la Mare should not be regarded merely as a passive disciple of his forebears within the Franciscan order; he contributed in his own idiosyncratic way to a recognisable yet continually growing tradition of Franciscan thought. As the comparison with Alexander of Hales, Bonaventure, and Walter of Bruges demonstrates, de la Mare had a very distinctive position of his own.

these *incipientium*, see Patrick Zutshi, 'Clerical Education, Pastoral Care, and the Friars: Pope Honorius III's *Gratiarum Omnium* and the Beginnings of the Dominican Order', in Anne J. Duggan, Joan Greatrex, and Brenda Bolton (eds.), *Omnia disce: Medieval Studies in Memory of Leonard Boyle, O.P* (Aldershot, 2005), pp.199–210.

Chapter Three:
The *Quodlibeta* and Poverty Treatises of Nicholas Trevet

Nicholas Trevet served two terms as regent master to the Dominican *studium* at Oxford during the early fourteenth century, the first in around 1302-4 and the second in 1314-15.[1] The sheer breadth of his oeuvre is unrivalled by any other contemporary – as Beryl Smalley observed, Trevet stands out as 'a true polymath, being theologian, biblicist, hebraist, historian and classicist'.[2] This diverse output reflected the range of contexts in which Trevet operated, for he travelled widely outside of the English province and attracted patrons from within the Dominican order and outside it, many of whom facilitated his production of such an extensive range of works.[3] In addition to his two Oxford regencies, he spent time at the Dominican *studium* at Paris as well as the convents at Pisa, Florence, and Padua.[4] He may also have visited the papal curia at Avignon: he certainly won the patronage of the Dominican cardinal Nicholas Albertini of Prato, as well as Jacques Duèse (later John XXII), to whom he dedicated various commentaries on biblical and classical texts, and from whom he enjoyed continued patronage and reimbursement even after he had returned to England. Many of these continental connections were forged on the strength of Trevet's ability as an interpreter of classical texts, and they contribute to the conventional picture of Trevet as a rather cosmopolitan, even proto-humanist, figure among the English friars.[5]

[1]For the uncertainty surrounding the dates of the first regency, see p.177 of this thesis.

[2]Beryl Smalley, *English Friars and Antiquity in the Early Fourteenth Century* (Oxford, 1960), p.58, albeit she regarded him only as a 'forerunner' of her English 'classicising friars'. For a full list of Trevet's known works, see *Scriptores Ordinis Praedicatorum Medii Aevi*, ed. Thomas Kaepelli and Emilio Panella, 4 vols. (Rome, 1970–93), iii, pp.187–96; iv, pp.213–15.

[3]Brian FitzGerald, *Inspiration and Authority in the Middle Ages: Prophets and Critics from Scholasticism to Humanism* (Oxford, 2017), p.185; Ruth J. Dean, 'Cultural Relations in the Middle Ages: Nicholas Trevet and Nicholas of Prato', *Studies in Philology* 45 (1948), pp.541–64, at 560.

[4]The claim that Trevet taught at Paris is made in William J. Courtenay, *Schools and Scholars in Fourteenth Century England* (Princeton, 1987), p.63; and repeated in Larsen, *The School of Heretics*, p.66, but is unfounded. As Trevet himself makes clear, he was for a time engaged in study at Paris. Nicholas Trevet, *Annales sex regum Angliae*, ed. Thomas Hog (London, 1845), p.2.

[5]The literature on Trevet's connections with the papal court is extensive. See, for example: Giuseppina Brunetti, 'Nicolas Trevet, Niccolò da Prato: Per le tragedie di Seneca e i libri dei Classici', in Maria Benedetti and Luciano Cinelli (eds.), *Niccolò da Prato e i frati predicatori tra roma e avignone* (Florence, 2014), pp.345–71; FitzGerald, *Inspiration and Authority*, pp.185–8; Dean, 'Cultural Relations', pp.549–52;

While Smalley's characterisation of Trevet might be taken (perhaps unconsciously) to imply that the most important of Trevet's many roles was that of theologian, his theological works – which include six quodlibetal disputations and five disputed questions, numerous biblical commentaries, and two treatises on evangelical poverty – are perhaps the least examined aspect of his oeuvre in modern scholarship.[6] More recent scholarship has begun more closely to examine some of these works and to illuminate aspects of Trevet's theological teaching, but there is still much to discover about his contribution to contemporary theology. Further analysis will help not only to establish his place not only in the history of early fourteenth-century Dominican theology, but also the various institutional and intellectual contexts that informed his teaching.[7]

Trevet the Theologian

Trevet wrote during a distinctive period in the history of the more insular context of the Dominican intellectual tradition. While the order had previously taken certain steps to protect Aquinas from internal criticism – in 1278, investigating the English province for friars who had publicly disparaged his work; and in 1279, empowering all provincial and conventual generals to punish any member of the order who did so – it did not officially prescribe 'Thomism' until 1286, when members of the order were required both to defend and expound Aquinas's teachings or else face expulsion from the order.[8] These

Smalley, *English Friars and Antiquity*, pp.60–2; and Matthew Kempshall, 'Individual and Institution in Scholastic Historiography: Nicholas Trevet', in Antonia Fitzpatrick and John Sabapathy (eds.), *Individuals and Institutions in Medieval Scholasticism* (London, 2020), pp.107–35, at 114–15.

[6]The most detailed survey of Trevet's theological oeuvre is still Franz Ehrle, 'Nikolaus Trivet, sein Leben, seine Quodlibet und *Quaestiones Ordinarie*', in Franz Pelster (ed.), *Gesammelte Aufsätze zur Englischen Scholastik* (Rome, 1970), pp.303–84, repr. from in *Studien zur Geschichte der Philosophie: Festgabe zum 70. Geburtstag Clemens Baeumker* (Münster, 1923), pp.1–63; but see also Hester Goodenough Gelber, *It Could Have Been Otherwise: Contingency and Necessity in Dominican Theology at Oxford, 1300–1350* (Leiden, 2004), pp.34–6; Jeremy Catto, 'Theology and Theologians 1220–1320', in id. (ed.), *The History of the University of Oxford, i: The Early Oxford Schools* (Oxford, 1984), pp.471–518, pp.499–500; and William J. Courtenay, 'Theology and Theologians from Ockham to Wyclif', in Jeremy Catto and T. A. R. Evans (eds.), *The History of the University of Oxford, ii: Late Medieval Oxford* (Oxford, 1992), pp.1–34, at 9–11.

[7]Gelber, *Otherwise*, pp.36–7; Slotemaker and Witt, 'Intellectual Tradition', pp.292–4; FitzGerald, *Inspiration and Authority*, p.179; Antonia Fitzpatrick, 'Dominican Theology at the Early Fourteenth-Century Universities: Bodily Identity in the Quodlibets of Nicholas Trivet, Hervaeus Natalis, and John of Naples', in John Marenbon (ed.), *King's Hall, Cambridge and the Fourteenth-Century Universities: New Perspectives* (Leiden, 2020), pp.101–26, at 114–17.

[8]*Acta capitulorum generalium ordinis Praedicatorum*, ed. B. M. Reichert, 2 vols., Monumenta Ordinis Fratrum Praedicatorum Historica 3-4 (Rome-Stuttgart, 1898–9) (henceforth ACP), i, pp.399 (1278), 204

restrictions were further reinforced at successive general chapters in the years leading up to Aquinas's canonisation in March 1323, particularly in 1314 – the same year in which Trevet was reappointed to the Oxford regency – when the order's *magistri* and *lectores* were charged with ensuring the doctrinal purity of their students, in accordance with what Aquinas was held to have taught.[9] Thus, both of Trevet's regencies were marked by increasingly stringent requirements to teach in conformity with Thomist doctrine.[10] The Dominican order actively enforced these requirements and tended to give short shrift to perceived deviation even from its relatively senior members, as the 1314 censure of Durandus de Saint-Pourçain, a former regent master at Saint-Jacques in Paris, makes particularly clear.[11]

Trevet's regencies also coincided with significant changes in the wider landscape of theological teaching authority. On the one hand, he was affected by the Oxford Dominicans' decision to appeal against the university's attempts to curtail the institutional privileges which had long sustained the mendicants' integration into the schools – this led to a protracted struggle to restore their newly diminished status. On the other, the papacy increasingly upheld the papal curia as a forum in which to determine contested doctrinal issues, a development that not only challenged the supremacy of the Parisian theology masters, but offered scope for a broader participation in the authoritative discussion of theological doctrine by figures outside the schools at Paris.[12] To varying degrees Trevet's theological works reflect all of these developments, and so provide valuable insight into the Oxford Dominican school as a distinctive intellectual and institutional context in its own right.

(1279), 233 (1286).

[9]However, Aquinas's supporters varied in their interpretation even of his 'basic doctrines', when they 'subjected [them] to the pressure of questions which Aquinas himself…did not (or could not) foresee'. Fitzpatrick, 'Unicity of Substantial Form', pp.73–4.

[10]ACP, ii, pp.38, 40 (1309); 64–5 (1313); 72 (1314), 81 (1315), 123 (1320); discussed further in Burbach, 'Dominican and Franciscan Legislation'; and Torrell, *The Person and his Work*, pp.308–10.

[11]Isabel Iribarren, *Durandus of St Pourçain: A Dominican Theologian in the Shadow of Aquinas* (Oxford, 2005), pp.277–9.

[12]McKeon, '*Parens Scientiarum*'; Ian Wei, 'The Self-Image of the Masters of Theology at the University of Paris in the Late Thirteenth and Early Fourteenth Centuries', *JEH* 46 (1995), pp.398–431, at 399–400; Marmursztejn, *L'autorité des maîtres*, pp.9–13; Elsa Marmursztejn, 'A Normative Power in the Making: Theological *Quodlibeta* and the Authority of the Masters at Paris at the End of the Thirteenth Century', in Chris Schabel (ed.), *Theological Quodlibeta in the Middle Ages: The Thirteenth Century* (Leiden, 2006), pp.345–402.

Since the early 1200s, the schools at Paris had emerged as the leading centre for the study of theology, bolstered by a flurry of papal privileges.[13] As such, the Parisian theologians enjoyed a special pre-eminence in the determination of theological and doctrinal issues.[14] Towards the end of the century, however, their authority was increasingly encroached upon by the papal curia.[15] This process was set in motion, if it was not already underway, as early as 1290. In that year, the cardinal and papal legate Benedetto Caetani chastised the Parisian theologians for challenging the doctrinal basis on which Martin IV had pronounced *Ad fructus uberes* (1281), which offered a more generous provision of mendicant privileges. Caetani reminded the masters of the overarching authority of the papal curia in all spheres, not merely the juridical, and refused to hear, much less to act upon, the secular masters' complaints about mendicant privileges.[16]

Despite this episode, and the vehemence of Caetani's rebuke, the Paris theologians retained much of their prestige, and continued to be consulted in a range of important issues.[17] Yet there are other signs of a shift towards increased papal influence over doctrinal decision-making. Clement V's preparations for the Council of Vienne (1311–12) included a detailed consultation with numerous Franciscan theologians for their verdict on St Francis's conception of poverty, which inevitably hinged upon a

[13]Nathalie Gorochov, *Naissance de l'université: les écoles de Paris d'Innocent III à Thomas d'Aquin (v. 1200–v. 1245)* (Paris, 2012), pp.435–59; McKeon, '*Parens Scientiarum*', pp.652–8.

[14]Ian Wei, *Intellectual Culture in Medieval Paris: Theologians and the University, c.1100–1330* (Cambridge, 2012), pp.174–84; Marmursztejn, *L'autorité des maîtres*, pp.9–18; William J. Courtenay, 'The Parisian Faculty of Theology in the Late Thirteenth and Early Fourteenth Centuries', in Jan A. Aertsen, Kent Emery Jr., and Andreas Speer (eds.), *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts: Studien und Texte* (Berlin, 2001), pp.236–47, at 236–7.

[15]This is not an uncontested view. For instance, Richard Southern, 'The Changing Role of Universities in Medieval Europe', *Historical Research* 60 (1987), pp.133–46, at 140, describes the papal curia as 'the central theological school of Europe'. By contrast, William J. Courtenay, 'Inquiry and Inquisition: Academic Freedom in Medieval Universities', *Church History* 58 (1989), pp.169–81, at 180, notes that '[o]nly if the topic of controversy had wider ecclesiastical or political meaning, as in the cases of mendicant privileges, apostolic poverty, *dominium*, papal authority, and major points of doctrine, was the issue adjudicated outside the university.' Similarly, Isabel Iribarren, 'Consensus et dissidence à la cour papale d'Avignon: Le cas de la controverse sur la vision béatifique', *Revue des Sciences Religieuses* 82 (2008), pp.107–26, argues, on the basis of John's slightly later actions, that John XXII's aim was not to undermine theological teaching authority but 'la tradition scolastique', or scholastic method, as the dominant method of theological inquiry.

[16]T. S. R. Boase, *Boniface VIII: 1294-1303* (London, 1933), pp.19–22; Southern, 'Changing Role', p.136.

[17]Thus, in 1295 they were consulted on the legitimacy of Celestine V's abdication; and in 1297, they played an important role in acknowledging the legitimacy of the election of Caetani himself as Boniface VIII, despite the political pressure brought to bear on them by Philip IV. Marmursztejn, 'Normative Power', p.11. See also Courtenay, 'Inquiry and Inquisition', pp.175–7; Courtenay, 'Parisian Faculty of Theology', p.244.

doctrinal assessment of the poverty of the apostles themselves. Although Clement's recourse to the consultation indicated that he valued the 'professional' expertise of these theologians, nonetheless he retained control over the verdict, which was given in the form of the decree *Exivi de paradiso* (May 1312), and which took a kind of *media via* between two opposing extremes of Franciscan poverty observance.[18] The papacy's involvement in doctrinal pronouncement reached its apex during the pontificate of Clement's successor, John XXII (1316–34), who personally oversaw an array of consultations concerning issues 'at the junction of theology and canon law'.[19] And so, even if theological teaching authority had not become totally centralised in the hands of the papacy during the early years of the fourteenth century, still the theologians associated with the curia enjoyed an expanded power to determine major doctrinal issues, which had once been the domain of the Parisian theology faculty. This change in the landscape of theological teaching had important consequences for theologians in the schools, in terms of the kinds of ecclesiological discussions which were discussed in the schools as well as the form which those discussions took. The two parts of this chapter focus on these consequences: the first on the impact of mendicant privileges on Trevet's experience as regent master and the contents of his quodlibetal questions; and the second on the surviving evidence of his engagement with the papal consultation on apostolic poverty.

Although for the most part Caetani's criticism of the Parisian theologians simply reflected his belief in the papacy's special authority to pronounce on theological issues, it is significant that he made this claim in relation to mendicant privileges. As the papacy increasingly articulated and solidified a claim to a special teaching authority, so the resulting legislation assumed a correspondingly important role in relation to the discussion of those privileges. However, the overall position of the papacy regarding privileges was not static. Since at least the pontificate of Nicholas III, a Franciscan, who had attempted to bring the debate to a decisive end in 1279 through the introduction of *Exiit qui seminat*, the tide of papal opinion regarding privileges had ebbed and flowed in

[18]Lambert, *Franciscan Poverty*, pp.211–12; Sophia Menache, *Clement V* (Cambridge, 1998), pp.294–5; Burr, *Olivi and Franciscan Poverty*, p.193; and discussed further, p.202 below.

[19]Patrick Nold, *Marriage Advice for a Pope: John XXII and the Power to Dissolve* (Leiden, 2009), pp.lv–lxv; Southern, 'Changing Role', p.139; Marmursztejn, *L'autorité des maîtres*, pp.112–16.

accordance with the personal attitudes and religious affiliations of successive popes.[20] Indeed, in 1304, Benedict XI – a Dominican – compared the papacy's repeated attempts to resolve the conflict surrounding mendicant privileges to the slaying of a Hydra: for every measure introduced to curb the disharmony between the mendicants and the secular clergy, seven more problems arose.[21]

Trevet's ecclesiological thought was therefore articulated against a background of increasingly centralised papal authority and constantly shifting papal legislation in relation to mendicant privileges. However, these factors also had important consequences for the institutional context in which that ecclesiological thought was expressed – especially, it seems, at Oxford and Cambridge. As a leading theologian at the Dominicans' Oxford *studium*, Trevet's work benefits from a more careful contextualisation of the local and institutional circumstances in which he ventured his opinions about the mendicant orders and their place within the Church.

Trevet's Ecclesiological *Quodlibeta*

Since the Dominican order's internal *studia* system was designed to expedite the succession of as many candidates as possible to the regent masters' chairs, which were in limited supply, it was unusual for a master to fill the same regency twice non-consecutively. Nonetheless, the Dominican superiors, in whose hands rested the power of appointment to the regencies, did occasionally reassign a former master to one of the order's *studia generalia* during periods of special difficulty.[22] Aquinas, for example, had been reappointed to a second regency at Paris in the late 1260s partly because of the re-emergence of secular-mendicant tensions.[23] In the same vein, Trevet resumed his regency in 1314.[24] His appointment followed in the wake of the most severe episode of

[20]Although a similar process took place during the secular-mendicant disputes of the 1250s, when Alexander IV, a protector and patron of the Franciscans, swiftly repealed the restrictions on mendicant privileges which his predecessor Innocent IV had recently imposed. See chapter one, p.48 above.

[21]Extrav. 5.7.1 ('*Inter cunctas*'), in Friedberg, ii, cols. 1296–1300, at 1296–7.

[22]Lawrence, *The Friars*, pp.12–15; Mulchahey, *First the Bow is Bent*, pp.383–4; Gelber, *Otherwise*, p.42.

[23]Torrell, *The Person and his Work*, pp.182–4; Weisheipl, *Friar Thomas*, pp.236–9. He held the regency until 1272.

[24]Although Trevet held the second regency for a single academic year only, compared to Aquinas's renewed three or four years at Paris.

institutional antifraternalism ever to have afflicted the Oxford schools, following a protracted Dominican appeal which had only been partially successful in its aim of shoring up the friars' institutional position against increasing encroachments by the university.[25] Trevet's reappointment therefore tends to be interpreted as evidence that he, too, was regarded as a safe pair of hands who could oversee the uneasy process of re-assimilation with the university.[26] However, there is scope for reassessing this traditional narrative.

The Appeal of the Oxford Dominicans

The appeal of the Dominicans seems to have marked a serious break in relations between the mendicant orders and the university at Oxford, disrupting a relatively peaceful state of affairs that had persisted since Thomas of York's inception difficulties sixty years earlier.[27] Because of the prominence of this episode, scholars have examined the quodlibet that Trevet disputed during his later regency for evidence of the Dominican rapprochement, and made much of Trevet's 'extreme tact and flattery' when dealing with the theological opinions of his immediate contemporaries among the regent masters in theology – especially the secular master, Henry of Harclay, who, in his role as chancellor, played an important role in the university's response to the appeal in its latter stages.[28] But the sustained focus on Trevet's second regency overlooks the fact that the statutory issues which underpinned the Dominicans' appeal were already emerging during his earlier regency in the previous decade.[29] Although the Dominicans did not appeal until 1311, the unfavourable situation in which they found themselves was, in

[25]For a contemporary account of the Oxford appeal, see the roll printed in Hastings Rashdall, 'The Friars Preachers *v.* the university, A.D. 1311-13', in Montagu Burrows (ed.), *Collectanea,* second series, OHS xvi (Oxford, 1890), pp.191–273, at 217–73; and for a summary of events, Gelber, *Otherwise*, pp.39–43. While Leff, *Paris and Oxford*, p.105 n.98, felt that Rashdall 'tended to magnify the importance of the dispute for Oxford', the tangible impact of their expulsion from the university must render this an enormously important series of events for the Dominicans themselves.

[26]Gelber, *Otherwise*, p.62; Ehrle, 'Nikolaus Trivet', pp.353–4.

[27]See p.15 of this thesis, above.

[28]Henry of Harclay, *Ordinary Questions*, ed. Mark G. Henniger, trans. Raymond Edwards and Mark G. Henniger, 2 vols., Auctores Britannici Medii Aevi 27-8 (Oxford and New York, 2008), pp.xxiv–v; discussed in Ehrle, 'Nikolaus Trivet', pp.353–5.

[29]The dates of the earlier regency are not known precisely. Both Ehrle, 'Nikolaus Trivet', pp.331–49; and Glorieux, *La littérature quodlibétique*, i, pp.246–53, suggest 1302–6; while A. G. Little and Franz Pelster, *Oxford Theology and Theologians, c.1282-1302* (Oxford, 1934), p.283, suggest 1303–7, all tentatively assigning one quodlibetal disputation to each year. However, Gelber, *Otherwise*, p.66, posits *c.*1302–4. Trevet cited *Inter cunctas* (February 1304) in his third quodlibet and so can have disputed it no earlier than the Lenten session of 1304; this is the only clear waypoint by which to date the first regency.

fact, the culmination of almost a decade of statutory changes. In the appeal documents, they claimed that the earliest of these 'noxious' statutes had been introduced in 1303, around the same time that Trevet first assumed the position of regent master for the Oxford Dominicans.[30] As such, it may be supposed that those statutes had also impacted the institutional position of the mendicants during the first decade of the fourteenth century, as well as Trevet's own earlier *quodlibeta*; after all, they encroached upon several different areas of university life. On the one hand, they changed the way that voting majorities were achieved in convocation, to the detriment of the theology faculty of which the friars were members; on the other, they transferred the location of the mandatory sermons which candidates for the master's degrees in theology were supposed to hold from the mendicant orders' relatively peripheral *studia* to the more centrally located church of St Mary's.[31] Altogether these statutes imposed a considerably more restrictive position upon the Dominican and Franciscan *studia*.

These statutory changes did not emerge *ex nihilo*; nor should they be ascribed solely to presumed localised tensions between the mendicant and secular masters, of which they themselves are the only, admittedly rather uncertain, evidence. More surely they reflect efforts by the university to take advantage of recent papal pronouncements relating to mendicant privileges.[32] In *Super cathedram* (1300), Boniface VIII – formerly Benedetto Caetani, the same cardinal who had denounced the theological pre-eminence of the Parisian theology masters in 1290 – curbed the mendicants' pastoral privileges by stipulating they must acquire a licence from the diocesan bishop if they wished to preach or hear confessions within his jurisdiction, as well as an additional licence from the local priest in order to hear confessions within his parish.[33] This double-restriction replaced

[30]Rashdall, 'Friars Preachers', pp.225–6; SAUO, pp.49–51.

[31]Rashdall, 'Friars Preachers', p.225. In 1311, the university further transferred the *vesperiae* (mandatory disputations given by incepting theology bachelors) from the friaries to St Mary's.

[32]At the same time, the decision to implement these statutory changes could be taken as a further signal of the decline in pre-eminence of the Parisian schools, after whose statutes the Oxford legislation had traditionally been modelled. M. B. Hackett, 'The University as a Corporate Body', in Jeremy Catto (ed.), *The History of the University of Oxford, i: The Early Oxford Schools* (Oxford, 1984), pp.37–95, at 52–4. Similarly, the chancellor's decision to codify the Oxford statutes in this period may well reflect the same decline. Graham Pollard, 'The Oldest Statute Book in the University', *Bodleian Library Record* 8 (1967–72), pp.69–91, at 75–6. See also the Oxford masters' bold refusal to adopt Parisian customs, on the grounds that they would not do for Oxford. Rashdall, 'Friars Preachers', p.236.

[33]The text of *Super cathedram* is included in Clem. 3.7.2. ('*Dudum*'), in Friedberg, ii, cols. 1161–4; the bull itself entered the law books as Sext. 3.6.2, in Friedberg, ii, col. 1273. For the imposition of the bull in England, see Campbell, *Landscape of Pastoral Care*, pp.140–7; and Jean L. Copeland, 'The Relations between

the less stringent requirements established by Martin IV in *Ad fructus uberes* (1281), and was most unwelcome to the friars, who had long been accustomed simply to seek permission from their own superiors to engage in pastoral activities.[34] However, the difficulty of the situation was further compounded in England, where the secular clergy interpreted *Super cathedram* unusually rigidly, especially in relation to preaching. For, although *Super cathedram* required mendicant preachers to obtain an episcopal licence, Boniface had not stipulated that they should then seek further permission at the parochial level unless they wanted to preach at the same time as the parish priest; more general parochial licences were only mandatory in relation to the hearing of confessions. Yet the English clergy seem consistently to have practised a more restrictive interpretation of these licensing requirements, whereby friars could only preach in the parishes under parochial licence even when their sermons were not scheduled at the same time as those of the parish priest.[35]

Against the background of these significant papal curbs on mendicant privileges and their unusually strict interpretation in England, the emergence of the disputed university statutes assumes a new significance, especially those which touched upon the inception sermons.[36] This link between papal and university legislation is more clearly discernible at Cambridge, where, in 1303, the friars had issued an appeal against certain new statutes which share striking similarities to those which were introduced at Oxford in the same year.[37] The Cambridge friars protested that, as well as introducing changes to the configuration of voting majorities, the university had transferred inception sermons from the friaries to St Mary's church. They complained that this left their candidates for the theology degree vulnerable to the whims of the rector, for under the

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the Secular Clergy and the Mendicant Friars in England during the century after the issue of the Bull *Super Cathedram* (1300)', unpublished MA diss. (Royal Holloway, 1938), pp.30–4.

[34]See '*Ad fructus uberes*', in CUP, i, no. 508; and Copeland, 'Relations between the Secular Clergy and the Mendicant Friars', pp.20–28, for its implementation. It was this bull which had occasioned the protests of the Parisian secular masters, and which Caetani had refused to repeal in 1290. See especially A. G. Little, 'Measures Taken by the Prelates of France against the Friars (*c.*1289-90)', *Studi e Testi* 42 (1924): *Miscellanea Francisco Ehrle III*, pp.49–66; and Glorieux, 'Prelats français'.

[35]Benjamin Z. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', *Bulletin of Medieval Canon Law*, NS 2 (1972), pp.17–32, especially at 21.

[36]Leff, *Paris and Oxford*, pp.104–5.

[37]A. G. Little, 'The Friars v. The University of Cambridge', *EHR* 50 (1935), pp.686–96; Moorman, *Grey Friars*, pp.35–8; Patrick Zutshi and Robert Ombres, 'The Dominicans in Cambridge,1238-1538', *AFP* 60 (1990), pp.313–73, at 322–3.

unusually strict English interpretation of *Super cathedram* he could refuse permission to any mendicants who wished to preach in his parish.[38] Because the sermon was a mandatory requirement for candidates for the theology degree, candidates from the friaries would effectively lose their ability to incept if permission were consistently withheld, with potentially catastrophic effects for the long-term existence of the mendicant *studia* within the university.[39]

Admittedly, the Oxford Dominicans did not offer the same justification of their decision to appeal the transfer of the university sermons, maintaining instead that their own churches were quieter and more suitable preaching spaces, and that there was simply no need to change these 'time-approved customs'.[40] But it is significant that they only raised a formal complaint nearly ten years after the contested statutes were first introduced – for the Oxford appeal followed very soon after the reinstatement of *Super cathedram* by Clement V in May 1312, which superseded the more relaxed licensing requirements introduced by the Dominican Benedict XI's bull *Inter cunctas* (February 1304). Benedict still required the friars to obtain permission from diocesan bishops to both preach and hear confessions, but he emphasised that they did not require a further licence at the parochial level. And, although he certainly *advised* mendicant preachers and confessors to seek the priest's permission, *de facto* the friars once again enjoyed almost total discretion over their pastoral activities in parishes.[41] For this reason, perhaps, the Oxford friars did not appeal the new statute earlier – the potential for licensing difficulties associated with the transfer of inception sermons to St Mary's had receded with the appearance of *Inter cunctas* just a few months later. But this potential re-emerged when the papal *status quo* in relation to privileges changed again in 1312, and so the friars attempted to preserve their candidates from the possibility of being refused permission to preach at the whim of the priest at St Mary's. Furthermore, although the Oxford Dominicans did not draw a link between the location of the inception sermons and the potential for difficulties caused by priestly licensing

[38]Moorman, *Grey Friars*, p.36, opines that 'it was mainly on this issue' of preaching that the Cambridge mendicants appealed.

[39]Little, 'The Friars v. The University of Cambridge', pp.686–7; Moorman, *Grey Friars*, pp.36–7.

[40]Rashdall, 'Friars Preachers', pp.225–6.

[41]Friedberg, ii, col. 1298.

requirements, elsewhere in the appeal they objected to other statutes which offered scope for similarly arbitrary decision-making; notably the special grace through which mendicant candidates for the theology degree were granted leave to incept despite not having a degree in arts, which could be (and apparently was) withheld if a single master refused to endorse it.[42]

The papal arbitrators who passed judgement over the Oxford Dominicans' appeal did not unilaterally abolish the preaching requirement, although they did implement a reciprocal arrangement whereby all theology candidates were required to preach in the Dominican convent as well as at St Mary's; they may have hoped to balance the mendicants' obligation to seek permission from the priest at St Mary's with a power to refuse other candidates in theology from delivering a sermon in their own churches.[43] They did, however, introduce stricter measures concerning the special grace, to prevent mendicant candidates from being refused arbitrarily.[44] Nonetheless, unlike the Cambridge appeal, which modern scholars usually characterise as a 'victory for the friars', the settlement reached at Oxford is usually regarded as a victory for the university, for many of the contentious statutes were simply affirmed without alteration.[45]

It is unquestionably important for Trevet's final quodlibet that he was disputing in the wake of the Oxford appeal. Yet the fact that so many of the unfavourable statutes were issued during the first decade of the fourteenth century would suggest that Trevet's first regency was also affected by tensions between the Blackfriars *studium* and the university, at least to some degree. While it is hard to find concrete evidence, the English clergy's unusually stringent interpretation of *Super cathedram* implies the existence of a more widespread opposition to the mendicant orders; and it certainly appears that the secular masters at both Oxford and Cambridge used this as an opportunity to introduce new curbs on the relatively free access of mendicant candidates to the theology degree. The resulting institutional tension came to a head earlier at Cambridge, and more

[42]Rashdall, 'Friars Preachers', p.225.
[43]Ibid., p.270.
[44]Ibid., p.271.
[45]For the Cambridge appeal, see Zutshi and Ombres, 'Dominicans in Cambridge', p.322; Moorman, *Grey Friars*, p.38; and Little, 'The Friars v. The University of Cambridge', p.688; and for Oxford, see Rashdall, 'Friars Preachers', p.215; Gelber, *Otherwise*, p.40.

successfully for the friars; but it continued to simmer away at Oxford despite the temporary reprieve offered by *Inter cunctas*, as the university explored other statutory measures by which to restrict the freedoms of the university's mendicant contingent.

Quodlibets I-V

The impact of papal legislation regarding mendicant privileges is detectable not only through the university statutes, which shaped the institutional background of Trevet's first regency, but also through the contents of his theological teaching. This is especially true of the five quodlibetal disputations over which he presided during this period. Precisely because the quodlibetal genre was characterised by the latitude it granted to anyone (*a quolibet*) to ask about anything they wanted (*de quolibet*), it serves as a veritable 'barometer…of the university atmosphere', and a rich source of insight into the most pressing interests and concerns of theologians in the schools.[46] While most of the questions which Trevet disputed during these earlier *quodlibeta* deal with areas of speculative theology, he was also asked a number of questions of a distinctly ecclesiological nature which cast light on his attitude to the mendicant orders and their place in the Church.

The Friars in the Confessional

Probably the most concrete context in which Trevet was asked to discuss subjects of a moral or ecclesiological nature was that of confession. Despite Benedict XI's hopes to bring resolution to the disputes over mendicant privileges, *Inter cunctas* itself inspired a fresh wave of conflict between the religious orders and the secular clergy which coincided with Trevet's third quodlibetal disputation, which has an unusual preponderance of questions on mendicant confession. Trevet determines six questions on the subject, some of which invited the exploration of confession through hypothetical scenarios or 'cases of conscience', while others dealt with issues surrounding recent papal pronouncements on mendicant participation in pastoral care. However, even the

[46] Jacqueline Hamesse, 'Theological *Quaestiones Quodlibetales*', in Chris Schabel (ed.), *Theological Quodlibeta in the Middle Ages: The Thirteenth Century* (Leiden, 2006), pp.17–48, at 46; Glorieux, *La littérature quodlibétique*, i, pp.20–39; John F. Wippel, 'Quodlibetal Questions, Chiefly in Theology Faculties', in Bernardo C. Bazàn et al. (eds.), *Les questions disputées et les questions quodlibétiques dans les facultés de théologie, de droit et de médicine* (Turnhout, 1985), pp.153–222.

hypothetical scenarios which Trevet was asked to discuss had certain polemical undertones, for they tended to presuppose wrongdoing on the part of a confessor – often a wrongdoing that was founded on his affiliation or association with a religious order. As such, these questions reflect many of the same disagreements over the efficacy of mendicant participation in the pastoral sphere which had been the focus of secular-mendicant disagreement for decades, although they reached fever pitch in the final decades of the thirteenth century.[47]

In the immediate aftermath of *Inter cunctas*, Trevet was asked to determine a hypothetical scenario in which a religious with a privilege to hear confessions then attempts to impose a penance that would prevent the penitent from confessing to anyone other than him or someone else from the confessor's own order.[48] He duly sets out the arguments for and against the proposition: while the religious confessor may seem to err because he should only institute penances as a balm for charity and not as a means of securing selfish or uncharitable ends, nonetheless it is permissible for a confessor to honour his own ecclesiastical state when issuing a penance.[49] While Trevet ultimately concludes in the affirmative, arguing that the penance is erroneous because it appears to invite 'dangers and the greatest damnation', he does not comment on whether it is legitimate to attempt to bring a penitent under the sole supervision of a single order. Instead he imagines a scenario in which the repentant sinner, constrained by such a penance, subsequently commits a sin from which another confessor could more swiftly absolve him. The penance would seem to preclude the penitent sinner from seeking out such help; hence, 'such a penance would inhibit the salvation of the penitent, and so it would endanger them'[50] – or even damn them:

[47]Pierre Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge* (Louvain, 1962), pp.11–12; Joseph Avril, 'Remarques sur un aspect de la vie paroissale: La pratique de confession et de la communion du X^e^ au XIV^e^ siècle', in *L'encadrement religieux de fidèles au Moyen-Âge et jusqu'au Concile de Trente. La paroisse – le clergé – la pastorale – la dévotion. Actes du 109^e^ congrès national des société des savantes, Dijon, 1984. Section d'histoire médiévale et de philologie*, i, 2 vols. (Paris, 1985), pp.345–63; Leonard E. Boyle, 'The Constitution *Cum ex eo* of Boniface VIII: Education of Parochial Clergy', *Mediaeval Studies* 24 (1962), pp.263–302; Murray, 'Historical Source', pp.285–6.

[48]MS Basel B IV 4, f.21va-b (Q.III q.28): 'Posito quod aliquis confiteatur alicui religioso habenti confessendi potestatem, et ille religiosus loco poenitentiae iniungat confesso quod numquam confiteatur alii quam sibi dum vixerit, vel si de humanitas eo contigerat non alicui nisi de religione sua, utrum ista poenitentia fuerit erronea'.

[49]Ibid., f.21va-b.

[50]Ibid., f.21vb: 'per talem poenitentiam praecludet sibi qualem prudentiorem confessorem et salubrius consilium, unde talis poenitentia derogat saluti poenitentis, et ita est ei periculosa'.

> The penitent would evidently damn themselves, for many times they would understate the crime of their sin out of embarrassment. They therefore would exclude themselves from their due punishment because of such a penance, by which the penitent is prohibited from confessing to someone else, which is injurious to the penitent. And so it seems that such a penance should in no way be imposed, because it is incompatible with the end which [confession] ought to achieve, namely, the salvation of the person confessing.[51]

Thus, rather than focussing on the confessor's attempt to prevent the penitent from making recourse to other confessors, Trevet's response taps into a well-worn theme in the confessional literature: the salutary function of shame or embarrassment.[52] The mendicants often used a variation on this argument to justify their participation in confession, arguing that a penitent would be more likely to feel embarrassed and understate their crime to their parish priest, whom they knew intimately, than to someone less familiar, like an itinerant religious.[53] Yet Trevet suggests that the reverse might also hold true, and that the confessor in a position of excessive familiarity might not be a parish priest but a religious. Indeed, the increased risk of embarrassment and its potentially dangerous ramifications are his main justification for concluding that such a penance is erroneous. However, he does not offer this conclusion as a concession to opponents of mendicant participation in confession, but as evidence for the pastoral benefits of employing several confessors within a single parish.

The two other *quaestiones* on confession from the third quodlibet focus less plainly on the pitfalls of religious participation in the confessional as an offshoot of pastoral

[51] Ibid., f.21vb: 'patet quod est ipsi poenitenti dampnosa, quia confessio factam pluribus ratione erubescentiae, multum deminuit de poena peccanti; sed ista deminutio poenae excluditur per poenitentiam praedictam quae prohibitur confessens aliqui quilibet, et illa est dampnosa poenitenti. Et ideo talis poenitentia nullo modo est iniugenda eo quod repugnat fini quam debet intercedere, scilicet saluti confitentis.'

[52] Campbell, *Landscape of Pastoral Care*, pp.148–51. Indeed, Mary C. Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France* (Ithaca, NY and London, 1995), pp.78–91, demonstrates that much of the legislation which developed around the provision of confession deliberately magnified the public dimension of the act, for instance, by encouraging priests to hear confession in a conspicuous place within their churches.

[53] As Aquinas put it: 'Experience teaches that some people will cease going to confession if they cannot confess to anyone other than their own priest; and this is out of shame (*verecundiam*), because they are embarrassed to confess their sins to somebody they talk to every day.' Thomas Aquinas, *Contra impugnantes Dei cultum et religionem*, Opera Omnia iussu Leonis XIII 41A (Rome, 1969), c.4; Campbell, *Landscape of Pastoral Care*, p.157, emphasises that familiarity with local clergy also played a role in the nature of the penance administered, for '[t]he parish priest was more likely to know the personalities and social contours involved and the circumstances according to which an action's relative virtue or viciousness needed to be measured.'

rivalry between the friars and the secular clergy. They have instead a markedly moral or practical dimension, such that they can be described – in Emily Corran's words – as 'practical, moral dilemmas which are particularly relevant to responsible churchmen' who had 'a preference for difficult circumstances', but which ultimately 'do nothing to improve on the [solutions offered by] pastoral manuals'.[54] Yet the polemical circumstances that occasioned the asking of these questions affected their moral dimensions no less than the customary way in which they tended to be dealt with. For this reason, while the other five *quaestiones* dealing with confession certainly help to flesh out Trevet's understanding of these issues within the conventional parameters of the pastoral literature, they also shine a light on the polemical dimension of mendicant privileges at Oxford in the wake of *Inter cunctas*.

This is clear from the earlier of these two questions, where Trevet considers whether a confessor can induce a penitent to finalise his burial arrangements as part of the penance imposed.[55] This directly relates to the second part of *Inter cunctas*, which permitted mendicant orders to enjoy fuller rights of participation in lay funerary arrangements by releasing friars from the obligation to pay the local priest a quarter of all the fees they earned from their participation in the burial and a quarter of the value of all gifts and endowments left to mendicant convents and their individual members – measures which had been implemented in *Super cathedram* to address priestly complaints that mendicant burials deprived parish priests of the customary sepulchral fees.[56] Although Benedict reversed this requirement, he exhorted the friars to encourage penitents seeking a religious burial to make a fair allocation to 'their own priests and the priests of the parish'.[57] Again, Trevet avoids wading into the polemical issues associated with this question. He simply states that someone might decide their

[54]Emily Corran, '"Better to let scandal arise than to relinquish the truth": The Cases of Conscience of the Masters of Paris in the Thirteenth Century', in Antonia Fitzpatrick and John Sabapathy (eds.), *Individuals and Institutions in Medieval Scholasticism* (London, 2020), pp.217–34, at 224.

[55]MS Basel B IV 4, f.21va (Q.III q.27): 'Utrum confessor possit inducere confitentem ad eligendum sibi sepulturam'.

[56]Friedberg, ii, cols. 1299–1300; cols. 1163–4. For the right of sepulchre, see Michael M. Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto, 1963), pp.120–35; and Thomas M. Izbicki, 'The Problem of Canonical Portion in the Later Middle Ages: The Application of *Super Cathedram*', in *Proceedings of the Seventh International Congress of Medieval Canon Law*, Cambridge, 23–27 July 1984, ed. Peter Linehan (Vatican City, 1988), pp.459–73.

[57]Friedberg, ii, col. 1299.

burial arrangements either by choosing for themselves, entailing the exercise of their free will, or else by being induced to make a vow or oath, which would limit the power to choose for themselves. He argues that the latter method of inducement is illegal, since it opposes the principle – common to both canon and civil law – that the individual enjoys free rein over their last will ('*ultime voluntatis*').[58] By way of illustration, Trevet cites the canon *Animarum periculis*, in which Boniface VIII forbade any confessor from inducing someone to make a vow or an oath regarding their sepulchral rights because this compromised their free will to choose their desired burial arrangements.[59]

In the second question, Trevet contends with the inviolability of the seal of confession – can a priest flee if he hears a confession from one of two people conspiring to murder him, or would this action violate the seal?[60] This question is more reminiscent of the casuistical style of many confessors' manuals, for it invites Trevet to resolve an apparently intractable situation by weighing up the positive and negative aspects of two seemingly mutually opposed outcomes.[61] While Trevet refuses to discount flight as a legitimate course of action, he asserts that the confessor should first enjoin the penitent to entreat their co-conspirator to abandon the plan. If the penitent obeys and succeeds, they will have secured their own spiritual salvation as well as the confessor's corporeal salvation. The confessor is permitted to flee in the event that the penitent refuses to obey, for the penitent will thereby have made a false penance: as such, it is more important for the priest to procure his own salvation than to uphold the seal of confession in a scenario where the penitent remains incorrigible.[62]

Trevet had twice discussed the seal in other, more generic questions disputed during the second quodlibet. In the first, he assessed whether a breach of the seal is

[58]MS Basel B IV 4, f.21va.

[59]Sext. 3.12.1, in Friedberg, ii, cols. 1045–6.

[60]MS Basel B IV 4, ff.21vb-22ra (Q.III q.29): 'Posito quod duo conspirabant in mortem sacerdotis, facientes solicitare iter cum eis, et unus confessus fuerit sacerdoti peccatum suum, utrum liceat sacerdoti fugere.' For the seal, see Murray, 'Historical Source', pp.281–4; and Chiffoleau, '"Ecclesia de occultis non iudicat"', pp.381–6.

[61]Emily Corran, *Lying and Perjury in Medieval Practical Thought: A Study in the History of Casuistry* (Oxford, 2018), p.13.

[62]MS Basel B IV 4, f.21vb. Trevet's response mirrors Henry of Ghent's treatment of so-called 'righteous fleeing' (albeit in the context of the confessional, rather than the secular courts), which may be the earliest to emphasise an individual's natural right to survival. Brian Tierney, 'Natural Rights in the Thirteenth Century: A *Quaestio* of Henry of Ghent', *Speculum* 67 (1992), pp.58–68.

dangerous; in the second, whether a priest could breach the seal when his own spiritual – as opposed to corporeal – salvation is at stake.[63]

The latter question envisages the priest in a position of knowledge of a mortal sin, which he cannot confess without explicitly identifying the sinner. This dilemma appears insoluble, for if the priest fails to confess then he risks condemning his soul for eternity; but if he makes the confession, he would be breaking the seal and thereby similarly damn himself.[64] Trevet cuts through this Gordian knot by asserting that the question is void because it presents an impossible scenario: it could never be the case that a confession based on knowledge of someone else's sin would require that the sinner be identified, and so the priest can reveal his knowledge of the sin without violating the seal (that is, by refusing to reveal the sinner's identity). In this case, as in other instances of delation, it is not necessary to identify anything except those things which burden the conscience of the penitent themselves.[65] By contrast, Trevet accepts that the scenario in the other question is plausible. It seems *prima facie* that a priest who reveals the contents of a confession is a liar because he has already broken an essential condition of confession: namely, that he will not divulge what has been confessed to him.[66] Yet the opposing view holds that a priest presides over confession '*in persona Dei*' but subsequently exercises the priestly keys to administer a penance or discloses a sin '*in persona propria*'.[67] Trevet states that the confessor may discuss the confession in the form of a story or hypothetical scenario without infringing the seal, for this is not contrary to the spirit of the condition by which the confessor promises not to reveal the sin. Only if the confessor divulges the sin in such a way that the sinner could recognise themselves and their own sin would this constitute a breach of the seal and render the confessor a liar.[68] These two questions are therefore mutually compatible: in both, Trevet

[63]MS Basel B IV 4, f.7vb (Q.II q.16): 'Utrum sacerdos revelans peccatum sibi confessum mentiatur perniciose'; ff.7vb-8ra (Q.II q.17): 'Posito quod sacerdos in periculo mortis habeat conscientiam mortalis peccati quod non possit conficeri nisi revelando persona sibi confessam, utrum circa debeat confiteri vel non'.

[64]Ibid., ff.7vb-8ra.

[65]MS Basel B IV 4, f.8ra.

[66]Ibid., f.8ra; see also Murray, 'Historical Source', pp.284–6.

[67]For the keys, see Tierney, *Conciliar Theory*, pp.25–36; and Bernhard Poschmann, *Penance and the Anointing of the Sick*, trans. Francis Courtney (Freiburg and London, 1964), pp.145–9, especially 147.

[68]MS Basel B IV 4, f.7vb. This is consistent with Murray's assertion that confessors saw nothing intrinsically wrong in describing what had been confessed to them for didactic purposes, especially if the penitent subject of their sermons was unlikely to discover the revelation. Murray, 'Historical Source',

emphasises that a breach of the seal only occurs when the confessor provides enough information for the sinner to be identifiable.

Finally, Trevet examines both the seal of confession and the person in which a confessor acts in his fifth quodlibet, when he discusses whether a priest who has heard someone confess to committing murder in his church could lawfully celebrate mass there or whether a refusal would constitute a breach of the seal.[69] The opposing opinion states – contrary to the assertion that the murder would pollute the church and so preclude the celebration of mass – that a confessor who has knowledge of something through confession 'does not have true knowledge (*nescit vere*)', and so can safely continue to use the defiled church.[70] In keeping with his response to the previous question, rather than distinguishing between the two persons in which the confessor participates, Trevet differentiates between the private and public *fora* in the Church and argues that 'one and the same judge can and should render different judgements' in both. He asserts that a sin which is known only within the private forum of confession does not bear on the public forum in which the mass is celebrated, and which a priest is obliged to perform.[71] This is not to say, however, that the priest should not believe the substance of a confession – for 'he should believe the things spoken to him in confession to be absolutely certain' – but only that he should respect the distinction between the public and private spheres, and thereby continue to act in the public forum of the mass as though he were unaware of revelations that had been confessed privately.[72]

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pp.299–300.

[69]Ibid., ff.46vb-47ra: 'Utrum sacerdos sciens aliquem interfectum in ecclesia per confessionem interfectoris possit in ea licite celebrari'.

[70]Ibid., f.46vb: 'quanto aliquis vere nescit aliquid tale in ecclesiam potest in ea licite celebrare, sed quod aliquis per confessionem scit vere nescit, ideo talis potest licite in illa ecclesiam celebrare.'

[71]Ibid., ff.46vb-47ra: 'dicendum quod in ecclesiam sunt duo fori, privatus et publicus. Qui sit se habent adiungentem quod allegata secundum unum forum non habent virtutum in alio foro, unde unus et idem iudex potest facere et debet secundum iustitiam oppositum iudicium de eodem in foro publico et privato, propter opposita allegata in uno et in alio sicut apparet in casu quando aliquis duxit per verba deponenti in privato et aliam in publico. Unde quia celebrare missam in ecclesiam est actus publicus et specialis ad forum publicum, non debet circa aliquem immutari propter id quod allegatur in foro privato; et id videtur quod si non aliunde constet de pollutione ecclesiam nisi per confessionem potest in ea licite celebrare, et in tenetur si sit ad serverendum ecclesiam obligatus.' The fundamental study of the two *fora* is Stephan Kuttner, '*Ecclesia de occultis non iudicat*: Problemata ex doctrina poenali decretistarum et decretalistarum a Gratiano usque ad Gregorium PP IX', in *Acta congressus iuridici internationalis a decretalibus Gregorii IX et XIV a codice Iustiniano promulgatis Romae 12-17 Novembris 1934*, iii, 4 vols. (Rome, 1935–7), pp.227–46, especially at 229-30.

[72]Ibid., f.47ra: 'hiis quae dicuntur sibi in confessione, quae credere certissime, ut scilicet illa ferat iudicium privatum sed non tenetur eis credere ut secundum segregat materialibus publicis, sed se debet post habere tamquam nesciens'.

This sequence of questions on confession reveal that Trevet dealt with the subject in various ways in order to respond to the issues raised by his audience. On the one hand, the questions touch upon particular perspectives, especially the inviolability of the seal of confession, in the more conventional manner of a theology master whose expertise was being called upon to clarify points of practical or pastoral doctrine. On the other hand, he was compelled to discuss confession against a more immediate and controversial backdrop of recent papal privileges. What is striking here is that Trevet appears to have studiously avoided disparaging either the friars' role as confessors or the pastoral prerogatives of the secular clergy. In much the same way that scholars have tended to regard Trevet's quodlibet from his second regency as proof of his disinclination to court controversy, so in these earlier *quodlibeta* he seems to be dealing rather impartially with competing claims in relation to the care of souls.

The Religious Vow, Hierarchy, and Perfection

Other quodlibetal questions from Trevet's first regency give further insight into a range of more general ecclesiological concerns, beyond the immediate issues raised by *Inter cunctas*. These, too, offered him ample scope to address issues pertaining to the rightful powers and the relative perfection of different ecclesiastical orders, not least the differences between the mendicant orders and the secular clergy. The subject of hierarchy presents a prime example. Trevet's discussion of hierarchy in the early *quodlibeta* is not confined to a simple comparison between the secular and mendicant orders – indeed, he directly touches upon this relationship only in one early question, which examines whether the state of possessing ecclesiastical goods differs between regulars and priests in accordance with their different *status*.[73] Nonetheless, he also deals with the secular-mendicant relationship more implicitly in a question concerning the character of acts performed under vow.[74]

The question about the status of ecclesiastical goods provoked by far the most detailed response of any of his ecclesiological *quaestiones*, and Trevet's answer

[73]Ibid., ff.62vb-63va (Q.I q.25): 'Utrum status praelati habentis omnia bona ecclesiastica differat a statu religiosi quantum ad statum.'

[74]Ibid., f.23ra (Q.III q.34): 'Utrum idem opus factum ex voto sit magis meritorium quam factum sine voto.'

underpins much of his other teaching about ecclesiastical states – particularly the relative power of superior and inferior prelates, which he discussed in the very next question. In considering the place of temporal goods in the context of different ecclesiastical states, Trevet is not constrained – as his Franciscan contemporaries were – by the ideological requirement to defend a state of absolute individual and common poverty in religious life, and so he mentions merely incidentally that the regular state entails individual, but not common, poverty.[75] Nonetheless he is careful to emphasise his conformity to certain papally mandated orthodoxies concerning religious poverty, particularly the inherent virtue of abdicating temporal goods, which Nicholas III had set out in *Exiit qui seminat* (1279). As such, Trevet asserts that:

> the renunciation of all property for the Lord [...] both individually and in common is meritorious and holy; which Christ, showing the way to perfection, taught by word and strengthened by example.[76]

Trevet does not frame this instance of papal endorsement of the Franciscan *modus vivendi* as an ideological defeat for his own order, however. He neatly sidesteps this potentially thorny issue by asserting that the observance of absolute poverty is simply a variation on the common theme of all religious vows, which only establishes the state of individual poverty as a minimum requirement due to the vow of poverty.[77]

Still, Trevet acknowledges that the possession of ecclesiastical goods can be ascribed differing degrees of virtue in relation to other states within the ecclesiastical hierarchy. While he identifies obedience, continence, and voluntary poverty as the substantial perfection of the religious state, he clarifies that religious perfection is not defined by these virtues *in genere* (since all Christians ought, for example, to be obedient) but insofar as the religious state stipulates the highest degree of adherence to these virtues. For example, religious life demands perfect obedience via the complete subjugation of the individual will – hence Boniface VIII had forbidden a friar from naming his own executor without first obtaining a special licence from his superior,

[75]Ibid., f.63ra: 'sed statui religiosorum omnino repugnat habere bona *propria* data', emphasis mine.

[76]Ibid., f.63ra; citing Sext. 5.7.3, in Friedberg, ii, cols. 1109–21, at 1112. Nicholas concluded *Exiit* by affirming the absolute poverty of the apostles, and prohibiting any future debate on that issue.

[77]MS Basel B IV 4, f.63ra.

which Trevet regards as proof of the absolute subjection demanded of religious by the vow of obedience.[78] Although members of the secular clergy are also obliged to obey their ecclesiastical superiors, and more strongly than a layperson are bound to their own superiors, clergymen themselves occupy a superior state in which they retain a degree of self-determination.[79] The same is true of continence: religious are required by the vow to observe complete chastity, whereas prelates are required only to avoid bigamy (for priests in the eastern Church may live in married continence, demonstrating that complete chastity is not an essential component of the priestly state).[80] Finally, Trevet argues that religious are also held to a higher standard of observance than prelates with regard to poverty. For while, theoretically, prelates only retain common goods – which *sensu stricto* belong to the Church and not to the prelate himself – it is nonetheless permissible for a priest to possess goods of his own without contravening the priestly state.[81] Trevet proves this proposition with reference to prelates who appoint heirs to inherit property over which they enjoy a personal claim.[82] By contrast, religious are totally forbidden from receiving personal goods because the vow entails the complete abdication of personal property, which precludes, by extension, the power to dispense goods.[83] In short, Trevet regards perfect poverty as an essential distinguishing characteristic of the regular life, but by no means its only or chief characteristic – all three component virtues of the vow and their enactment to a perfect degree serve to mark out the religious life, and together provide the scaffolding for the religious state.

Trevet considers other aspects of the religious vow in his quodlibetal questions. For example, he examines whether the same act is more virtuous if performed under a vow, a question which had been hotly contested during the secular-mendicant

[78]Ibid., f.62vb: 'dicit Bonifacius VIII: "religiosus exsecutor ab aliquo in sua ultima voluntate deputatus non potest omne velle et nolle propriarum, nec habeat hiis officium suscipere vel exequi nisi a suo superiori petita licentia et obtenta"'; citing Sext. 3.11.2 ('*Religiosus*'), in Friedberg, ii, col. 1045.

[79]MS Basel B IV 4, f.62vb: 'Huius autem obedientia non requiritur in statu praelatorum ratio suorum superiorum, quamvis maiori vinculo obedientiae affigantur superioribus suius clerici quam laici.'

[80]Ibid., ff.62vb-63ra.

[81]Janet Coleman, 'Are there any Individual Rights or only Duties?', in Virpi Mäkinen and Petter Korkman (eds.), *Transformations in Medieval and Early-Modern Rights Discourse* (Dordrecht, 2006), pp.3–36.

[82]Ibid., f.63ra: 'non repugnat statui praelatorum habere bona propria, sicut patet de illis qui sunt cum bonis ecclesiae habent hereditates suas'.

[83]Ibid., f.63ra; citing X 3.35.6 ('*Cum ad monasterium*'), in Friedberg, ii, cols. 599–600, which not only demands that monks abdicate all personal goods in fulfilment of the rule, but even forbids the pope from issuing a licence waiving this obligation. See the parallel in Aquinas, *Secunda Secundae*, Q.86 a.11.

disputes.[84] In the *Secunda Secundae*, for example, Aquinas had argued that an act performed under vow is superior for three reasons: because a vow itself is an act of the highest form of worship (*latria*); because someone who acts to fulfil a vow subjects himself more completely to God; and because a vow roots the individual's will more resolutely in goodness.[85] Trevet's response depends heavily on Aquinas's exposition in the *Summa* – for example, he recycles Aquinas's reference to Anselm's analogy of the superiority of giving both a tree and its fruit instead of just the fruit, to illustrate the superiority of an act underpinned by a vow.[86] A further Thomist assertion – that a vow more completely roots the individual will in a state of perfect goodness – is also crucial to Trevet's exposition, for he argues that a vow increases the merit of an act. The religious vow confers a superior status on virtuous acts because it fixes the will on the ultimate end of the action and confers on it a virtuous character. Trevet describes this amplification in terms of the infusion of *stabilitas* or fixedness, a quality that he juxtaposes with the autonomous freedom inherent in acts performed without a vow; the contrast between these qualities is the locus of the arguments *pro* and *contra*.[87] Thus, when Trevet describes the threefold vow as constitutive of the substantial perfection of religious life, he clearly does not regard that perfection purely in terms of the greater extent to which religious enact the related virtues, but also in terms of the heightened virtuous character conferred by the fixed will associated with the vow.

In two other questions, Trevet elaborates upon his conception of the religious vow as a binding obligation. In the first, he deliberates whether a religious should give up his state to assist his parents in dire need, in accordance with the divine mandate to 'honour your father and mother' (Exod. xx:12). Trevet concludes in the negative, for, while a religious may seek a licence from his priest to leave the monastery temporarily, he

[84] See chapter two, p.143.

[85] Aquinas, *Secunda Secundae*, Q.88 a.6; Q.189 a.2.

[86] MS Basel B IV 4, f.23ra: 'qui operatus ex voto illi qui dat arborem cum fructu; quod vero opus operatur sine voto qui dat fructum sine arbore: voluntas figurat per arborem et opus eius per fructum. Unde est illud opus similis labor bona fructus bonus facit unde sicut plus dat plus meretur qui dat arborem cum fructu quam qui dat fructum'; citing Anselm of Canterbury, 'De humanis moribus per similitudines [De similitudinibus]', in Richard W. Southern and Franciscus S. Schmitt (eds.), *Memorials of St. Anselm* (London, 1969), pp.37–104, at 73–4 (c.84: 'Similitudo inter monachum et arborem').

[87] MS Basel B IV 4, f.23ra: 'Respondeo ad istam quaestionem quod opus ex voto est magis meritorium, et hoc dicitur declaratio pro sic quia promitium merendi in nobis est voluntas; unde quanto aliquid opus fit bonum ex maiori voluntate, tanto magis erit meritorium. Sed magis voluntarie agit quae non solum impendit sine voto, sed in ipsam voluntatem quod facit quae agit ex voto.'

cannot completely abandon the religious life without becoming an apostate.[88] Although the vow prevents a religious from permanently exchanging the more perfect state epitomised by the religious life for a lesser state, this vowed obligation does not directly contravene his divinely mandated duty towards his parents, whose needs he may relieve temporarily – 'one good need not impede another'.[89] For Trevet, then, this is not inevitably a question of choosing between two incompatible opposites but rather of properly negotiating two virtuous obligations; although the religious life is ultimately to be preferred.

In the second question, Trevet determines whether a religious who has died and been resurrected would still be required to uphold his vow. He notes that there is disagreement as to the obligation conferred by the vow, namely, whether it binds the soul or the body: while some people maintain that it binds the soul and so would carry over into a resurrected state, others claim that it binds only the body and so would cease at the moment of death.[90] Trevet is inclined to agree with the latter interpretation, albeit with certain caveats. Unlike the *vinculum matrimonii*, which only binds the body and therefore permits remarriage after the death of a spouse, Trevet argues that a religious vow binds the soul and thus cannot be set aside in a case of mortal resurrection (that is, any corporeal resurrection that occurs prior to the Last Judgement). While this is chiefly due to the fact that the soul endures across the living, dead, and resurrected states, and thus is not severed by the death of the body, the obligations that pertain between a religious and his priest also play a role. In the same way that the soul endures, so does the priestly office – for it is to that office, rather than its particular incumbent, that the

[88]Ibid., ff.33rb-va: 'Et ideo dico quod religiosus pro sustentatione parentum non debet exire religionem suam, quamvis possit de licentia praelati vel in aliquo casu [praeter] licentiam praelati exire monasterium cum propositio redeundi secundum debitum obedientiae pro sustentatione parentum nec propter hoc exiret religionem aliquo modo procuranda, nec propter hoc exiret religionem suam vel obligationem ad claustrum; et si mutaret habitum in casu cum non habeat intentionem apostolandi.'

[89]Ibid., f.33rb: 'advertendum est quod religio secundum quam divino cultui astringitur et [pietas] secundum quam ex divino praecepto ad honorem parentum sint virtutes et habeant rationem boni, non possunt virtutem conservari ita quod actus unius impediat actum alterius: quia bonum bono non est contrarium.'

[90]Ibid. f.23ra: 'dicunt aliqui quod cum vinculum religionis sit vinculum spirituale tale aut vinculum manet quamdiu manet spiritum; unde cum per mortem corporis non dissolvatur spiritum non dissolvitur illud vinculum, et ideo resurgens tenetur vinculo spirituali religionis. Aliis autem videtur quod non tenetur vinculo religionis, quia quando aliqua condonatur obligatio per certum termini expleto terminatio cessat obligatio; sed obligatio religiosorum condonatur per certum termini, scilicet usque ad mortem, et ideo expleto terminatio per mortem cessat obligationi; unde scilicet istos religionas resurgens non obligatur ad religionem.'

religious remains subjected 'for as long as he [himself] remains in the world (*quamdiu est viator*)'.[91] Because the *vinculum religionis* is associated with the priestly office rather than the priestly person, it is not based on the corporeal lifetimes of the two parties in the way that the *vinculum matrimonii* is. A religious vow endures beyond the lifetimes of the religious himself and the priest who oversaw his profession – that is, the bond is not terminated or otherwise affected by the death of the religious or the original priest.

> By the *vinculum religionis*, [a religious] is bound by his own will and for his whole life; and not only to the single [priest] to whom he subsequently remains subject, but to different priests successively, so that he remains bound to one [priest] and to his successors in the same office. For a religious is not bound by his profession insofar as [the priest] is an individual, but insofar as he holds the priestly office, the life of which is perpetual.[92]

As such, Trevet argues that a religious vow is not directly comparable to a marital vow, which depends solely on the bodily subsistence of the individual spouse. He draws one final distinction between mortal and immortal resurrection. He finds that mortal resurrection does not fundamentally alter a religious insofar as he remains a *viator*, for the simple resurrection of the body does not entail the assumption of a state that is additional to or different from that which a person has in the world. As such, Trevet argues that the religious vow would continue to endure for a religious who had died and returned to life in a straightforward way, similar to the way in which Lazarus had been resurrected. But if a religious enters the state of immortal resurrection occasioned by the Last Judgement, then this seems to Trevet to reflect the attainment of a state 'beyond this world (*extra viam*)', which frees the religious from the constraints under which he made

[91]Ibid., f.23ra-b: 'Et ideo dico quaestionum dicendo distinguendo quia resurrectio ista vel sit ad viam mortalem sicut fuit resurrectionem Lazari, vel ad vitam immortalem quam speramus resurrectionem generalem futurum; sic primo modo dicendo quod sic resurgens obligatur vinculo religionis, secundo vero modo non. Cuius religiosus est vinculum enim religiosorum ad hoc ordinatur ut quamdiu viator certius et melius in via morum dirigatur. Ad hoc enim in principi institutur praelato et subdito et ideo quam est viator manet, hoc vinculo obligatur; sed mortems et resurgens primis non constitutur extra statum viatoris tamquam compromisso interio, et respondeo non indiget diri in via, quia alia est extra viam, propter quod vinculo religionis non manet obligatus.'

[92]Ibid., f.23rb: 'vinculum religionis obligatur ipsam voluntationem, et hoc quantum ad totam vitam, et non tamen uni personem qua post sublata singulis sed diversis in praelationem succedentibus, ita quod sublata una manet obligatus aliter succedenti in eodem officio; quia non obligatur personem in quam hoc persona sed in quam habet officium praelati, quod scilicet vitam istam est perpetuum.' This implies that Trevet conceives of the priestly office as a legal person.

his former vow.[93] In short, the religious vow binds only so long as the religious endures in the mortal state; the obligations associated with the vow cease when the religious attains his immortal resurrection.

These three questions contribute significantly to a fuller picture of Trevet's understanding of hierarchical states. The quality of *stabilitas*, which a vow confers, binds religious until the Last Judgement in accordance with the dependence of the *vinculum religionis* on the priestly office. Through the addition of this *stabilitas*, the threefold religious virtues of voluntary poverty, chastity, and obedience are further elevated to a state of the highest perfection, from which no religious is permitted to decline to a less perfect state. Furthermore, Trevet's understanding of the *vinculum* as a bond between the priestly office and the religious state reveals that he implicitly prioritises obedience over either chastity or poverty. As such, he conforms to the distinctively Dominican conception of the primacy of obedience, in stark contrast to the Franciscan tendency to prioritise poverty.[94]

In his questions concerning the vow, Trevet does not explicitly ascribe perfection to the religious virtues on the basis of their conformity with the virtues associated with the *vita apostolica*. It is clear from the other questions, however, that he does regard the two states as analogous, albeit not simply due to the coincidence of the core virtues of chastity, poverty, and obedience. In the question concerning the possession of ecclesiastical goods, Trevet explores the differences between different states in the Church, especially the means by which different forms of the clergy may be distinguished. He argues that certain interlocutors have misapprehended the precise terms in which Bede conceived of the relationship between the orders within the apostolic community and the secular orders in the contemporary Church.[95] Bede described the 72 disciples as 'bearing the likeness of the priests of the second order', which Trevet regards as a comment on their shared function as helpers; that is, modern priests are instituted to serve as helpers to the bishops in the same way that the disciples were instituted to assist the apostles. But this is as far as the comparison goes for Trevet,

[93]Ibid., f.23b: 'est extra viam, propter quod vinculo religionis non manet obligatus.'
[94]Aquinas, *Secunda Secundae*, Q.186 a.8.
[95]See chapter one, p.54.

who argues that Bede did not mean to imply that priests participate in the same state as the disciples.[96] In fact, Trevet argues that there was no difference in state between the apostles and disciples, in contrast to the difference between the episcopal and priestly states. He implicitly asserts that this change occurred during the time of the slightly later apostolic community described in Acts iv:32:

> just as the 72 disciples were instituted to be helpers to the apostles because of the multitude of people, so the priests of the second order were instituted as helpers to the bishops, for such was the growing 'multitude of believers' that their care was insufficient. But [the disciples] do not prefigure [priests] in such a way that they share the same state, because then they would have the state of bishops. If the state of priests of the second order were the same, then Bede would not have said that they bore the *likeness* of the second priests but that they truly *were* them, in the same way that a stone is not the likeness of a stone but truly a stone.[97]

There are two important elements of Trevet's revision of this supposed 'misunderstanding (*malo intellectu*)' of the relationship between the states in the primitive Church and the contemporary Church. Firstly, although both the disciples and the priestly order were founded to serve the same need – namely, to tend to the increasing number of believers – nonetheless they do not share the same state, and so cannot be compared on that basis. Trevet is keen to postdate the origin of the modern priestly state to the period of the community described in Acts, chiefly because this would require that both the apostles and the disciples had been instituted by Christ while the priestly order had a later apostolic foundation. Secondly, and relatedly, the second order of priests cannot claim to have been founded and ordained by Christ Himself but is instead a product of the Church's ongoing development through time. Trevet evidently subscribed to this latter point since he concludes the *quaestio* with a final retort against certain anonymous opponents of this view. These opponents argue, he claims, that 'the religious state was not instituted in the primitive Church'. Yet canon

[96] Bede, *In Lucae*, pp.213–14.

[97] MS Basel B IV 4, f.63rb: 'sicut propter multitudinem populorum LXXII discipuli institutum sic in adiutorum apostolorum, sic crescente multitudinem credentium ita ut eorum curae non sufficens episcopi instituti sunt presbiteri secundi ordinis in adiutorum episcoporum. Sed non figurant eos sic quod habent eundem statum quam statum episcopalem habuerint, si enim statum presbitorum secundi ordinis habuissent non dixisset Bede quod *gessissent figuram eorum* sed quod vere *fuisset* secundi sacerdotes, sicut lapidus non est figura lapidi sed vere lapidus.' Emphasis mine.

law attests to the participation of religious in the apostolic state, insofar as monks are described as having the likeness of the apostles in abdicating all personal goods and living a common life, just as bishops are described as having the likeness of the apostles in participating in apostolic dignity.[98] Indeed, Trevet adapts his discussion of the origin of ecclesiastical states in order to push this argument one step further. He argues that because the apostles received a power of teaching only after they had relinquished their material goods and followed Christ, the form of apostolic perfection inherited by religious therefore preceded the form assumed by the episcopate. For this reason, Trevet regards the state in which a religious is elevated to the episcopate as that which is most closely conformed to the apostolic.[99] At a stroke, he both untethers the order of priest from a divine origin during the earliest days of the primitive Church, and implies that the special qualities of the apostolic state in which religious participate had an earlier origin amongst the apostles themselves than the special qualities in which modern bishops participate.

This relatively protracted comparison of different ecclesiastical states lays the foundation for the next question, in which Trevet considers whether an ecclesiastical superior may reserve a certain case for himself without diminishing the power of an inferior. Yet again, he must resolve two conflicting claims – the superior's claim to participate in the care of his hierarchical inferiors, such that he can do anything that they can; and the inferior's claim, insofar as activities associated with the '*characterem sacerdotalem*', to exercise the power of the keys that were conferred upon him during his ordination. These include the powers to celebrate the Eucharist and to offer absolution, and if an inferior's ability to use them within his own jurisdiction were to override his superior's power to reserve a certain case for himself, then 'this would not be harmonious with the order of the Church.'[100]

[98]Ibid., f.63rb: 'Similiter quod dicunt statum religiosorum in primitivus ecclesiam non fuisse institutum non est verum, sed quia statu religionis etiam in ipsis apostolis institutus est quia in ipsis apostolis erat perfectio'. As proof, Trevet goes on to cite q.1 c.24 C.16 ('*Ex auctoritate*') and q.1 c.16 C.12 ('*Videntes*'), respectively; in Friedberg, i, cols. 767, 682–3.

[99]MS Basel B IV 4, f.63va: 'Et verissime apostolicam perfectionem eo representant qui ex religione ad praelaturam assumuntur, in eo enim sicut in apostolis unitur uterque perfectione, etiam si noveat se non recepturum nisi bona ecclesiasticis differt secundum subiectum a statu religionis.'

[100]Ibid., f.63va.

Trevet maintains that the exercise of priestly care requires both keys, namely, a power of orders and a power of jurisdiction. The former is conferred at the time of ordination and imbues the power to use the keys; the latter is conferred with the institution of 'proper matter' – that is, an area over which to exercise jurisdiction. An individual with the power of orders cannot use the power of the keys except in relation to 'the proper and appropriate matter', or jurisdiction, which has been conferred upon him. Moreover, every ordained priest shares equally in the power of the keys: for Christ conferred the power of remitting sins when all of the apostles were gathered around Him. Yet elsewhere in the gospel, Christ also seemed to give the power of binding and loosing to Peter alone. From this, Trevet infers that not all prelates enjoy the power of jurisdiction equally, but that it is instead mediated through a hierarchical superior – namely, in the pope as the vicar of Peter, who enjoys a plenitude of power over the whole Church. Nonetheless, inferior prelates enjoy a more limited jurisdictional right over certain dioceses and parishes, the limits of which establish the parameters in which they may exercise the power of the keys.[101]

This conception of the power of the keys is unremarkable. Not only does Trevet follow Aquinas's discussion of orders and jurisdiction, but he even borrows much of the same vocabulary, such as describing jurisdiction as 'proper matter' (thereby applying an analogy from the dispute over unicity of forms).[102] Perhaps due to the constraints imposed by the increasing hegemony enjoyed by Aquinas's work, the only novel aspect of this question is Trevet's conclusion insofar as he applies it to the specific issue at stake – namely, whether a superior may retain a particular case for himself without

[101]Ibid., ff.63va-b: 'dicendum quod ad absolutionem a peccato dupliciter requiritur: potestas ordinis, scilicet iurisdictionis [et] potestas ordinis [qui] est potestas clavium, quae sunt cum ordine conferatur. Potestas iurisdictionis accenditur institutionem materialis propriae in qua possit aliquis uti potestate clavium; habet autem potestas, scilicet ordinis, equalis est in omnibus sacerdotibus. Unde istam dedit Salvator omnibus apostolis convenienter, quoniam dixit Jo. [xx:22–3]: "Accipite spiritum quorum remiseritis peccata remissa sunt"; et ista potestatem non potest praelatorum superior deminuere per reservationem aliquorum casuum, unde est equalis est in omne sacerdote. Matt. autem [xviii:28] dedit beato Petro potestatem remittendi peccata singulariter, dicens "quodcumque solveris super terram erit solutum et in caelis", ut intelligatur quod potestas iurisdictionis non sit in omnibus equaliter sed mediate uno primo in alios determinata – ita eo quod haec potestas quo ad plenitudinem in vicaris Petri residet respectum universalis ecclesiae, et in alios diffunditur tamquam in participes solitudinis determinatas et distinctas dyocesis [et] parochias, ita quod unicuique determinationem est materia propria per derivationem istius potestatis in quam exerceat potestatem clavium quam habet ex ordine.'

[102]Charles Zuckerman, 'Aquinas' Conception of the Papal Primacy in Ecclesiastical Government', *AHDLMA* 48 (1973), pp.97–134; although see Sabra, *Vision of the Church*, pp.125–32. For Aquinas's conception of proper matter, see Fitzpatrick, *Bodily Identity*, pp.88–90.

detriment to his inferior. He finds that hierarchical superiority *per se* is sufficiently compelling to allow this, but adds that a superior should exercise this superior power only when his interference would be useful and not an encumbrance on the common good – 'otherwise I believe that he generally sins, and disturbs the hierarchical order of the Church.'[103]

In some ways, Trevet's ideological position regarding the power of priests – specifically, priests with an 'inferior' position in the ecclesiastical hierarchy – is inconsistent. In the earlier question, he is careful not only to emphasise the separation between bishops and priests in accordance with the traditional interpretation of the gospel of Luke, but also to assert that lesser priests differ in status from the 72 disciples insofar as the disciples were instituted as helpers to, but on an equal footing with, the twelve apostles. He also argues that religious participate in the likeness of the apostolic state via characteristics that originated earlier than, and were therefore more essential to, the *vita apostolica* than the qualities in which bishops share. Yet in the later question he is reluctant to grant hierarchical superiors a power to interfere with the jurisdictional limits which comprise the limits of the power of the keys. He is also keen to emphasise that every prelate, superior or inferior, holds the power of orders represented by the power of the keys equally and from the moment of ordination. It might be said that Trevet is simply engaged in the same task as many other mendicant theologians who were confronted by the criticisms of the secular masters: that is, the balancing act of identifying the special perfections inherent in the religious state without undermining the particular characteristics of the secular orders. Yet he does so in accordance with the ideological norms articulated by Aquinas, who (compelled by the secular-mendicant disputes of the 1270s) had emphasised the special perfection inherent in the religious and episcopal states along Pseudo-Dionysian lines.[104]

A final question offers further insight into Trevet's hierarchical thought: whether a priest enjoys authority to celebrate a particular mass on a day which has its own

[103] MS Basel B IV 4, f.63vb: 'facere non debet nisi in casu in qua prospicit et habet utilius esse et expeditius bono illius communitatis cui intendit, aliquas enim credo quod generaliter peccat et Ierarchiam ordinem ecclesiasticae perturbat.'

[104] Aquinas, *Secunda Secundae*, Q.184 a.5; first broached in Aquinas, *De perfectione*, cc.21–6; see Traver, 'Intellectual Defense'.

proper mass associated with it. For Trevet, the crux of this issue is the power that a priest possesses to decide to celebrate a certain mass, which is rooted in the priestly office. The argument *contra* is rooted in the hierarchical assumption that an inferior may not alter something instituted by his superior – but according to the canon law, the requirement for those in holy orders to celebrate the whole office was implemented by the papacy.[105] Trevet broadly agrees with the argument in favour of the proposition, namely that the statute in question does not explicitly refer to the particular kind of mass that a priest should give, only that he is obliged to celebrate mass on certain days. He notes that it is important not to impose too constrained an interpretation on such canons, which do not prevent priests from responding to such contingencies as requests to perform particular masses.[106] This response is based, then, on a careful reading of the canon in question, whose limits Trevet carefully circumscribes. Although he does not deny the hierarchical assumption that an inferior must conform to a superior's commands, he asserts that this is not a relevant principle in this case, where the power of orders bestowed by the priestly office, which offer scope for incumbents to exercise initiative so long as the fundamental obligations are met, is more compelling.

Quodlibet 'XI'

Although the Blackfriars *studium* was formally readmitted to the university in the spring of 1314, the Dominicans did not unilaterally submit to the resolution of the papal arbitrators until 1320.[107] The uneasy peace which greeted Trevet's return to Oxford as regent master in late 1314 is reflected by the questions put to him during his final quodlibet, which he disputed in either Advent 1314 or Lent 1315.[108]

[105]Ibid., ff.21rb-va: '[E]t videtur quod non quia illud quod esse a superiore institutum non potest inferior mutare, sed a summo pontifice est praeceptum quod infra sacros ordines officium pleniare audiant, sicut patet [C.24 q.1 c.4] *Si quis autem.* Missa propria spectat ad officium, igitur debetur eam audire'; citing *Audivimus*, in Friedberg, i, cols. 967–8.

[106]MS Basel B IV 4, f.21va.

[107]Gelber, *Otherwise*, p.43. The appeal process dragged on until 1320, when the Dominicans at last submitted. See *Formularies which bear on the History of Oxford, c.1204-1420*, ed. H. E. Salter, W. A. Pantin, and H. G. Richardson, 2 vols., OHS (New Series) 4-5 (Oxford, 1942), i, nos.9, 13, 15–18, 22, 27, 31–9, 41, 48–50, 54; and Rashdall, 'Friars Preachers', pp.272–3 for their submission.

[108]The question is a vexed one. Trevet is often held to have returned to Oxford only after February 1315, since he is believed to have participated in the magisterial condemnation of certain heretical propositions only retroactively; see Larsen, *The School of Heretics*, pp.287-8; and William J. Courtenay, 'The Articles Condemned at Oxford Austin Friars in 1315', in *Via Augustini: Augustine in the Later Middle Ages, Renaissance, and Reformation*, ed. Heiko A. Oberman and Frank A. James III (Leiden, 1991), pp.5–18, at 14. Yet this

Unlike the earlier *quodlibeta*, which contain a wide range of issues pertaining both to more general hierarchical issues and to the specifics of mendicant privileges, this later quodlibet deals almost exclusively with more speculative subjects (although, of course, this may simply reflect the interests of his audience). Trevet does not broach any issues pertaining to mendicant pastoral care, even though Clement V had decided, in 1312, to rescind *Inter cunctas* and reissue *Super cathedram.* Trevet's final quodlibet presents a stark contrast to contemporary *quodlibeta* at Paris, such as those of the Dominican regent master Pierre de la Palud, who relished the opportunity to put his legally trained mind to various casuistical quandaries associated with confession.[109] The absence of such questions from Trevet's disputation suggests that the Oxford Dominicans – who presumably would have had ample opportunity to put their questions to Trevet – had little appetite to defend their pastoral privileges. In the wake of their largely unsuccessful appeal in the wake of *Super cathedram*'s reinstatement, they were still more focussed on their localised institutional grievances.

Precepts in the Rule of Augustine

However, Trevet did consider another fragile aspect of the Dominican *modus vivendi* during his final quodlibet. He was called upon to discuss the preceptive force of the Rule of Augustine, which provided the basis for the Dominican religious observance.[110] Trevet only fleetingly considers the relative merit of precepts and counsels, which had been such an important feature of the discourse surrounding precepts during the disputes of the previous century, and which guided the investigation of the counsels and precepts undertaken by the secular master, Henry of Harclay, during the 1310s.[111] Trevet focuses instead on the difficulties associated with the application of an overly prescriptive

interpretation of the indirect nature of Trevet's participation rests on a slight misreading of the original manuscript witness to the condemnation, which could therefore equally be construed as emphasising the significance of his participation in the condemnation itself (that is, the participation of the Dominican *studium* in university business) rather than any retroactivity *per se.* As such, the possibility that Trevet disputed this quodlibet in late 1314 should not be ruled out; he had certainly returned to the Oxford *studium* by Christmas Day, when he dined with Edward II's representatives, who had come to retrieve the body of Piers Gaveston for reinterment at Kings Langley. Little and Pelster, *Theology and Theologians*, p.284.

[109]Jean Dunbabin, *A Hound of God: Pierre de la Palud and the Fourteenth-Century Church* (Oxford, 1991), pp.57–70.

[110]Melville, *Medieval Monasticism*, pp.177–9.

[111]Harclay, *Ordinary Questions*, i, pp.448–55. Harclay reverted to the discussion of which of these categories had temporal priority, rather than Aquinas's subtler discussion in terms of essential and instrumental perfection.

preceptive force to the Rule of Augustine. The main positions *pro* and *contra* are straightforward. On the one hand, Augustine clearly appears to employ a verb of command at the beginning of the Rule ('*praecipimus*'), and later reaffirms in the concluding passage that limited or non-observance is a danger to the soul. This implies that Augustine intended every part of the Rule to be received as a command. On the other hand, such an uncompromising interpretation of the Rule's preceptive force raises the expected degree of observance to a level that many of its adherents would find difficult or even impossible to uphold, thereby damning them for any infringement, which Trevet considers 'difficult to say'.[112]

The problems associated with the unrealistic standards of observance demanded by religious rules had more consistently been a sore point for the Franciscans, perhaps because of the relatively unique formulation of their rule, which left open the question of how strictly its adherents were expected to observe absolute poverty.[113] But a fresh wave of conflict within the order concerning the degree of observance prompted Clement V to revisit the question of the Franciscan Rule's preceptive force in *Exivi de paradiso* (1312).[114] Clement adopted Nicholas III's methodology from *Exiit qui seminat* (1279) and asserted that all instances of precept-words 'or words of equal power' could safely be interpreted as commands, but he went a step further by clarifying precisely where in the Franciscan Rule these 'precept-words' occur.[115] This approach undoubtedly influenced Trevet, who similarly focuses on rescuing the Dominican *modus vivendi* from an unduly or impossibly strict standard of observance through a careful reading of the text.

In this *quaestio*, Trevet cites the solutions put forward in *Exiit* and *Exivi* to show that it is possible to determine the intended force of different parts of a religious rule on the basis of explicit use of imperative words or words of equal power. As such, papal

[112]Worcester: Worcester Cathedral Library, F.3, f.8or: 'et videtur quod sic, quia in primo regulae dicitur "haec igitur sunt praecipimus", igitur omnia quae secuntur cadunt sub praecepto. Ad oppositum: quia cum multitudo non conservet omnia contenta, videretur quod multitudo essent dampnanda, quod est durum dicere.'

[113]Burr, *The Spiritual Franciscans*, pp.54–8; Brooke, *Coming of the Friars*, p.97.

[114]Clem. 5.11.1, in Friedberg, ii, cols. 1109–21. See also Menache, *Clement V*, pp.295–6; Burr, *The Spiritual Franciscans*, pp.144–50; Decima L. Douie, *The Nature and Effect of the Heresy of the Fraticelli* (New York, 1978), pp.12–15.

[115]Lambert, *Franciscan Poverty*, pp.213–14: '[*Exivi*] was, indeed, a supplement to *Exiit*, following the same lines of principle'; Burr, *The Spiritual Franciscans*, p.147.

endorsement of this methodology for the Franciscan Rule enabled Trevet to justify the application of a similar methodology to the Dominican Rule. Pope Clement's list of precepts within the Franciscan Rule pushed Trevet to offer a similarly definitive alternative for his own confrères, which would take the place of the vaguer pronouncements offered in earlier commentaries. However, he could not rely solely on the appearance of precept-words or 'words of equal power' in the Rule of Augustine, since these were limited to the single use of an explicit verb of command – '*praecipimus*' – at the beginning. The specific parameters of this verb were ill-defined, and a major cause of the dispute.[116] While previous Dominican commentators had resorted to different strategies to get around this problem, Trevet makes careful use of grammatical rules to illustrate the application of the verb to other aspects of the Rule.

Humbert of Romans, Thomas Aquinas, and Henry of Ghent

The terms of the debate surrounding the Augustinian Rule compelled Trevet to address the problem of whether the entire rule bound its adherents with the imperative force conferred by the verb *praecipere*. If so, even a single incident of limited or non-observance would be a mortal sin, as the secular master Henry of Ghent had asserted while discussing the Rule of Augustine during his sixth quodlibet (*c.*1281–2). Even though Henry accepted, as Trevet later did, that this conclusion seemed 'inappropriate (*non conveniens*)', still he insisted that every part of the Rule constituted a precept. As such, he placed far less emphasis on the presence of imperative verbs than Nicholas III had done a few years earlier in relation to the Franciscan Rule, and certainly far less than the Dominicans themselves would have preferred.[117]

Henry was responding, in turn, to at least two Dominican glossing traditions, both of which also appear in Trevet's *quaestio*. The more recent of these originated with Aquinas, who had emphasised that the Dominicans vow the most cautiously of all religious orders by professing to live in accordance with their rule, rather than *secundum*

[116]Hugh of St Victor's commentary further muddied this question, for some commentators believed him to have glossed Augustine's use of '*praecipimus*' as '*admonemus*'. Hugh of St Victor, 'Expositio in regulam beati Augustini', in PL 176 (Paris, 1854), 881A–924D, at col. 881C; cited, for example, by Henry of Ghent, *Quodlibet VI*, ed. Gordon A. Wilson, Henrici de Gandavo Opera Omnia 10 (Leuven, 1987), q.17, pp.171–7, at 176; and noted by Trevet in MS Worcester Cathedral F.3, f.8or.

[117]Henry of Ghent, *Quodlibet VI*, q.17, p.172.

regulam. The Rule provides a model of living but its strictures have only a limited binding power, such that even direct transgressions are not mortal sins.[118] In short, Aquinas regarded the preceptive strength of a rule as an offshoot of the means of profession; namely, whether a religious professes simply to live *secundum regulam* or to serve it in its entirety.[119] Henry of Ghent was also mainly concerned with the act of profession, rather than the text of the Augustinian Rule itself. Still, he briefly considered the implications of Augustine's use of *praecipere*, whereby he engaged with an older tradition of Dominican commentary derived from Humbert of Romans' *Expositio regulae* (*c.*1248–54). Humbert had claimed that Augustine intended only some parts of the Rule to fall under precept, and that this can be deduced through the application of 'well-ordered reason' to the text.[120] This approach prioritises the text of the rule itself over the method of profession, and serves as the main methodological basis for Trevet's own examination of the Rule's preceptive force.

Thus, largely due to Henry of Ghent's intervention, Trevet inherited a debate over the Rule of Augustine which dealt with two related questions: whether every part of the text fell under precept; and, if not, how to determine which parts did. Not only does Trevet refute the idea that the whole of the Rule assumes a preceptive force at the point of vowing, but he also argues that 'the truth [and] the power of the words and restrictions of the rule' support a subtler reading of Augustine's intentions.[121] Perhaps inspired by Clement V's more explicit delineation of the precepts in the Franciscan Rule, Trevet follows Humbert of Romans in clearly distinguishing which passages in the Augustinian Rule fall under precept on the basis of the text; although he also engages with the Thomist preoccupation with profession because Henry of Ghent serves as his main (unnamed) opponent. As such, Trevet's quodlibetal *quaestio* manages to incorporate the two major pre-existing lines of Dominican authority, which he weaves them into his own distinctive conclusion.

[118] Aquinas, *Secunda Secundae*, Q.186 a.9 a.1. See chapter two, p.144 above.

[119] This is discussed further on p.144 of this thesis.

[120] Humbert of Romans, 'Expositio Regulae Beati Augustini', in *Opera de vita regulari*, i, ed. J. J. Berthier, 2 vols. (Paris, 1888–9), p.65; for the dating of this work, see Raymond Creytens, 'Les Commentateurs Dominicains de la Règle de S. Augustin du XIII^{e} au XIV^{e} siècle', *AFP* 33 (1963), pp.121–57, at 150–4.

[121] MS Worcester F.3, f.180r.

In his commentary on the Rule of Augustine, which he prepared expressly for the benefit of his brethren during his term as Master General, Humbert of Romans had considered numerous ways of determining the Rule's preceptive force. He briefly posited that this might be achieved through an examination of which parts of it are governed by the crucial verb '*praecipimus*' – rather than follow this through, however (and effectively anticipate the solution that Trevet ultimately settled on), Humbert preferred to distinguish between the mode and intention of imperative statements.[122] For this, Humbert borrowed examples of the use of *praecipere* in the Bible: in some cases, this verb is understood to convey an actual command, as when Christ explicitly described loving others as we love ourselves to be a precept (John xv:12); in others, it is not held to have this preceptive force, as when Christ commanded the apostles to conceal news of a miracle (Mark vii:36). In still other cases, a command is understood to have been given without the use of a clear imperative verb; hence the commandment not to steal lacks an explicit mode of command but nonetheless has the intention of one (Exod. xx:15). Humbert argued that the only way to distinguish between these instances is through the exercise of 'well-ordered reason', which should also be applied to the text to distinguish precept from counsel.[123] In short, he believed that the Rule is comprised of both precepts and counsels, and that this was Augustine's intention. Augustine intended only those parts of the Rule that pertain to chastity, unity, and the like ('*similia*') to have the obligatory character implied by the verb *praecipere*, even though Humbert himself did not provide a decisive list of the parts of the rule that meet these criteria.[124]

Henry of Ghent revisited this issue in the 1280s and concluded not only that the entire contents of Augustine's Rule falls under precept, but that anyone with knowledge of it would understand this. He criticised certain unnamed 'flatterers' who claimed that it was possible to transgress aspects of the Rule without incurring a mortal sin, and his use of a quotation from the *Summa Theologiae* makes it plain that he had Aquinas in mind.[125] Compelled by the parameters of the question – not to mention by *Exiit qui*

[122]Humbert, 'Expositio Regulae', pp.62–6.

[123]Ibid., p.65: 'Ratio enim bene disposita, et maxime per unctionem, potest de facili judicare quod vir sapiens intendit obligare professores suae regulae ad ea quae pertinent ad obedientiam, ad casitatem, ad unitatem et similia'.

[124]Ibid., p.64.

[125]Henry of Ghent, *Quodlibet VI*, q.17, pp.175–6; quoting anonymously from Aquinas, *Secunda Secundae*,

seminat, which strictly forbade further discussion of precepts in the Franciscan Rule – to limit the scope of his examination to the Augustinian Rule, Henry still asserted that all religious rules impose precepts in the same special way, 'with the prior obligation and consent' of those whom they bind. For this reason, they differ from other kinds of human precept such as the laws imposed by princes, which bind so long as they conform to divine law, and which do not require a prior act of consent from those on whom they are imposed.[126] Conversely, religious rules entail an act of consent in order to bind, which ideally is informed by knowledge of the rule's contents – for this reason, the nature of profession takes pride of place in Henry's treatment of the Rule of Augustine. He asserted that a novice wishing to profess has, or should have, knowledge of a rule's contents before his final profession: 'if he wishes, he should first have the rule to which he about to commit himself read out, and the things and sorts of things to which he is about to commit himself explained to him'.[127] As such, a novice consents to observe the rule in its entirety based on a knowledge and understanding of its contents, 'by which [act of profession] all of the things which pertain to the rule, even if they were originally tantamount to counsels, now become precepts for him.'[128] Henry therefore rejected a crucial tenet of Aquinas's conception of religious rules, wherein all religious rules are defined by the threefold vow of poverty, chastity, and obedience, which together comprise the essential substance of all expressions of religious life when enacted to a more perfect degree, regardless of the contents of different rules.[129]

For Aquinas, the importance ascribed to the actual contents of a rule had differed from religious order to religious order, depending on whether adherents profess it simply or else profess in accordance with it. As a 'more cautious' religious order, he claimed that Dominicans profess in the latter mode. Aquinas's solution differs considerably from Humbert's insofar as he assumed that a rule's contents is of relatively minor importance compared to the counsels which underpin religious life *per se*. He even claimed that where a particular rule demands the expression of a counselled virtue in such a way that

Q.186 a.9.

[126]Henry of Ghent, *Quodlibet VI*, q.17, pp.172–3.

[127]Ibid., q.17, pp.173–4.

[128]Ibid., q.17, p.174.

[129]Aquinas, *Secunda Secundae*, Q.186 a.9. See also an earlier *quaestio* by Trevet, discussed above p.190.

it appears to confer a preceptive nature, this does nothing to change the actual counselled nature of the virtue itself.[130] Henry rejected this stance and argued that counsels which comprise any part of a religious profession thereby assume the same preceptive force and nature as all other parts of the rule. He did not base this argument on the contents of rules, but rather on the obligatory character conferred by the act of profession *per se*.[131]

Despite Henry's criticisms in the 1280s, the Dominicans did not revisit the issues surrounding the Augustinian Rule until the fourteenth century, when Trevet's commentary and *quaestio* appeared in quick succession. This reflects another distinctive trend among the Oxford theologians of this period, who continued to base much of their own theological speculation on the work of Parisian schools, particularly the works of Henry of Ghent.[132] Even the adaptation of elements of his work by Duns Scotus and others did not supersede Henry's own teachings, which remained an enduring source of engagement and disputed interpretation.[133] It is no surprise, then, that Henry's interpretation of the Rule of Augustine was taken up again by Trevet, an Oxford theologian.

Trevet's Grammatical Solution

Much as Henry of Ghent had based his discussion of the Augustinian Rule on the refutation of Aquinas, his own position is challenged by Trevet, who reiterates Aquinas's position without alteration – namely, that the components of religious rules which pertain to the counselled virtues retain their counselled nature even where the rule seems to present them as precepts.[134] But Trevet does not further engage with Aquinas's position, to the extent that it is tempting to regard his use of the *Secunda Secundae* as little more than a token acknowledgement of Henry's much deeper engagement with that text, as well as the requirement of the Dominican order for its members to

[130] Aquinas, *Secunda Secundae*, Q.186 a.9 ad.1. See also chapter two, p.149.

[131] Henry of Ghent, *Quodlibet VI*, q.17, p.174: 'Licet enim consilia in quantum consilia sunt, non cadunt sub praecepto Dei et apostolorum consulentium tantum, in quantum tamen sunt voto et obligatione fermata, iam non sunt consilia tantum illi qui vovit ea et se ad illa obligavit, immo cadunt iam sub praecepto illius, sive hominis sive regulae, cui se obligavit.'

[132] Catto, 'Theology and Theologians', pp.504–5; Courtenay, *Schools and Scholars*, pp.151–2.

[133] Courtenay, *Schools and Scholars*, pp.171–91; Courtenay, 'Theology and Theologians', pp.9–10.

[134] MS Worcester F.3, f.180r.

determine in accordance with Aquinas. In practice, Trevet's response can hardly be said to have fulfilled the requirement 'to teach and lecture in accordance with [Aquinas's] doctrine'.[135] His exposition is closer to Humbert's, insofar as he concentrates far less on the question of the preceptive force conferred by the act of profession, in which terms both Aquinas and Henry of Ghent had discussed the issue.

Rather than following Aquinas, Trevet reaches the same conclusion as Humbert – the only parts of the Augustinian Rule that should be construed as precepts are those concerning peace and unity, the abdication of personal goods, and the rejection of pride. He emphasises his conformity to Humbert by citing verbatim a short passage from the latter's *Expositio regulae*, discussing mode and intention, and recycles the same biblical examples as Humbert to illustrate this point.[136] However, Trevet's determination to offer a more precise list of the Rule's precepts is a clear point of deviation from Humbert; although it does not show that Trevet rejected the *Expositio*, only that Humbert's dependence on 'well-ordered reason' was neither sufficient to prove that all parts of the rule fell under precept nor a foolproof means of distinguishing counsel from precept.[137] Just as Nicholas III's relatively vague discussion of the Franciscan Rule ultimately compelled Clement V to provide a more conclusive list of precepts and 'words of equal of power', so Trevet's elaboration of Humbert's solution performs a similar function for the Augustinian Rule. This greater precision was necessary chiefly because Henry had rejected arguments like Humbert's, which attempted to preserve adherents of the Rule from a strictly preceptive reading based on an unspecific interpretation of Augustine's intention. The Dominicans therefore required a fresh take on the problem.

Trevet's reliance on grammar is compatible with his assertion that he intended his comments to serve as a rudimentary guide for the young and inexperienced. As such, he sets aside the vagaries of Humbert's 'well-ordered reason' in favour of a methodology which would offer explicit guidance that was explicable to every adherent of the Rule of

[135]ACP, ii, p.38 (1309).

[136]Ibid., f.18or.

[137]In the prologue to his longer commentary on the Rule, Trevet praised Humbert's reliance on 'well-ordered reason' as a means of distinguishing counsel from precept. Raymond Creytens, 'Les Commentateurs Dominicains de la Règle de S. Augustin du XIII^{e} au XIV^{e} siècle, II: Les Commentateurs du XIV^{e} siècle A) Nicholas Trevet', *AFP* 34 (1964), pp.107–53, at 147.

Augustine, even novices or pre-postulants. Furthermore, Trevet's development of a grammatical solution to the problem of discerning authorial intention reflects his wider scholarly interests, especially his commentaries on classical texts, which were essentially a literal explanation of the text's meaning intended to elucidate unclear or obscure Latin terms and practices, with a particular emphasis on grammar.[138]

Trevet begins by underlining the importance of correctly applying grammatical principles to the Rule's text, since certain 'irrational people' have already ignored the constrictions of grammar and attempted to limit the intended force of Augustine's '*praecipimus*' to the nouns in closest proximity. Trevet asserts that the act of that verb only extends to every verb which shares the same tense and mood, but no further. He illustrates this point with the following hypothetical scenario:

> If I were to command you to go to London and then to Canterbury, and to accept these 12 *denarii* to cover expenses, the verb 'I command (*praecipio*)' clearly extends itself to the going to London and the going to Canterbury, for these are connected by number and case. But it does not extend itself to the part which is adjoined, [namely] 'to accept these 12 *denarii*', which seems to be more counselled than commanded'.[139]

Trevet applies this principle, asserting, like Humbert before him, that the act of the verb '*praecipimus*' extends only to the parts of the Rule concerning peace and unity, the abdication of personal goods, and the rejection of pride – that is, only those parts of the rule until the words '*Orationibus instate*', when the tense and mood of the verbs change in such a way as to indicate that they are no longer governed by that imperative verb.

> The beginning of the clauses, to which [the words] 'these are things that we command you who are instituted in the monastery to observe' are connected, are these: 'Firstly, because you have come together as one, etc'; and the second clause is connected by an adverb of reiteration, 'Furthermore (*rursus*), those who have anything, etc'; and the third is connected by the same adverb,

[138]Kempshall, 'Nicholas Trevet', p.119.

[139]MS Worcester Cathedral F.3, f.80v: 'Si dicerem aliter famuli praecipio tibi quod tu pro vadas Londonium et postea Cantuariuam et accipere hec xii denarii pro expensis, manifestum est quod actus hiis verbi 'praecipio' ad hoc pro extendit "Londonus" et quod extendit "Cantuarius" quia annectuntur per adverbia numeria vel ordinis, sed non extendit se ad hoc quod adiungitur "et accipere hoc xii denarii, etc", immo magis videtur in hoc dictio consulere quam praecipere'.

> 'Furthermore (*rursus*), those who seemed important, etc'. Thus the act of the verb 'we command (*praecipimus*)' extends itself to those three clauses, and all of the words in those clauses are positioned and agree in mood and tense, and serve them such that they receive its act. But afterwards, by means of the adverb connected to it, [the clauses] which follow [the words], 'In the oratory, no-one should, etc' change in mood and tense.[140]

Trevet therefore asserts that it is quite clear 'to anyone who knows the text of the Rule' that simple grammatical constraints limit the application of the verb *praecipere* to its first few injunctions; the following injunctions are merely counselled.

Besides providing a useful way of showing how the text itself can illuminate Augustine's intentions regarding the preceptive force of the Rule, Trevet's preference for a grammatical solution is explicable for other reasons. These stem from the probable origins of the grammatical solution in his much longer Rule commentary, which was prepared at around the same time.[141] In the prologue to that commentary, Trevet praises the earlier commentaries of Humbert of Romans and, before him, Hugh of St Victor for clarifying certain interpretative difficulties, many of which were initially caused by Augustine's difficult style of writing, and subsequently exacerbated by the erroneous interpretations imposed by later authors.[142] He explains that he intends to build on Humbert's and Hugh's work by simplifying the text for use as a rudimentary guide for the young within the Dominican order, a reflection perhaps of his own background as a *lector* in the order's lower schools.[143] The decision to employ a grammatical solution to

[140]Ibid., f.80v: 'Et ideo ad omnia ita quae mediatoribus talibus adverbiis annectuntur se extendit actus hiis verbi "praecipimus", et haec sunt tria: primum de concordia et unitate; secundum de abdictione proprii; tertium de indicanda superbia; quae capita clausularum sic annectuntur "haec igitur praecipimus in monasterio constituti; primum propter quod in unum estis congregati, etc"; et secunda clausula per adverbium reiterandi annectitur sic "rursus qui aliquid habebant, etc"; [et] tertium clausula per similem adverbium "rursus etiam quo aliquid videbantur, etc"; unde ad istas tertiae clausulae se extendit actus illius verbi "praecipimus"; unde et omnia verbia in hiis clausulis posita convenint in modo et tempore tamquam stantia actus illius verbi "praecipimus". Sed prius absque adverbio annectente mutato modo et tempore secutur "Orationibus instate, etc", unde hoc est extra actum illius verbi "praecipimus", et omnia quae postea sequuntur in regula; et cum in sequentibus ponuntur alia praeceptur, sed non cadunt sub actu hiis verbi.'

[141]Although Creytens believes the commentary slightly postdates the *quaestio*. Creytens, 'Nicholas Trevet', pp.139–49.

[142]Trevet tackled this problem of circumventing the interpretative difficulties caused by Augustine's style and allusions in his commentary on *De civitate Dei*, which was the earliest complete commentary on that text. Courtenay, *Schools and Scholars*, pp.319–20. Indeed, Trevet seems to have had a particular gift for this kind of work, and was commissioned by Nicholas of Prato to comment on other classical texts precisely because of his ability to make them more comprehensible. Smalley, *English Friars and Antiquity*, p.58; Brunetti, 'Nicolas Trevet, Niccolò da Prato', pp.356–9.

[143]Creytens, 'Nicholas Trevet', p.140, for his discussion in the commentary of 'the vulgar stylings which

the problem of establishing which parts of the Rule of Augustine are governed by precept could therefore be regarded as a deliberate strategy to make it more comprehensible – particularly to the Dominican novices and pre-postulants to whom Trevet referred in the introduction to his longer commentary, who lacked the education, the experience, and even the rational capacity to identify precepts through the application of 'well-ordered reason' as Humbert suggested. However, these youths would have had a sufficient grasp of Latin grammar to make sense of Trevet's solution by the time they came to make a profession – an implicit rebuttal of Henry of Ghent's insistence that a novice would not yet have a thorough understanding of the rule at the time of his profession.[144]

The close contemporaneity of *quaestio* and commentary means that it is difficult to establish their respective priority. Regardless, both texts are products of the same intellectual environment – that is, the Oxford *studium* – and thus, both are also expressions of the same Dominican impulse to clarify an important point of difficulty in interpreting their Rule.[145] Although Trevet probably developed his grammatical solution to edify the order's '*juniores*' (as he maintained in the prologue to the longer commentary), it was elevated to the status of an official magisterial pronouncement because it was aired publicly during a quodlibetal disputation. Furthermore, the appearance of such a question during a university disputation implies that it was a matter of considerable importance in the Oxford schools, perhaps in the wake of the institutional tensions between the Dominicans and the university.[146] On the one hand, this coincided with a more general resurgence of interest in the preceptive parameters of religious rules, prompted by the promulgation of *Exivi de paradiso*. On the other hand, it reflected the popularity in the Oxford schools of Henry of Ghent, whose challenge to the

may be grasped by young people with only a rudimentary knowledge'; for insight into his background as a *lector*, see Kempshall, 'Nicholas Trevet', pp.119–20; and Humbert of Romans, 'Instructiones de officiis ordinis', in *Opera de vita regulari*, ed. J. J. Berthier, 2 vols. (Paris, 1888–9), pp.171–371, at 254–6, where Humbert begins by emphasising that 'good *lectores*…conform themselves in accordance with the capacity of their listeners'.

[144]The order's pre-postulancy schools placed a strong curricular emphasis on grammar as a means of inculcating the ideals represented by the Dominican life. Mulchahey, *First the Bow is Bent*, pp.85–97.

[145]Creytens, 'Nicholas Trevet', pp.130–1.

[146]Creytens felt that the quodlibet prompted Trevet's superiors to press him for a longer commentary to replace Humbert's, because of the interim challenges posed by Henry of Ghent's criticisms. ibid., pp.112–16. Perhaps the recent disputes in Oxford increased the need for a replacement.

Dominican interpretation of the Augustinian Rule rendered it a potential weak spot in the order's defences. Although Trevet employs a rather simplistic methodology, he both engages effectively with Henry's criticisms and acknowledges previous strategies for defending religious rules, while also doing for the Dominicans what Clement V had recently attempted to do for the Franciscans: that is, Trevet provides his brethren with a clear list of those parts of the Rule which bind adherents with the force of a precept.

The Quodlibets: Conclusion

Like all *quodlibeta*, Trevet's cannot be read without an eye to the localised, institutional context in which they were disputed. It is significant that he disputed his final quodlibet in the shadow of his brethren's recent appeal, the limited success of which may have prompted him to offer a defence of the order by shoring up its rather shaky interpretation of the Rule of Augustine; yet it should not be forgotten that the five quodlibets disputed during his earlier regency would almost certainly have been marked by similar, growing institutional tensions. Although their proximate cause was the introduction of unfavourable university statutes, these reflected much broader changes which were related to continued papal intervention in mendicant privileges. As such, they can be regarded as a localised expression of a more general shift towards an increasingly powerful and centralised papal teaching authority, which, despite the historiographical prominence of the effect of papal interference in the Paris schools, played an important role at Oxford as well.

The Poverty Treatises: *De perfectione* and the *Scutum veritatis*

Several years after his second regency, Trevet wrote two longer theological treatises, *De perfectione vitae spiritualis* and the *Scutum veritatis*.[147] The impetus for their composition was almost certainly the re-emerging controversy over Franciscan poverty. Indeed, their existence suggests that Trevet participated – more or less directly – in the poverty

[147]It is unclear whether Trevet remained at the *studium* in Oxford after 1315, although these treatises were probably written there or else in the London convent. See the discussion on p.223 below.

consultation then in progress at Avignon under the attentive eye of John XXII.[148] Although neither treatise survives, it is possible to reconstruct some of Trevet's arguments by examining the works of two English Franciscans, Richard Conington and Walter Chatton, both of whom rebutted certain ideas about apostolic poverty that they explicitly attributed to Trevet. These Franciscan works shed light upon the strategies that Trevet employed to demonstrate that Christ and the apostles owned nothing individually but retained *dominium* over communal goods, inaugurating a standard of poverty that was practised by the Dominican order, among others.[149] Trevet's poverty treatises, and Chatton's and Conington's responses to them, therefore reflect in microcosm the more general tendency for the mendicant orders to thrash out the ecclesiological issues related to the *vita apostolica* within the context of intrafraternal disputes, rather than antifraternal polemic.

The Papal Poverty Consultation

The renewed dispute over poverty did not emerge *ex nihilo*, despite the considerable effort exerted by a succession of pontiffs during the thirteenth century to clarify the *status* of apostolic poverty. In many ways, the controversy was a continuation of the internal disputes which ravened the Franciscan order even after Nicholas III declared in *Exiit* that the apostles had lived in absolute common and individual poverty; for the Franciscans, having been vindicated on this point, turned with new vigour to the problem of translating the theory of absolute poverty into the practice of their own daily observance. The order began to fracture, as a more rigorous 'Spiritual' contingent emerged to challenge the laxer standards of the 'Conventuals' or 'Community'.[150]

[148] A copy of the *Scutum* was still in the papal library during the pontificate of Urban V (1362–70); see Ruth J. Dean, 'The Life and Works of Nicholas Trevet, with special reference to his Anglo-Norman Chronicle', unpublished DPhil diss. (Oxford, 1938), p.134. Other library catalogues offer further insight into Trevet's oeuvre: the appearance of both *De perfectione* and the *Scutum veritatis* in a sixteenth-century catalogue implies that they are mutually distinct. Raymond Creytens, 'Les écrivains dominicains dans la Chronique d'Albert de Castello (1516)', *AFP* 30 (1960), pp.227–313, at 282, notes that they may be related – that is, the distinctly defensive-sounding *Scutum* might be a defence of *De perfectione* from its critics.

[149] Walter Chatton, *De paupertate evangelica*, in Decima L. Douie, 'Three Treatises on Evangelical Poverty by Fr. Richard Conyngton, Fr. Walter Chatton and an Anonymous, from MS V III 18 in Bishop Cosin's Library, Durham', *AFH* 25 (1932), pp.36–58, 210–40, at 229; Walter Chatton, *Reportatio super Sententias*, ed. Joseph C. Wey and Girard J. Etzkorn, 4 vols. (Toronto, 2002–5), p.160.

[150] For an overview of this long-running schism within the order, see especially Burr, *The Spiritual Franciscans*; Thomas Turley, 'John XXII and the Franciscans: A Reappraisal', in James Ross Sweeney and

The most important theoretical influence upon the Spirituals were the teachings of Peter of John Olivi, a *lector* from southern France whose views on poverty and obedience had been condemned by the Franciscan leadership in 1283. Though Olivi himself was rehabilitated a few years later, he remained a controversial figure.[151] His poverty thought was distinguished by two closely related concepts. Firstly, he insisted that the poverty observance should be determined, not with reference to the text of the Franciscan Rule or its interpreters, but rather in accordance with a self-determined standard of austerity or 'poor use (*usus pauper*)'; and secondly, he asserted that Franciscans should disobey their superiors if they believed that obedience would cause them to contravene their vow. Together, these ideas threw open the possibility that individual Franciscans could choose to maintain a personal, subjective standard of *usus pauper* that might be laxer or stricter than the observance imposed upon them by their superiors.[152] Indeed, some Spirituals, such as Angelo of Clareno and Ubertino of Casale, were so convinced of the insufficiency of the poverty observance sanctioned by their superiors that they actively pursued the Spirituals' retreat from the order into a new, stricter form of living that seemed more closely to reflect the ideals of St Francis.[153] This schism within the Franciscan order was mostly concentrated in Italy and southern France, where more rigorous conceptions of poverty and mendicancy had deeper roots.[154] However, the underlying clash of ideals was such that many other Franciscans were drawn into the debates over poverty – particularly in the first decade of the fourteenth century, when papal intervention brought matters to general attention.

Clement V issued *Exivi de paradiso* on 6 May 1312 at the third session of the Council of Vienne. While it was officially a conciliar decree, in fact Clement had spent

Stanley Chodorow (eds.), *Popes, Teachers and Canon Law in the Middle Ages* (Ithaca, NY, 1989), pp.74–89; and Lambert, *Franciscan Poverty*, pp.157–236. The 'Spiritual' and 'Conventional' labels are used more for convenience, since their historical basis is somewhat doubtful. It should not be assumed, either, that these positions were monolithic ones; nor that supporters of either cause were totally united on every point. As ever, shades of grey – caused by issues of geographical difference and cultural disparity, as well as ideological disagreement – were much in evidence. See, again, Burr, *The Spiritual Franciscans*, pp.72–3; and the summaries in David Burr, 'Effects of the Spiritual Franciscan Controversy on the Mendicant Ideal', in Donald S. Prudlo (ed.), *The Origin, Development, and Refinement of Medieval Religious Mendicancies* (Leiden, 2011), pp.277–305, at 277–9; and Şenocak, *The Poor and the Perfect*, pp.8–16.

[151]Burr, *Olivi and Franciscan Poverty*, pp.106–8; and Sylvain Piron, 'Les oeuvres perdues d'Olivi: essai de reconstruction', *AFH* 91 (1998), pp.357–94.

[152]Burr, *The Spiritual Franciscans*, pp.51–65.

[153]Douie, *Fraticelli*, pp.120–52; Burr, *The Spiritual Franciscans*, pp.96–100.

[154]Burr, 'Mendicant Ideal', pp.277–8.

several years consulting with various representatives from the Franciscan order before issuing this latest verdict on poverty.[155] As such, *Exivi* may be regarded as the consummation of his efforts to resolve the order's longstanding internal conflict over its poverty observance and, by extension, to offer a renewed and comprehensive papal response to questions about certain characteristics of apostolic poverty.[156] However, Clement's attempt to heal this schism was curtailed by his death in 1314. This event temporarily halted the circulation of the *Clementinae*, and therefore *Exivi*, and left open the papal *status quo* in relation to the question of apostolic poverty.[157] The prolonged papal interregnum that followed only further enflamed the tensions over poverty, both within the Franciscan order itself and outside it; and Clement's eventual successor, John XXII, contributed to the disharmony when he only partially ratified *Exivi* after his election in 1316.[158] John chose to endorse his predecessor's verdict that ultimate control over the acceptable standard of observance belonged to Franciscan superiors, damaging the hopes of the 'Spirituals' that they would be allowed to continue with their more stringent practices, especially in relation to poverty.[159] By determining in favour of the superiors, John also seemed implicitly to reaffirm the vision of Franciscan poverty articulated by Nicholas III, an endorsement which the Franciscans likely also interpreted as a tacit acceptance of the absolute apostolic poverty doctrine, discussion of which had been verboten since the promulgation by Nicholas III of *Exiit qui seminat* in 1279. John's decree therefore seemed to close the possibility that canon lawyers and theologians would be permitted to revisit this question.

However, in March 1322, John formally lifted *Exiit*'s moratorium on the discussion of apostolic poverty and threw the question open for discussion.[160] This was one of a

[155]Riccardo Saccenti, 'The Decree *Exivi de paradiso* and its Implications for Mendicant Poverty', in Constant J. Mews and Anna Welch (eds.), *Poverty and Devotion in Mendicant Cultures* (Farnham, 2016), pp.32–44, at 34–6; Sylvain Piron, 'Censures et condemnation de Pierre du Jean Olivi: enquête dans les marges du Vatican', *Mélanges de l'école française de Rome* 118 (2006), pp.313–73, at 339–40; Burr, *The Spiritual Franciscans*, p.113.

[156]Clem. 5.11.1, in Friedberg, ii, cols.1193–200. See also Burr, *The Spiritual Franciscans*, pp.144–50.

[157]Menache, *Clement V*, pp.295–6.

[158]BF, v, pp.128–30, no.289 ('*Quorumdam exigit*'); discussed in Burr, *The Spiritual Franciscans*, pp.196–8.

[159]Ibid., p.164. As one scholar pithily put it, 'The nature of the link between poverty and obedience was such for the Franciscans that one always led back to the other.' Jonathan Robinson, *William of Ockham's Early Theory of Property Rights in Context* (Leiden, 2013), p.33.

[160]Extrav. 14.2 ('*Quia nonnumquam*'), in Friedberg, ii, col. 1224; and Gedeon Gàl and David Flood (eds.), *Nicolaus Minorita: Chronica. Documentation on Pope John XXII, Michael of Cesena and The Poverty of Christ with Summaries in English: A Source Book* (New York, 1996), pp.64–6.

'triptych' of papal consultations undertaken during the early 1320s, all of which dealt with 'unresolved academic questions at the intersection of theology and canon law'.[161] The specific impetus for the investigation is often held to be a local dispute between the mendicant orders, which is recorded in the chronicle of an anonymous Franciscan contemporary. According to 'the Minorite', conflict arose when a Franciscan *lector* named Berengar of Talon sought a papal reproof against Jean de Beaune, a Dominican inquisitor who had publicly condemned as heretical the claim that Christ and the apostles were absolutely poor.[162] Berengar and his brethren maintained that Nicholas III had affirmed the absolute poverty of the apostles in *Exiit*, and that this approval was reiterated by his successors.[163] Indeed, the Franciscans may have anticipated that John himself would follow the example of his predecessors and openly endorse *Exiit*, especially after *Quorumdam exigit*. Yet the resulting consultation culminated in a complete *volte-face* in the papacy's official stance on apostolic poverty; and it also had far-reaching consequences for the poverty of the Franciscan order.

The fruits of John's poverty consultation were the decrees *Ad conditorem canonum* (December 1322) and *Cum inter nonnullos* (November 1323), which marked a radical reversal in the papacy's official stance regarding both Franciscan and apostolic poverty.[164] The two decrees served slightly different, if complementary, functions.[165] In the former, John rejected the legal fiction that *dominium* and use of goods can be

[161]Nold, *Marriage Advice*, pp.lv–lxv; Southern, 'Changing Role', p.140.

[162]More recently, the actual significance of this episode as a catalyst for John's inquiry has been challenged. For instance, Burr, *The Spiritual Franciscans*, p.263, asserts that John 'probably already had a strong opinion' on the subject of poverty; and indeed, it might be that the teachings of Peter of John Olivi were his real target. See James Heft, *John XXII and Papal Teaching Authority* (Lewiston, NY, 1986), pp.23–6.

[163]Gàl and Flood, *Nicolaus Minorita*, pp.62–3. For the identity of the chronicler, see Patrick Nold, *Pope John XXII and his Franciscan Cardinal: Bertrand de la Tour and the Apostolic Poverty Controversy* (Oxford, 2003), pp.1–24; but also David Flood, review of Patrick Nold, *Pope John XXII and his Franciscan Cardinal: Bertrand de la Tour and the Apostolic Poverty Controversy* (Oxford, 2003), in *FS* 62 (2004), pp.225–35.

[164]In fact, two versions of *Ad conditorem canonum* were issued; the first in December 1322 and the second a month later in response to criticisms by the Franciscan canonist, Bonagratia of Bergamo. Louis Duval-Arnould, 'La Constitution "Cum inter nonnullos" de Jean XXII sur la pauvreté du Christ et des Apôtres: rédaction préparatoire et rédaction définitive', *AFH* 77 (1984), pp.406–20, at 418–20; Robinson, *William of Ockham*, p.41.

[165]Nold, *Marriage Advice*, p.lviii, quite reasonably describes *Ad conditorem canonum* as a broadly 'practical' and *Cum inter nonnullos* as a 'theoretical' decree, although he does not reflect on the possible implications of this conclusion for assessing John's intentions. However, this observation is consistent with Melanie Brunner's argument that John was more concerned with altering Franciscan practices in relation to property and ownership, whose theoretical underpinnings were a secondary concern. See Melanie Brunner, 'Papal Interventions in Mendicant Organisation: Pope John XXII and the Franciscans', in Michael Robson and Jens Röhrkasten (eds.), *Franciscan Organisation in the Mendicant Context: Formal and Informal Structures of the Friars' Lives and Ministry in the Middle Ages* (Münster, 2010), pp.352–75.

separated; and he also renounced papal *dominium* over Franciscan goods, abandoning the *status quo* which had first been established by Innocent IV in 1245.[166] In the latter, which essentially served as John's verdict at the end of the consultation process, he stated that Christ and the apostles had not lived in a state of absolute poverty, and that to maintain otherwise was heretical.[167] Yet John refused to characterise either decree as a change of papal policy, issuing yet a further statement to that effect in November 1324. This third decree, *Quia quorundam mentes*, maintained that Nicholas III did not intend to claim that Christ and the apostles retained nothing in common; as such, it had never been orthodox to interpret *Exiit* to mean that the apostles lived in absolute poverty.[168]

These three decrees undoubtedly reflected John's own understanding of apostolic poverty, but the nature and extent of the role he played personally in the consultations have been much disputed. Most consistently, his theological expertise has sometimes been doubted because he had been trained in canon law rather than theology, a criticism that was levelled especially frequently by his Franciscan critics during his own lifetime.[169] Yet surviving manuscripts related to all three of his doctrinal consultations are littered with his own comments, suggesting that he engaged seriously with the ideas of the theologians whom he consulted.[170]

There is also little consensus on whether Dominican theologians played any special role in the drafting of John's poverty legislation. Some scholars argue that their influence is undeniable, not only because of his more general attitude to the Franciscans, but also because the version of apostolic poverty which John ultimately endorsed in *Cum inter nonnullos* closely resembled the ideal of common ownership and individual poverty which the Dominicans themselves claimed to practise. Moreover, John had

[166]See chapter one, p.31.

[167]Extrav. 14.3 and 14.4, in Friedberg, ii, cols. 1225–9 and 1229–30, respectively.

[168]Extrav. 14.5, in Friedberg, ii, cols. 1230–6; and Gàl and Flood, *Nicolaus Minorita*, pp.159–71. For the implications of the bull for the doctrine of papal infallibility, see Tierney, *Origins*, pp.186–7; and Heft, *Papal Teaching Authority*, pp.79–81.

[169]Shogimen, *Ockham and Political Discourse*, pp.60–1; see Bernard Guillemain, *La cour pontificale d'Avignon, 1309-1376: étude d'une société* (2nd edn., Paris, 1966), pp.116–9; and John E. Weakland, 'John XXII Before his Pontificate, 1244-1316: Jacques Duèse and his Family', *Archivum Historiae Pontificiae* 10 (1972), pp.161–85, at 163–4, for John's legal training.

[170]Anneliese Maier, *Annotazioni autografe di Giovanni XXII in Codici Vaticani*, ii, 3 vols. (Rome, 1967), pp.81-96/492–5, repr. from Annaliese Maier, *Rivista di Storia della Chiesa in Italia* 6, pp.317–332; Alain Boureau, *Le pape et les sorciers: une consultation de Jean XXII sur la magie en 1320* (Rome, 2004), pp.viii-xi; Nold, *Marriage Advice*, pp.lvii-lviii.

previously asserted in *Quorumdam exigit* (1317) that obedience was the most compelling of the three religious virtues, and in *Ad conditorem canonum* that the highest degree of perfection consisted, not in poverty, but in charity. Not only did these pronouncements seem implicitly to condemn the disobedience of the Franciscan Spirituals, but they seemed to mirror the teachings on religious perfection of Aquinas, whose authoritative status John further cemented by canonisation in July 1323.[171] Yet others have pointed out that John consulted bishops and cardinals as well as theology masters, and that many of these were not friars at all, but members of the secular clergy: the list of respondents included the Franciscan cardinals Bertrand de la Tour and Vital du Four; Hervaeus Natalis, master general of the Dominican order, and Durandus de Saint-Pourçain, the Dominican bishop of Le Puy-en-Velay; and a dozen cardinals and bishops of secular background.[172] These scholars downplay the suggestion that John showed a special partiality for Dominican theology, and point instead to his more general commitment to resolving doctrinal issues in a 'practical and legal' way. According to these scholars, his abnegation of existing definitions of Franciscan and apostolic poverty would therefore appear to have been a reaction to the unsatisfactory nature of prior papal legislation, rather than the result of bias against the Franciscan order.[173] On the basis of such mixed evidence, it is difficult positively to ascribe the doctrinal changes which resulted from the papal poverty consultation to any single dominant influence – John consulted a wide array of authorities, and probably had opinions of his own on the issue.

It is reasonably clear, however, that John intended that the papal curia should be the ideological epicentre in which the consultation took place, rather than the schools of Paris, as might previously have been the case. The effect of this was not merely to reduce

[171]For John's engagement with Dominican theology, see Guillemain, *La cour pontificale*, pp.383–7; Boureau, *Le pape et les sorciers*, p.xxiii; Malcolm D. Lambert, 'The Franciscan Crisis Under John XXII', *FS* 32 (1972), pp.123–43, at 135. Christian Trottmann, *La vision béatifique: des disputes scolastiques à sa définition par Benoît XII* (Rome, 1995), pp.471–3, characterises all the theological disputes of John's pontificate that occurred after the poverty consultation as a conflict between Dominicans and Franciscans.

[172]Louis Duval-Arnould, 'Élaboration d'un document pontifical: Les travaux préparatoires à la constitution apostolique *Cum inter nonnullos* (12 November 1323)', in *Aux origines de l'état moderne: Le fonctionnement administratif de la papauté d'Avignon. Actes de la table tonde d'Avignon (23-24 janvier 1988)* (Rome, 1990), pp.385–409, at 396–9; Louis Duval-Arnould, 'Les Conseils remis à Jean XXII sur le problème de la pauvreté du Christ et des apôtres (MS. BAV vat. lat. 3740)', *Studi e Testi* 333 (1989): *Miscellanea Bibliothecae Apostolicae Vaticanae III*, pp.121–201, at 121.

[173]Melanie Brunner, 'Pope John XXII and the Michaelists: The Scriptural Title of Evangelical Poverty in *Quia vir reprobus*', *Church History and Religious Culture* 94 (2014), pp.197–226, at 200–2; Boureau, *Le pape et les sorciers*, pp.xx–xxv; Jotischky, *The Carmelites and Antiquity*, pp.163–4.

the influence enjoyed by the theologians at Paris, but also to give greater scope for their counterparts elsewhere – including at other theological *studia* – to participate in the determination of key doctrinal disputes, even if they only made use of John's open invitation to discuss the question of apostolic poverty within a more localised sphere. It was in this context that Trevet took up his pen.

The Poverty Legislation in England

Neither Trevet, Conington, nor Chatton were formally involved in the poverty consultation at Avignon, which mostly consisted of theologians drawn from the continental *studia*. However, the Avignonese consultation also occasioned the discussion of apostolic poverty outside the papal curia, as theologians took advantage of the loosening of Nicholas III's ban on determining the state of apostolic poverty to produce 'independent treatises of a[n…] academic character'.[174] The works of Trevet and his two Franciscan critics provide probably the clearest evidence of English engagement with John's poverty legislation, although they also offer insight into a localised iteration of the more general intrafraternal disputes concerning apostolic poverty.

Walter Chatton and Richard Conington

It is no surprise that the English friars should have taken an interest in the consultation, for this change in the pontifical *status quo* was relevant to all members of the Franciscan order and indeed all religious orders across Latin Christendom. Several English bachelors and masters formally affirmed the absolute poverty of the apostles in a *Declaratio* distributed at the Franciscan general chapter of Perugia in June 1322, including the provincial minister William of Nottingham, who had taught at Oxford ten years earlier.[175] The abundance of contemporary manuscript copies of the resulting *Declaratio* implies that it was distributed relatively widely, including in England.[176] As such, it is hard to credit William of Ockham's later recollection that he had initially been unaware of John's consultation, or his views on poverty.[177] The poverty works of both

[174]Nold, *Apostolic Poverty Controversy*, pp.31–2.
[175]Smalley, 'Which William of Nottingham?', pp.252–5.
[176]'*Declaratio de magistrorum et baccalariorum*', in Gàl and Flood, *Nicolaus Minorita*, pp.71–82, at 81.
[177]William of Ockham, *Epistola ad fratres minores*, ed. Charles Kenneth Brampton (Oxford, 1929), p.1.

Chatton and Conington show a clear awareness of the Franciscan order's 'official' line as it was expressed in the *Declaratio* of Perugia, and they were certainly both familiar with *Ad conditorem canonum*. Their works reflect the order's more fundamental concern to preserve the doctrine of absolute poverty as a crucial facet of its self-identity, at least before the promulgation of *Ad conditorem canonum* rendered heretical that interpretation of the *vita apostolica*.[178] If Ockham truly lived in ignorance of the momentous poverty bulls, he would have been in the minority of learned English Franciscans.[179]

Walter Chatton himself is now mostly remembered for his rivalry with Ockham, whose 'Razor' he attempted to blunt through the application of the so-called 'Chatton Principle'.[180] While he became regent master at Oxford in around 1329 and later an advisor to Benedict XII, Chatton was still a theology bachelor during the early 1320s.[181] He commented on apostolic poverty three times between the earlier promulgation of *Ad conditorum canonum* in December 1322 and *Quia quorundam* in November 1324. Jonathan Robinson has shown that Chatton discussed the issue for the first time in his *Reportatio* on the *Sentences* and then further elaborated upon it in the full-length treatise *De perfectione evangelica*, both of which antedate John's rejection of the doctrine of absolute apostolic poverty in *Cum inter nonnullos* (November 1323). This latter decree prompted Chatton to alter his poverty arguments in a shorter *quaestio* in order to accommodate the new declaration that it was indeed heretical to assert that the apostles had lived in absolute poverty.[182] Across the three works – the *Reportatio*, *De perfectione*, and the *quaestio* – Chatton consistently attempts to steer a middle course between acknowledging the legitimacy of the pope's views on poverty and defending the more basic tenets of the Franciscan poverty discourse, foremost among which are the

[178]John's innovations regarding the definition of Franciscan poverty proved to be short-lived, however. Lambert, 'Franciscan Crisis', p.139.

[179]Lambert, 'Franciscan Crisis', p.142, asserts that the English province was not 'particularly strong[ly] involved' in the poverty disputes'; whereas Jonathan Robinson, 'Walter Chatton on *Dominium*', *History of Political Thought* 35 (2014), pp.656–82, at 660, argues that Ockham 'would have had the opportunity to learn' about John's legislation if 'so inclined'.

[180]This 'Principle' advocates the multiplication of as many affirmative propositions as are required to verify a proposition, and so is essentially an 'Anti-Razor'. Rondo Keele, 'The So-Called *Res* Theory of Walter Chatton', *FS* 61 (2003), pp.37–53, at 48–53.

[181]For Chatton's life and career, see Rondo Keele, 'Oxford *Quodlibeta* from Ockham to Holcot', in Chris Schabel (ed.), *Theological Quodlibeta in the Middle Ages: The Fourteenth Century* (Leiden, 2007), pp.651–92; and Courtenay, *Schools and Scholars*, pp.265–6.

[182]Robinson, 'Walter Chatton', pp.656–7, for the justification behind this order of composition, and for Robinson's own 'synchonic' account of Chatton's three works.

feasibility of separating *dominium* and use in relation to some goods, and (at least until *Cum inter nonnullos*) the claim that the state of absolute poverty enjoys the highest degree of perfection. However, also in all three works, Chatton invokes certain so-called '*ration*[*es*] *Triveti*' as a foil for his own arguments, and he repeatedly addresses these *rationes* in order to defend the superiority of surrendering all individual and common *dominium* rather than retaining *dominium in communi*.[183]

Perhaps a generation or so older than Chatton, Richard Conington was the Franciscan regent master at Oxford in around 1306; his tenure may have overlapped with the end of Trevet's first regency. He later taught at Cambridge, and was provincial minister for England between 1310 and 1316, in which capacity he had attended the Council of Vienne and participated in Clement V's poverty consultation. He remained a senior figure within English Franciscan circles until his death in 1330.[184] Conington had previously discussed Franciscan poverty at some length in *Beatus qui intelligit*, one of several treatments of the subject that Clement V solicited before the promulgation of *Exivi de paradiso*.[185] The main contested issue at that time had been the issue of obedience, in which context Conington considered whether individual Franciscans were able to define their own poverty observance in terms of extreme neediness ('*penuria seu egestas*').[186] As such, while he did briefly examine the poverty of Christ and the apostolic community (whose absolute poverty he regarded as the basis for the poverty of the Franciscans), much of *Beatus qui intelligit* was given over to a consideration of Olivi's contested doctrine of *usus pauper*, which Conington roundly rejected.[187] He argued that *usus pauper* could be interpreted either as a personal choice adopted by individual friars

[183]Chatton, *Reportatio*, III d.16 a.3, pp.160–8; Chatton, *De paupertate*, pp.229–40. Note that in Douie's edition of *De paupertate evangelica* she unintentionally conflated the treatise and the *quaestio*, believing that they were different editions of a single work, although it is possible to distinguish between them on the basis of her editorial apparatus. For further discussion, see Robinson, 'Walter Chatton', p.657.

[184]For Conington's life and career, see Courtenay, *Schools and Scholars*, pp.54, 103; and Victorin Doucet, 'L'oeuvre scolastique de Richard de Conington, O.F.M.', *AFH* 29 (1937), pp.396–442, at 396–8.

[185]Richard Conington, *Tractatus de Paupertate Fratrum Minorum*, in Albanus Heysse, 'Fr. Richardi de Conington, O.F.M, Tractatus de paupertate Fratrum Minorum et Abbreviatura inde a Communitate extracta', *AFH* 23 (1930), pp.57–105, 340–60; discussed in Burr, *The Spiritual Franciscans*, pp.144–50; Douie, *Fraticelli*, pp.149–50; Piron, 'Censures et condemnation', pp.339–49.

[186]Conington, *Tractatus de Paupertate*, pp.70–2.

[187]Conington, *Tractatus de Paupertate*, pp.349–60. By focusing on *usus pauper*, Conington not only combatted the so-called Spirituals but also anticipated the canon *Fidei catholicae fundamento* (1312), in which Clement censured numerous aspects of Olivi's teaching (although not *usus pauper* itself). See Duval-Arnould, 'Élaboration', pp.388–9; Burr, *Olivi and Franciscan Poverty*, pp.193–4.

or as a formal measure that was strictly applied to all members of the order.[188] He regarded the latter scenario as totally unfeasible because of his belief that the brethren should have a clear idea of what they were vowing – whereas the *carte blanche* application of such a nebulous concept as *usus pauper* seemed only to invite 'anxiety, perplexity, variation, doubt, and audacity'.[189] In *Beatus qui intelligit*, Conington simply accepted that the papacy retained *dominium* over goods of which the Franciscans had use, in accordance with *Exiit*.[190] But when he returned to the subject in the wake of John XXII's decrees, he could no longer make such a breezy assumption.[191] As focus shifted towards the mechanics of Franciscan use in the wake of *Ad conditorem canonem*, Conington had to contend with the possibility that absolute poverty in terms of the complete renunciation of *dominium* might be an impossible form of observance. As a result, the ease with which he had previously defined and conflated the Franciscan and apostolic *modus vivendi* is no longer evident in the *Responsiones*. Like Chatton, Conington wishes to emphasise his ultimate deference to papal pronouncements, but evidently has difficulty accepting that the friars' use of goods could not be separated from *dominium* in all cases. However, unlike Chatton, he implies that the '*rationes Triveti*' were more closely conformed to papal legislative changes than those of the Franciscans themselves.

The appearance of Trevet's arguments in both of Conington's and Chatton's works implies that he was considered an important proponent of the opposing poverty ideal of common apostolic ownership of goods, although it is unclear precisely how localised the debate was. Chatton was most likely residing at the London *studium* during the early 1320s, where he served out his term as a bachelor; as such, he probably came to hear of Trevet's poverty arguments in London rather than at Oxford.[192] This strongly

[188]Conington, *Tractatus de Paupertate*, p.349.

[189]Ibid., pp.359–60.

[190]Ibid., p.352; see also p.70, where he implicitly claims that use and *dominium* are separable.

[191]Virpi Mäkinen, *Property Rights in the Medieval Discussion of Franciscan Poverty* (Helsinki, 1998), p.149; although Conington was no longer provincial minister for England when he wrote his *Responsiones*, as Mäkinen implies.

[192]William of Ockham, *Summa logicae*, ed. Philotheus Boehner, Gedeon Gàl, and Stephan Brown, Guillelmi de Ockham Opera Philosophica et Theologica, Opera Philosophica 1 (Saint Bonaventure, N.Y, 1974), pp.53*-56*; William J. Courtenay, 'Ockham, Chatton, and the London *Studium*: Observations on Recent Changes in Ockham's Biography', in Wilhelm Vossenkuhl and Rolf Schönberger (eds.), *Die Gegenwart Ockhams* (Weinham, 1990), pp.327–37; summarised in Keele, 'Oxford *Quodlibeta*', pp.655–9.

suggests that Trevet was by then resident at the Dominican *studium* in London – where he had become *lector* by 1324, if not a few years earlier – although he seems to have remained at Oxford as late as 1320, perhaps until the Dominicans' final submission to the university.[193] It is unclear where Conington resided during this period, although he spent his final years at Cambridge.[194] In any event, it is evident that all three friars exchanged poverty arguments within a fairly localised context.

The Franciscans and Nicholas Trevet

Despite the *prima facie* evidence that the treatises were prepared in close proximity, previous scholars of Chatton's and Conington's poverty works have failed seriously to engage with Trevet's ideas, even as they have acknowledged that these Franciscan works can serve as a conduit for their partial reconstruction.[195] Thus, Robinson only briefly mentioned that Trevet's poverty arguments gave Chatton an impetus to combat the assertion that *dominium in communi* could be construed as a natural right. Similarly, Douie noted that 'Trivet's position was that Christ and His apostles had held property in common, since its renunciation was repugnant to the principles of natural law', but without offering any further elaboration. Although he was ostensibly more concerned with the Dominican representatives of the poverty controversy, Ulrich Hörst simply observed that Trevet abided by the doctrine that the apostolic community had held goods in common.[196] These assessments do not adequately reflect the space which Chatton allocates to Trevet's arguments in all three of his discussions of poverty; nor do they acknowledge the importance which Conington implicitly attaches to Trevet's discussion of property rights in relation to natural law, which Conington goes so far as to conflate with papal teaching. All these scholars have failed to utilise the relatively detailed accounts of Trevet's arguments that both Chatton's and Conington's works provide.

[193]A manuscript now held by Worcester Cathedral states that Trevet 'determinavit in scholis suis Oxonie' as late as 1320; see Rodney M. Thomson and Michael Gullick (eds.), *A Descriptive Catalogue of the Medieval Manuscripts of Worcester Cathedral Library* (Cambridge, 2001), p.9. For the appointment to London, see Dean, 'Cultural Relations', pp.544–5; Hester Goodenough Gelber, 'Blackfriars London: The Late Medieval *Studium*', in Kent Emery Jr., William J. Courtenay, and Stephen M. Metzger (eds.), *Philosophy and Theology in the* Studia *of the Religious Orders and at the Papal Court* (Turnhout, 2012), pp.165–80, at 168-9.

[194]Doucet, 'Richard de Conington', p.398.

[195]Douie, *Fraticelli*, p.205, asserts that Chatton follows Trevet 'so closely that it is almost possible to reconstruct the main outlines' of his poverty treatise.

[196]Robinson, 'Walter Chatton', pp.663–4; Douie, *Fraticelli*, pp.205–6; Hörst, *Evangelische Armut und Kirche*, pp.199–201.

Due to the systematic nature of Chatton's refutation, whereby he methodically recites and refutes Trevet's arguments, it is possible to reconstruct the main contours of Trevet's original treatise(s). According to Chatton, Trevet set out the opinions for and against the position that Christ and the apostles shared *dominium* over communal goods in his first two chapters, ultimately concluding that they had shared *dominium in communi*. Chatton states that, in the third chapter of his treatise, Trevet argued that dispensing with common goods does not enhance perfection; and in the fourth, he clarified that even if surrendering all *dominium*, including *dominium* of common goods, did enhance perfection, nonetheless it would not be a necessary characteristic of the most perfect state.[197] Even though Conington's engagement with Trevet is less systematic, the reappearance in his own poverty treatise of a similar theory of the natural law origin of human *dominium* attests to the broad accuracy of Chatton's recapitulation of Trevet's lost works.[198]

Trevet and Apostolic Poverty

Like his confrère Jean de Beaune, Trevet defended a vision of the primitive Church in which the apostles shared goods in common.[199] For the most part, his argument comprised evangelical references to the apostolic community, which he further supplemented with supporting authoritative interpretations of those passages. But Trevet also put forward several more general arguments concerning the nature of *dominium* and humankind's capacity for ownership of common goods, by which he implied that it would be impossible for the apostles – indeed, for any human being – to have totally surrendered certain rights in relation to common goods. He thereby consolidated his basis for arguing that the apostles had had *dominium in communi*, in addition to tacitly criticising the Franciscan doctrine of absolute apostolic poverty.

[197]Chatton, *De paupertate*, p.229.

[198]Richard Conington, *Responsiones ad rationes papales que ponuntur in illo statuto Ad conditorem canonum*, in 'Three Treatises on Evangelical Poverty by Fr. Richard Conyngton, Fr. Walter Chatton and an Anonymous, from MS V III 18 in Bishop Cosin's Library, Durham', *AFH* 24 (1931), pp.341–69, p.360.

[199]For Jean, see p.216 of this thesis. Although his criticisms have long been regarded as the catalyst for John XXII's poverty consultation, more recently scholars have raised doubts about this traditional account. Nold, *Apostolic Poverty Controversy*, pp.23–4 for doubts about 'the Minorite' chronicler.

Papal Decrees

Yet Trevet's account of apostolic poverty is also notable for the sources of authority to which he apparently *failed* to refer, foremost among which are papal decrees concerning the state of apostolic poverty. Their absence provides a striking contrast to the argumentative strategies of his Franciscan adversaries, who unanimously made recourse to previous pontifical decrees to defend the doctrine of absolute apostolic poverty.

The Franciscan strategy of appealing to pontifical authority was hardly new; indeed, it was one to which both Thomas of York and William de la Mare had resorted many years before. But in the context of the new papal consultation, the *Declaratio* issued at the general chapter of Perugia in June 1322, which was prepared by the general and provincial ministers with the assistance of several prominent Franciscan masters and bachelors, seems to have fixed the list of the papal decrees to be cited in defence of the absolute poverty doctrine, beginning with *Exiit qui seminat* and including John's own *Quorumdam exigit.*[200] A few months later Bonagratia of Bergamo, a leading Franciscan canon lawyer whom John had imprisoned in January 1323 for his refutation of *Ad conditorem canonum*, also cited the same combination of papal decrees in his appeal.[201] Although Chatton limits his own papal references solely to *Exiit* in both his *Reportatio* and *De paupertate*, nonetheless he clearly attaches great importance to papal authority. His refutations of Trevet's treatise(s) all begin with an invocation of Nicholas III's assertion that the circulation of ideas which are contrary to papal decree is tantamount to committing anathema. On this basis, Chatton indirectly accuses Trevet, who appears to have contravened papal authority by denying the absolute poverty of the apostles, of just such an infraction.[202]

But Trevet's omission of Nicholas's definition of apostolic poverty – which Chatton very reasonably construes as an implicit rejection of it – also presents a striking contrast to his acknowledgement of *Exiit* nearly twenty years earlier, when he had

[200] '*Declaratio de magistrorum et baccalariorum*', in Gàl and Flood, *Nicolaus Minorita*, p.72.

[201] '*Appellatio*', in ibid., pp.89–117, at 90–3.

[202] Chatton, *Reportatio*, p.160; Chatton, *De paupertate*, pp.229–30. Tierney, *Origins*, p.173, describes *Exiit* as 'almost a second foundation charter, the very Magna Carta' of the Franciscan order; and Burr, *The Spiritual Franciscans*, pp.55–8.

considered the poverty of different ecclesiastical states in his first quodlibet. Trevet had disputed this question only shortly before the promulgation of *Inter cunctas* in 1304 by Benedict XI, a Dominican. Then, Trevet briefly cited Nicholas's claim that the Franciscans renounced all property both individually and in common in accordance with what Christ Himself had 'taught by word and by example', to argue that such extreme renunciation was laudatory, although he carefully declined to identify poverty as the sole essential characteristic of religious perfection.[203] But in the early 1320s, Trevet totally omitted *Exiit* and openly pursued the argument that Christ and the apostles retained *dominium in communi*. Indeed, by choosing to address the question of evangelical perfection directly, he simply set aside *Exiit*'s prohibition against further debate concerning the state of apostolic poverty; but he probably did so in the wake of *Quia nonnumquam*, in which John XXII had expressly invited theologians to re-examine the question of apostolic poverty. According to Chatton himself, who was probably writing sometime between the second promulgation of *Ad conditorem canonum* in January 1323 and *Cum inter nonnullos* in November 1324, Trevet's poverty treatise(s) are both 'newly compiled (*noviter compilatam*)', yet also written 'before (*ante*) the publication of…*Ad conditorem canonum*'.[204] Although this only means that Trevet's work can be ascribed a *terminus ante quem* of December 1322, nonetheless Chatton's assertion that Trevet's is a relatively recent work – not to mention Trevet's own willingness to engage with the heretofore verboten subject of apostolic poverty – are strong indications that it was prepared after John had lifted the moratorium on the discussion of apostolic poverty in March 1322. As such, while Trevet enjoyed freer rein to challenge the doctrine of absolute apostolic poverty because of *Quia nonnumquam*, he was still compelled to elaborate a conception of apostolic *dominium in communi* wherein use and *dominium* could be separated, in accordance with the legal fiction that prevailed prior to the promulgation of *Ad conditorem canonum*.

The way in which Trevet defined these crucial concepts is of great importance for his discussion of the apostolic community's retention of goods in common. However,

[203]See p.190, above.

[204]Chatton, *De paupertate*, p.229; Chatton, *Reportatio*, p.160; see Robinson, 'Walter Chatton', pp.657–8, for the dating of Chatton's works.

neither Chatton nor Conington offers a straightforward account of Trevet's conception of these terms, which instead must be pieced together from scattered references in Chatton's responses to the first two chapters.

Trevet's Conception of dominium

Chatton repeatedly accuses Trevet of employing the legal fiction whereby use and *dominium* could be separated in relation to the same temporal goods, without making any finer distinctions (such as in relation to goods consumed by use).[205] This is wholly explicable given that Trevet wrote prior to *Ad conditorem canonum.* It also explains why he seems not to have drawn any more complex distinction between different categories of goods or different kinds of use, as Chatton does.[206] When Trevet does discuss use or rights of use, it is in terms that are analogous to the concept of a right of using (*ius utendi*) rather than a simple use of fact (*simplex usus facti*).[207] Thus, he implies not only that the apostles had used the *loculos* or clothes and food, but that their use was lawful because they enjoyed a right to do so. Trevet therefore simply passes over the Franciscan convention to differentiate between a right of using and simple use, which had traditionally allowed them to set aside any claim to a right over goods – he was simply not concerned about the same issue.[208]

However, Trevet does not separate *dominium* and use in order to argue that the apostles had set aside all *dominium*, as the Franciscans did; indeed, he regards such a total renunciation as theoretically impossible.[209] Rather, he used it to show that each individual apostle had exercised use of the goods in which they shared *dominium in communi*, as part of the apostolic community – he envisages not a total separation between *dominium* and use, but rather of common *dominum* and individual use.[210]

[205]Chatton, *Reportatio*, pp.161, 164; Chatton, *De paupertate*, pp.230, 235, 236, 238, 239.

[206]Robinson, 'Walter Chatton', p.676–9.

[207]In other words, he appears to differentiate between a right of use, on the one hand, and use, on the other. For the probable origin of this distinction in the Franciscan poverty discourse, see Bonaventure, *Apologia pauperum*, pp.312–13; discussed in Janet Coleman, 'Property and Poverty', in John H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c.350–c.1450* (Cambridge, 1988), pp.607–648, at 635–7; and Annabel Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge, 1997), pp.18–19.

[208]Robinson, *William of Ockham*, pp.286–7; A. S. McGrade, *The Political Thought of William of Ockham* (Cambridge, 1974), pp.14–16.

[209]See p.234 below.

[210]Chatton, *Reportatio*, p.161: 'concedent separationem, sicut quod persona privata potest habere usum,

Trevet was, in short, trying to reconcile apostolic common *dominium* with the legal fiction of the separation of *dominium* and use, which had yet to be repealed.

At the same time, Trevet placed clear limits on the extent of the goods over which the apostles had *dominium*. In accordance with Paul's assertion that 'having food and clothes, we are content' (1 Tim. vi:8), Trevet claimed that the apostles had possessed nothing other than food and clothes, and these only insofar as would meet their basic needs.[211] A little later, Chatton implies that Trevet was inconsistent on this point, and that he had also conceded that it was not necessary to have *dominium* over necessary things in order to have legitimate use of them.[212] Trevet may have employed an argument similar to that of Aquinas, who maintained that any surplus goods *in propria* that a person held beyond their own strictly necessary requirements could be appropriated by someone else in dire need; the issue of whether a person had *dominium* of necessary goods was negated in circumstances of great need.[213]

Chatton argues – somewhat uncharacteristically[214] – that Trevet had unnecessarily multiplied the mandatory concepts associated with *dominium* of necessary goods:

> according to [Trevet], a person can have victuals and clothes without *dominium*; therefore [*dominium*] is not necessarily required for victuals and clothes, which may be used without it'[215]

But it is not clear that Trevet would have conceded Chatton's point. In his treatise, he apparently offered several practical reasons to explain why the apostles had held common *dominium*. These included the claim that this state afforded greater security to individuals within the community, who would not be dependent on the free will of others (outside of the community) for their necessities;[216] and the assertion that it preserved a *dominus* from assuming a role which appeared to render him more imperfect (namely, in exercising *dominium* over a greater share of goods) in order that a separate

et communitas dominium'.

[211] Chatton, *Reportatio*, p.161; Chatton, *De paupertate*, pp.230–1.

[212] Chatton, *De paupertate*, p.231: '*per ipsum* persona habet victum et vestitum sine tali dominio', italics mine.

[213] Aquinas, *Secunda Secundae*, Q.66 a.2; see also p.233 below.

[214] Keele, '*Res* Theory', pp.48–9.

[215] Chatton, *De paupertate*, p.231.

[216] Chatton, *Reportatio*, pp.166; Chatton, *De paupertate*, p.239.

individual could be more perfect.[217] Trevet also asserted that the apostles had retained *dominium* over the goods that they used in order to avoid 'uncertainty' as to who possessed them: 'somebody had to possess them, because otherwise there would be uncertainty as to who had *dominium* over them'. As such, he argued that Christ Himself had had *dominium* of the apostles' goods:

> because there is no other person who is more suitable to have had possession of these goods than Christ. For, just as there is no person more suitable to have possession of the goods conceded to the use of the Franciscans than the pope, so it appears that there could be no more suitable (*aptius*) person to have had *dominium* of the goods [of the apostolic community] than Christ. As such, He was *dominus* of their goods.[218]

While Chatton suggests that there is a certain ambiguity in this assertion – did Trevet mean to imply that Christ retained *dominium* of the apostolic goods as an individual, or simply that He shared the *dominium in communi* along with others in the apostolic community? – it is clear that the latter meaning should be ascribed.[219] Although Trevet likened Christ's *dominium* to that of the individual *dominium* retained by a pope, he appears to have intended to compare papal *dominium* with apostolic *dominium in communi* and not to Christ's individual *dominium*. This is certainly what Chatton takes him to have meant, and it is compatible with the way in which Trevet conceived of *dominium in communi* and individual use as separable, as a way of justifying individual use of goods held in common.[220] Nonetheless, Trevet also believed that this *modus vivendi* was an exceptional one, even during the lives of Christ and the apostles; for both He and they 'had personal *dominium* both before [joining] that community, and even after it', but not during the period of the apostolate itself.[221] He therefore implied that the renunciation of *dominium in proprio* is a personal choice, perhaps undertaken as a

[217]Chatton, *Reportatio*, p.165; Chatton, *De paupertate*, p.238. Chatton notes that Trevet thereby appears to concede that it is in some way more perfect to renounce all *dominium*, and indeed that the Dominicans are imperfect for retaining *dominium in communi*. Nonetheless, Chatton himself clarifies that the assumption of *dominium* on behalf of another is 'not imperfect, but perfect and merciful.'

[218]Chatton, *De paupertate*, p.235; see also Chatton, *Reportatio*, p.163. Trevet seems to be making a veiled reference to *Exiit*, for Nicholas III had accepted *dominum* of Franciscan goods partly to preserve them from uncertainty about who owned the goods they used. See Friedberg, ii, col. 1114.

[219]Chatton, *De paupertate*, p.235.

[220]See p.226 above.

[221]Chatton, *Reportatio*, p.163.

way of entering a more perfect state – and thus, not dissimilar to the vow of poverty made by religious. He also implied that the apostolic community had not renounced personal *dominium* in such a fundamental way that it constituted the renunciation of a natural right.

Chatton rejects this conception of apostolic *dominium*, however. He does so – not only because he believes that the apostles had set aside all *dominium*, and that John XXII had since overturned papal *dominium* over Franciscan goods in *Ad conditorem canonum* – but because he believes that the very notion of an individual claiming to have renounced all individual *dominium* while retaining common *dominium* is impossible. Chatton essentially conceives of a community in terms of its individual members taken together; each member of a community with *dominium in communi* has a partial share in that *dominium*, such that every individual can be conceived of as 'a partial *dominus*' regardless of whether they have renounced individual *dominium.*[222] As such, Chatton implies that it is erroneous to insist that individuals can be held to have renounced all personal *dominium* while retaining a share of common *dominium*, for the latter confers a certain partial individual *dominium.*[223] For Chatton, the state of retaining only *dominium in communi* is an impossible middle position: an individual either renounces all *dominium*, or must accept some degree of *dominium in proprio.*

Overall, little about this reconstruction of Trevet's analysis of apostolic *dominium in communi* seems exceptional or unexpected, at least within the constraints of the papal *status quo* regarding poverty that prevailed at the time he wrote.[224] He did not ascribe to the apostles a power of *dominium in communi* beyond the strictly necessary food and clothes that they needed to sustain themselves and to provide alms to the poor. He also accepted that *dominium* and use could be separated, which he regarded as a way of justifying the phenomenon of individual use of communal goods, rather than of goods in which the individual had no rights of *dominium.* This explains the appearance of his

[222]Chatton, *De paupertate*, p.230: 'communitas non est nisi illae personae simul sumptae… Ergo habere in communi est illas personas simul esse unum totalem dominium illius rei; sed hoc non est nisi esse partialem dominium rei.'

[223]Ibid., p.233.

[224]For other Dominican contributions to the poverty dispute, see Janet Coleman, *A History of Political Thought* (Oxford, 2000), pp.122–4; and Coleman, 'Individual Rights'.

rather idiosyncratic analogy between Christ's *dominium* over apostolic goods and the papacy's retention of *dominium* of Franciscan goods, which is not quite perfect, but which Trevet probably included in order to signal his conformity to the pontifical *status quo* as it then stood, not expecting that John would soon overturn the legal fiction of separating use and *dominium*. Working within the constraints of that legal fiction, Trevet no doubt hoped to offer an interpretation of the apostolic life which would be more favourable to the Dominican doctrine of apostolic *dominium in communi*, by suggesting that *dominium* and use could be separated in such a way that all the members of a community had *dominium* of communal goods which were shared among all its members.

Evangelical Passages

While the theoretical underpinnings of the relationship between use and *dominium*, informed by papal pronouncements, play an important role in Trevet's discussion of apostolic poverty, he also directly discussed evangelical references to the apostolic *modus vivendi*. For the most part, he followed again in the mainstream of Dominican interpretations of the apostolic life which had been articulated during previous debates over apostolic poverty, particularly the secular-mendicant disputes of the 1250s and 1270s and the controversy of the *Correctoria*.

In particular, Trevet focused his attention upon the issue of the common purse to show that the apostles had held goods in common.[225] He does not seem to have elaborated much beyond the interpretations of the *loculos* that had been put forward by Augustine and which, through their incorporation into *Causa* 12 of the *Decretum*, were a mainstay of thirteenth-century disputes over the nature of apostolic poverty.[226] Trevet first cited the interlinear gloss to show that Judas had been 'keeper of the Lord's purse'.[227] He then argued that the apostolic community had used the common purse as a repository for alms intended for distribution to the poor, as well as to provide for their own necessities. Thus Trevet regarded the *loculos* in mostly literal, practical terms as a

[225]Chatton, *Reportatio*, p.163; Chatton, *De paupertate*, p.233.
[226]See above, p.22.
[227]Chatton, *De paupertate*, pp.231–2.

common store of money and goods, which he took to be proof that the apostles had held goods and money in common.[228] However, he also ascribed the *loculos* a spiritual interpretation in accordance with another passage from Augustine, wherein it was construed as a model for the future ecclesiastical administration of money and temporal goods.[229] None of these arguments would have looked out of place in the works of Aquinas, nor indeed in those of secular masters like William of Saint-Amour or Gerard of Abbeville.[230] Even Bonaventure and Thomas of York, who had upheld the perfection of absolute poverty, accepted that these were legitimate interpretations of the *loculos*.[231]

Slightly later, in chapter three of his treatise, Trevet also cited Acts iv:32 to demonstrate that members of the primitive Church had shared common *dominium* (and not merely a right of using, as Chatton maintained).[232] Trevet bolstered his interpretation of Acts with reference to *Dilectissimis*, another decretal from *Causa* 12 of the *Decretum*, and an important authority within the wider discussion of ideas about the origin of human *dominium*, although its precise meaning remained contested. The opening words of *Dilectissimis* observed that 'the common life is necessary for all people', and went on to exhort the clergy to set aside inordinate cupidity for personal goods in favour of common ownership, which was the most suitable way of life for those 'who wish to serve God blamelessly, and…to imitate the lives of the apostles and their disciples' in accordance with Acts. *Dilectissimis* also implied that, although humankind had once shared the common use of natural goods, a distinction between 'mine' and 'yours' – namely, a subjective claim to *dominium in proprio* – had appeared '*per iniquitatem*' in positive law.[233] Another decretal, *Nam iure*, was drawn from Augustine's discussion of Gen. i:28. It made a similar distinction between the state of ownership under natural law, when 'all things were common to all people', and the subsequent 'customs and constitutions' which introduced the principle of individual ownership, albeit without framing it in such starkly negative terms as an outcome of human sin.[234]

[228]Chatton, *Reportatio*, p.160; Chatton, *De paupertate*, p.232; citing C.12 q.1 cc.12 ('*Exemplum Domini*'), 17 ('*Habebat Dominus*'), in Friedberg, i, cols. 681, 683.
[229]Chatton, *De paupertate*, p.232; citing C.12 q.1 c.13 ('*Expedit*'), in Friedberg, col. 681.
[230]Saint-Amour, *De periculis*, c.12, pp.98–101; Abbeville, *Contra adversarium*, pp.104–6.
[231]See above, pp.23–28.
[232]Chatton, *Reportatio*, p.163–4; Chatton, *De paupertate*, p.236.
[233]Chatton, *De paupertate*, p.236; citing C.12 q.1 c.12 ('*Dilectissimis*'), in Friedberg, i, cols. 675–6.
[234]D.8 c.1 ('*Nam iure*'), in Friedberg, i, cols. 12–13.

In combination, the two decretals were usually read by the Franciscans as evidence that the emergence in the positive law of individual *dominium* represented an iniquitous falling away from the purer standard of living which had pertained under natural law, when all people enjoyed a common right of using in relation to all of the created world.[235] It is therefore notable that Trevet appears to have cited *Dilectissimis* alone, and only to show that common *dominium* is rightly the product of natural law, without attaching any of the negative associations that the Franciscans tended to read into it.

Trevet elaborated considerably on this natural law origin of *dominium* later in the third chapter of his poverty treatise. Of all the arguments attributed to him by his Franciscan opponents, this appears to have been the most original – it was certainly the most important, at least for Conington. In many respects, Trevet merely recycled the main elements of Aquinas's theories of natural rights, but he took them a step further in certain key regards, and so once again appears to have made a distinctive contribution to the well-worn contours of a longstanding debate between the two mendicant orders.

Dominium in communi and Natural Rights

The *Secunda Secundae* account of the emergence of property rights was probably the most influential Dominican discussion of that subject, and was subsequently adapted by later commentators, particularly John of Paris.[236] Aquinas's conception of *dominium* in relation to property rights was closely associated with his more general understanding of *dominium* as a power; that is, he believed that humankind enjoys an intrinsic power over temporal goods insofar as the use of a certain thing ('*quantum ad usum ipsius rei*'):

> humankind has a natural *dominium* over external things [*i.e.* temporal goods], because humans, through reason and the will, may make use of external things in accordance with their own needs of use, as though these things were made on their account.[237]

[235]Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625* (Grand Rapids, MI, 1997), pp.139–40; Robinson, *William of Ockham*, pp.44–7.

[236]For Aquinas, see Coleman, 'Property and Poverty', pp.621–5; Anthony Parel, 'Aquinas' Theory of Property', in Anthony Parel and Thomas Flanagan (eds.), *Theories of Property: Aristotle to the Present* (Waterloo, ON, 1979), pp.89–114; Maurice Barbier, 'Pouvoir et propriété chez Thomas d'Aquin: la notion de *dominium*', *RSPT* 94 (2010), pp.655–70; for John of Paris, see Janet Coleman, 'Medieval Discussions of Property: *Ratio* and *Dominium* according to John of Paris and Marsilius of Padua', *History of Political Thought* 4 (1983), pp.209–28.

[237]Aquinas, *Secunda Secundae*, Q.66 a.1.

In other words, Aquinas attempted to baptise the Aristotelian principle that the ownership of material things is natural to humankind by asserting that people, who were made *in imagine Dei*, were indeed created to have a natural *dominium* over and above all other, inferior creatures.[238] He cited Gen. i:28 to prove this double contention, 'for God said, "we have made humankind according to our likeness and image, and they shall preside over the fishes over the sea, and so on".'[239] In the following *Summa* article, Aquinas clarified that people also enjoy a right to exercise individual *dominium* and to have certain things of their own, although he regarded this as an outcome of positive, rather than natural, law.[240] However, he limited the scope of legitimate claims to *dominium in proprio* to what each person strictly requires, for he regarded the procurement and retention of goods beyond need as avaricious and an undue encroachment on the natural law principle of *dominium in communi*.[241] As such, Aquinas held that an individual in dire necessity could legitimately meet their needs by encroaching on another's surplus of individual goods, for 'all goods are common in [times of] necessity' – *dominium in communi* was not a prerequisite for use.[242]

Trevet repeated numerous aspects of Aquinas's discussion of *dominium in communi*, particularly his use of Genesis and his understanding that exceptional circumstances permitted people to use goods without having *dominium*. However, while he shared Aquinas's conception of *dominium* as a product of humankind's likeness to God, he construed *dominium* itself in terms of a right rather than a power – that is, he construed it as an inalienable characteristic of human nature. This central, and novel, assertion was discussed by both Conington and Chatton.

Chatton's detailed reconstruction of Trevet's lost arguments about poverty makes it possible to flesh out Trevet's discussion of natural law in his lost treatise(s). In his treatise(s), Trevet examined more general arguments which could show that the apostles had held goods in common, in the course of which he examined the origin of human

[238] Aristotle, *Politica (Libri I – II.11)*, ed. Pierre Michaud-Quentin, AL 19.1 (Bruges and Paris, 1961), I.4, p.12: 'igitur possessio pars domus est et possessiva pars yconomiae (sine enim necessariis impossibile est etiam vivere)'.

[239] Aquinas, *Secunda Secundae*, Q.66 a.1.

[240] Ibid., Q.66 a.2.

[241] Ibid., Q.66 a.2 ad.1.

[242] Ibid., Q.66 a.7.

dominium in natural law. He contended that common *dominium* emerged before the Fall and so antedated the emergence of positive law, which had arisen only following Adam and Eve's expulsion from the Garden. It therefore seems that Trevet argued in conformity with Augustine's conception of the prelapsarian origin of *dominium*, which was codified in *Dilectissimis* (and *Quo iure*, although Trevet apparently only cited the former).[243] However, according to Chatton, Trevet then asserted that it is preferable – indeed, necessary – for people to retain *dominium in communi*, because:

> a person cannot be deprived of their natural rights. But someone who has *dominium in communi* conforms to the natural law, for humankind was told in Genesis [i:28], 'you will have *dominium* over the fishes of the sea, and so on'.[244]

In other words, Trevet identified not only *dominium*, but also *dominium in communi*, as an inalienable natural right.

Yet Chatton's rather perfunctory response to Trevet does not bear out the intrinsic interest of this argument. Chatton argues that this Genesis passage merely implies that God intended humans to be born with a certain potential to have *dominium* ('*quilibet sit natus dominari*'), not that 'anyone whatsoever' is a *dominus* in practice. As such, any human being – including members of religious orders, the apostles, and 'even Christ' Himself – retains this potential to have common *dominium*, but there is no obligation for them to exercise it; indeed, it is laudatory to set it aside on behalf of God. For this reason, Christ and the apostles chose not to retain individual or common *dominium*, just as religious may.[245] In short, and even though he does concede that a person cannot be deprived (or deprive themselves) of their natural right,[246] Chatton regards *dominium*

[243]See p.232 above.

[244]Chatton, *De paupertate*, p.238: 'Homo non potest privari iure naturali; sed habere dominium in communi convenit sibi ex iure naturali, quia dictum est homini, Genesis 10: *Dominamini piscibus maris* etc.' See also Chatton, *Reportatio*, p.165: 'Item, arguunt sic: homini competit dominium in communi et ius naturale in res. Probatur ex genere dominationum piscibus maris. Sed iure naturali nullus potest se privare.'

[245]Chatton, *De paupertate*, p.239: 'Dico ergo, quod illud verbum Gen. intelligitur sic: Dominamini id est: sitis nati dominari eis; non quod actu quilibet sit dominus alicuius partis mundi, sed tantum quo quilibet sit natus dominari. Ita quilibet religiosorum et Apostolorum, etiam Christus, aptus natus fuisset habuisse dominium humanum. Quod autem non habuerit, hoc fuit, quia propter Deum libere tali dominio voluit carere.' See also Robinson, 'Walter Chatton', pp.666–7.

[246]Chatton, *Reportatio*, p.165.

(and therefore *dominium in communi*) as a natural capacity which can be set aside, in line with his conception of the Franciscan *modus vivendi* as one of extreme but voluntary self-deprivation of necessities.[247]

Conington engages far more extensively than Chatton with Trevet's conception of *dominium* as a natural right. It is tempting, for this reason, to suggest that Conington had before him a modified version of Trevet's argument from natural law – a redaction, perhaps, or even a completely new work in which Trevet revised and updated an earlier or more basic version of his arguments. After all, Trevet may have prepared two polemical treatises, before and after John XXII pronounced *Ad conditorem canonum*; and Conington himself focuses solely on Franciscan, rather than apostolic, poverty, which implies that he, too, wrote after the ban on upholding the legal fiction of use without *dominium* which was imposed by *Cum inter nonnullos*. As such, it is not unreasonable to posit that Chatton deals with an earlier treatise and Conington with another, later work.[248] This hypothesis is further strengthened by the substance of the natural law arguments which Conington attributes to Trevet, which are considerably more detailed than in Chatton's works, and which also imply that Trevet had incorporated into his argument John's reforms concerning use and *dominium* from *Ad conditorem canonum*.

The appearance of Trevet's argument is in itself a marked deviation from the rest of Conington's treatise. Conington had begun his *Responsiones* by beseeching the pope directly, on bended knee, to console 'the troubled conscience of an old man, insofar as he might be considered a pauper'.[249] However, he then retreats from this position of personal supplication and instead places the Franciscan case into the mouth of a friar engaged in an imaginary dialogue with John XXII. Most of the words and arguments that Conington ascribes to his fictive papal interlocutor are directly extracted from *Ad conditorem canonum*, allowing Conington's alter-ego to examine the bull's contents point-by-point. This approach also limits the scope of argument to what is indubitably attributable to John, thus ensuring that Conington could defend himself from

[247]Chatton, *De paupertate*, p.234: 'qualiter religiosi ordinis sancti Francisci habent abdicare dominium, velit mundus nolit mundus'.

[248]The existence of two treatises is discussed above, p.213.

[249]Conington, *Responsiones*, p.355.

misrepresenting John's position. The sole instance of deviation from this framework arises when Conington's pope briefly invokes an argument which he attributes to an anonymous person ('*quidam*'), identified in the *marginalia* of the manuscript as Trevet.[250]

This argument emerges at the end of a series of *rationes* proposed by Conington's pope in opposition to the claim 'that the Roman Church retains for itself *dominium* of base things which are consumed by use, the use of which has been granted to the friars.'[251] Among other claims, the fictive pope declares that it is absurd to contend that the papacy could have *dominium* over base goods; that it is impossible to distinguish between the consumption of a good and *dominium* over it; and that, as 'an instantaneous act', this kind of consuming use cannot be said to occur *ante* or *post facto*, but only at the precise moment of use – all arguments which appear in *Ad conditorem canonum*.[252] Yet the ninth reason, attributed to Trevet, is not drawn from that bull, but is instead an elaboration of certain principles of natural (indeed, supernatural) law.[253] Conington's pontiff implies that Trevet conceived of *dominium* as having originated in a context which transcends nature ('*supernaturaliter*') – that is, in divine or natural law – for he describes 'use and *dominium* in accordance with the laws of nature'.[254] This sounds very much like the argument from natural law based on Gen. i:28 which Chatton had also refuted; and Conington similarly attributes to Trevet the claim that 'a person, insofar as they are a person, may not renounce the natural rights which they have in worldly things'.

[250]Conington, *Responsiones*, p.360.

[251]Ibid., p.358.

[252]Ibid., pp.358–9.

[253]Ibid., p.360: '9a Ratio. Trivet – Item, istis adicit quidam loquens aliud argumentum, supernaturaliter dicens: quia omnia facta fuerunt proper hominem, ideo omnia sunt hominis quoad usum et dominium iuris naturae, eo quod homo est. Similiter quia omnia bona Ecclesiae sunt ei data et collata propter pauperes, ideo omnia sunt pauperum quoad ius et dominium iuris rectae conscientiae, eo quod pauperes sunt, et ideo Augustinus in libro *De facultatibus Ecclesiae* dicit, quod bona Ecclesiae sunt patrimonium pauperum, vota fidelium et preti peccatorum. Sicut igitur, manens homo, homo non potest renuntiare iuri naturae, quod habet in rebus mundi, ita nec pauper iuri rectitudinis conscientiae, quod habet in rebus Ecclesiae. Quia igitur constat conditorem canonum non concessisse fratribus usum iniustum, aut abusum, aut usum includentem aliquid rationi repugnans aut contradictorium, sequitur quod non intendebat eis concedere in rebus usu consumptibilibus nudum usum sine dominio, iure et proprietate. Haec autem, fili, statim concederes, si terminos intelligeres, quod quia non intelligis, hircocervos, chimaeras et tragelaphos tibi consuis inaniter et confingis.'

[254]Gratian himself had conflated natural and divine law in the very first canon of the *Decretum*. See D.1 c.1 ('*Omnes leges*'), in Friedberg, i, col. 1.

Thus, in conformity with Trevet, Conington's fictive pope explains that 'since all things were made for humankind, all things belong to humans by natural law with respect to their use and *dominium*'. He adds that previous popes had never intended that Franciscans should enjoy the use of goods without retaining some form of *dominium*, for this would seem to occasion an 'abuse or unjust use' of goods, and to be opposed to natural law. Directly quoting from *Ad conditorem canonum*, Conington's pope states that 'the bare use of things consumed by use without *dominium*, right, and ownership' falls into this category – that is, such use is incompatible with the natural law principle that people cannot renounce a certain inherent *dominium* over worldly goods. He adds that Conington's alter-ego would arrive at the same conclusion if he could only understand 'the ends' to which the new constitution was created – namely, to abolish the faulty arguments on which the friars had long based the legal fiction of use without *dominium*, which he likens to fantastical beasts that are not found in nature.[255]

Conington further implies that Trevet had elaborated on humans' natural right over worldly goods through an analogy with the rights of the poor in relation to ecclesiastical goods. Trevet apparently claimed that:

> since all the Church's goods were given to it and collected by it on behalf of the poor, therefore they all belong to the poor by the laws of upright conscience (*iuri rectitudinis conscientiae*), insofar as their use and *dominium*.

In short, the Church itself is merely a steward of these goods, and *dominium* of them properly belongs to the poor (and presumably, even the pope cannot imbue the Church with *dominium* over Franciscan goods).[256] In Conington's account, Trevet seems to have added that ecclesiastical goods should be considered as 'the inheritance of the poor, the offerings of the faithful, and the atonement paid by sinners' – presumably because he wished to emphasise that the poor, rather than the papacy, enjoy property rights over these goods in a manner akin to a hereditary claim.[257] Just as a person cannot renounce their natural right of worldly *dominium* – another of the arguments rebutted by

[255]Of course, Chatton implies that Trevet himself had utilised this same legal fiction – a further indication that Conington was responding to a slightly later, revised version of Trevet's argument.

[256]For this concept of the clergy as stewards of ecclesiastical goods, see Coleman, 'Property and Poverty', p.621. Trevet himself had argued in similar terms in one of his quodlibetal questions; see p.191 above.

[257]In conformity with C.12 q.1 c.13 ('*Expedit*'), in Friedberg, i, col. 681.

Chatton – so paupers cannot renounce the laws of upright conscience through which they have a share in ecclesiastical goods. Hence, Trevet both divested the Church of *dominium* over ecclesiastical goods, and implies that even the 'poor' Franciscans would enjoy a claim to *dominium* over those goods as a corollary of their poverty.

Although he reiterates that he does not mean to insult the pope and will comply with *Ad conditorem canonum*, Conington's fraternal alter-ego refuses to accept this argument from natural rights without significant qualification. He states that, whereas certain worldly things were created to be 'goods' and so can be conceived as such, others – such as the seas and coasts, and the elements, and light, and celestial bodies – cannot be appropriated in this way. He does not consider humankind 'to have been granted a [natural] right of *dominium*, but rather a natural right of using' in relation to this category of worldly things. By making this argument, Conington conforms to traditional Franciscan interpretations of *Dilectissimis*, which had proclaimed the impossibility of 'divid[ing] the air or the splendour of the sun in such a way that nothing remains', and which had been cited in a similar way by his brethren at the general chapter of Perugia, and also by Bonagratia.[258] Moreover, Conington tacitly follows Bonagratia in disassociating *dominium* from this right of using in relation to natural goods, which are 'common to all'.[259] However, Conington's friar implies that the passage from Genesis presents an outdated vision of the rights which God conceded to humankind.

> After [the Fall], by divine approval, *dominium* over things which could be appropriated [by people] became a distinct kind of right – a natural right – by which all such things were rendered communal insofar as their reasonable use as necessities, while *dominium* over them was totally renounced except in cases of extreme necessity.[260]

[258] Conington, *Responsiones*, p.365: 'rerum mundi quaedam in nullius bonis sunt, nec nata sunt esse, ut mare et eius litora et in suius totalitatibus omnia elementa et lumen et corpora coelestia et huiusmodi, si quae sint alia; aliae autem res mundanae semper fuerunt apte natae appropriari et esse in bonis alicuius'; compare with '*Declaratio de magistrorum et baccalariorum*' and '*Appellatio*', in Gàl and Flood, *Nicolaus Minorita*, pp.78–9 and 102–3, respectively. See also Tierney, *Natural Rights*, pp.139–41.

[259] '*Appellatio*', in Gàl and Flood, *Nicolaus Minorita*, p.102: 'in omnibus rebus, sive sint de illis quae non consumuntur usu sive sint de his quae consumuntur usu, usus rerum ipsarum non habet dominium sive proprietatem rerum adnexum sive adnexam, quia de iure naturali et divino omnia quae spectant ad usum hominum sic sunt communia omnibus hominibus'.

[260] Conington, *Responsiones*, p.365.

As such, the friar holds that it is misguided to conceive of Gen. i:28 as proof that humankind continues to enjoy an innate common *dominium* over natural things; it is more correct to say that, in postlapsarian times, people now have certain rights of use, in conformity with the traditional Franciscan reading of *Dilectissimis*.[261] The friar further argues that it is contrary to existing ecclesiastical constitution to claim that all ecclesiastical goods are held in stewardship and distributed on behalf of the poor, as Trevet did, by pointing out that Gratian had asserted that only a quarter of all ecclesiastical goods are legally required to be directed towards this purpose. As such, the distribution of ecclesiastical goods is not really enacted in a way that is comparable to the exercise of natural rights, as Trevet had maintained, but in accordance with positive law in the form of ecclesiastical constitution.[262]

Nonetheless, Conington does not push this line any further. His rather tentative critiques of the new *status quo* are overridden by his desire to demonstrate his conformity to papal prerogatives. His treatise ends much as it began: with an earnest promise to conform his own meagre intellect to the papacy's much greater wisdom, in order not 'to deviate from the path of truth'.[263]

The similarities between Conington's and Chatton's depictions of Trevet's arguments imply that the latter was far more than a mere straw man for the English Franciscans, on whom they could focus their criticisms without seeming to overtly attack John XXII himself: Trevet really did make these arguments in one, possibly two, poverty treatises that are now lost. Furthermore, his efforts were considered significant enough within England to attract serious engagement from his Franciscan contemporaries, whose surviving responses demonstrate that his understanding of poverty – particularly his rather idiosyncratic conception of *dominium* as a natural right – were an important influence upon the way in which they reconciled themselves

[261] Tierney, *Natural Rights*, p.140.

[262] Conington, *Responsiones*, p.365: 'Quod autem ulterius accipitur, quod omnia bona Ecclesiae dantur ei propter pauperes, si intelligatur sic, quod omnia pauperibus distribuantur, fatuum est hoc dicere, quia [C.]12 q.2 [c.26] dicitur, quod debent dividi in quatuor partes? Dico igitur, quod bona Ecclesiae nullo iure sunt pauperum aliorum a ministris Ecclesiae, donec ius constitutatur eis a legitimo dispensatore, nisi in casu necessitatis extremae'; citing '*Concesso vobis*', in Friedberg, i, col. 696. For a comparable argument by Bonagratia, see '*Appellatio*', in Gàl and Flood, *Nicolaus Minorita*, pp.103–5; and for the existence of this tension in the canon law, see Coleman, 'Property and Poverty', pp.619–20.

[263] Conington, *Responsiones*, p.369.

with John XXII's reversal of papal policy about poverty. The works of Chatton and Conington also demonstrate that, while Trevet himself articulated a theory of common *dominium* which more closely matched the new papal consensus regarding the *vita apostolica*, he was compelled to alter aspects of his own thinking, such as conception of use, in order to conform with John's decrees.

The Trajectory of Dominican Poverty Thought

The two Franciscans' shared references to an argument in which *dominium in communi* is construed as a kind of natural right (on the basis of Gen. i:28) is not only valuable *per se* as a means of gaining insight into Trevet's conception of *dominium* and use, but it also opens the possibility of placing these arguments within the wider context of Dominican discussions of poverty and property within the Church.

The counter–attacks of Conington and Chatton indicate that Trevet regarded a certain *dominium* over common goods as an intrinsic element of natural law, and an inherent, inalienable right of all humans. Whereas Franciscans had tended to depict the simple use of common goods as a product of the canon law, Trevet argued that it was a natural *dominium in communi* which had prevailed since almost the very creation of humankind, even antedating the Fall.[264] He thereby deviated from the teachings of Aquinas, who accepted that common *dominium* had a prelapsarian origin but regarded it as an outcome of humankind being created in the image of God, without explicitly attributing to it the status of a natural right.[265] In Trevet's hands, common property rights become an inherent characteristic of the divine plan for humankind's relationship to the created world, if not an intrinsic aspect of the human condition. Thus he seems tacitly to have acknowledged the validity of John's eradication of the legal fiction of separate use and *dominium* over certain Franciscan goods.

Moreover, Trevet's use of Gen. i:28 to prove the origin of *dominium* in natural law is noteworthy with respect to the continuing evolution of the fourteenth-century disputes over apostolic poverty. Trevet had presented a commentary on Genesis to his

[264]Tierney, *Natural Rights*, pp.139–41.
[265]See p.233 of this thesis.

brethren in 1307, and another to the newly elected Pope John in 1316, although an examination of the relevant passage in this latter work only demonstrates that Trevet had not much elaborated on his understanding of natural law at that time, perhaps because he had not given the matter much thought, or perhaps because he wrote the commentary when the legal fiction of separating use and *dominium* still enjoyed pontifical approval.[266] Yet Trevet's use of Gen. i:28 is also of interest for subsequent developments, due to the prominence of that same verse in John's decree *Quia vir reprobus* (1329), which was intended to rebut the much more openly hostile position taken by Bonagratia of Bergamo and Michael of Cesena later in the 1320s.

In *Quia vir reprobus*, the pope argued that this verse explicitly showed that God had given *dominium* to Adam prior to the creation of Eve and that he was therefore an individual *dominus*, for he was the only human being in whom any *dominium* could inhere. After Eve was created, she had shared in Adam's *dominium* in such a way that *dominium in communi* was the norm during prelapsarian times.[267] John's argument hinged on his interpretation on the part of *Dilectissimis* which proclaimed the impossibility of 'divid[ing] the air or the splendour of the sun in such a way that nothing remains'. While the Franciscans, including Conington and Chatton, had consistently interpreted this as a reference to the indivisibility of use and *dominium* in relation to those natural goods, John held that it simply referred to the undivided *dominium* (that is, the common *dominium*) over natural goods held by Adam and Eve, and, by extension, the rest of humankind.[268] John's interpretation of Gen. i:28 has been described as relatively 'unconventional', indeed as 'the culmination' of his developing conception of property rights.[269]

[266]Dean, 'Cultural Relations', pp.548, 551, believes it likely that the two commentaries are mutually distinct. For the relevant passage of the later commentary which Trevet dedicated to John, see Valencia: Universitat de València, Bibliotheca Històrica, MS. 295, ff.53r–55v.

[267]'*Quia vir reprobus*', in Gàl and Flood, *Nicolaus Minorita*, pp.553–613; discussed further in Tierney, *Natural Rights*, pp.154–6; and Robinson, *William of Ockham*, pp.44–7.

[268]Gàl and Flood, *Nicolaus Minorita*, p.569: 'Ipse enim dicit, quod sicut non potest dividi aer nec splendour solis, ita nec reliqua, quae communiter data sunt ad habendum, divide debere; ex quibus verbis clare patet, philosophum dixisse, ita temporalia fuisse data communiter omnibus ad habendum'.

[269]Tierney, *Natural Rights*, p.154; and Gordon Leff, *Heresy in the Later Middle Ages: The Relation of Heterodoxy to Dissent, c.1250–c.1450*, 2 vols. (Manchester, 1967), i, p.247, respectively. See also Jürgen Miethke, 'Paradiesischer Zustant – Apostolisches Zeitalter – Franziskanische Armut: Religiöses Selbstverständnis, Zeitkritik und Gesellschaftstheorie im 14. Jahrhundert', in *Vita religiosa im Mittelalter: Festschrift für Kaspar Elm zum 70. Geburtstag*, ed. Franz J. Felten and Nikolas Jaspert (Berlin, 1999), pp.503–32, at 525.

Yet Conington and Chatton imply that Trevet may have put the same passage of Genesis to a similar use several years before John prepared *Quia vir reprobus* – indeed, even before the promulgation of *Ad conditorem canonum*. Despite the patronage which the pope is known to have extended to Trevet, including in relation to the Genesis commentary, there is no clear evidence which would create an unimpeachable link between Trevet's interpretation and application of Gen. i:28 and its appearance in John's response to the Michaelists. Still, it remains an intriguing possibility that Trevet's conception of the prelapsarian emergence of an innate human *dominium* over natural goods came to influence the poverty theory of his erstwhile patron, John XXII. If so, Conington's conflation of Trevet's discussion of use with that of 'the pope' assumes a new and striking significance.

Notwithstanding that unverifiable possibility, the appearance of Trevet's arguments in the works of both Chatton and Conington suggests that he was regarded, within English circles at least, as a notable local exponent of a theory of property rights which was fundamentally incompatible with the Franciscan order's worldview. These Franciscan treatises make it very clear that there was localised interest in the question of evangelical poverty amongst the English friars, but also that Trevet played an important role as a proponent of a more general Dominican line of argument which extended beyond the borders of the English province.

Yet any conclusion as to the broader significance of Trevet's conception of the origin of property rights in natural law would would naturally depend, in turn, on whether it differs markedly from the arguments that were put forward by his brethren on the continent during this period. In a recent work, Patrick Nold has observed that 'Dominican enthusiasm for discussing apostolic poverty was second only to that of the Franciscans themselves'; yet the Dominican contribution to the papal poverty consultations remains relatively poorly studied, presenting a challenge to any more thorough contextualisation of Trevet's arguments and the assessment of his contribution.[270] At the same time, the finer points of Trevet's arguments do not have to be straightforwardly examined within a broader 'Dominican' consensus on the apostolic

[270]Nold, *Apostolic Poverty Controversy*, p.31.

poverty question. While members of both the Franciscan and the Dominican orders generally conformed to a basic vision of apostolic poverty shared by their respective orders, there were undoubtedly variations or shades of argumentation within the broad parameters of each position. Trevet's arguments certainly lend support to the suggestion that John XXII's *volte-face* on Franciscan poverty was influenced in no small way by his Dominican advisors, who brought to bear a significantly different vision of apostolic poverty.[271] This does not mean that Trevet himself played a direct role in advising John in the lead-up to the promulgation of *Ad conditorem canonum*, but it does suggest that Chatton and Conington decided to set up Trevet as a source of opposing authority because they viewed him as a reflection of the changing current of papal opinion, whom they could safely target while deflecting accusations that they were criticising John himself.

Like many of his contemporaries, Trevet's conception of the apostolic community was strongly influenced by his own affiliation with a particular ecclesiastical *modus vivendi* – in his case, with the Dominican practice of poverty. Accordingly, he presented the apostles as having enjoyed the shared ownership of common goods in a manner similar to the observance of poverty that the Dominican order itself claimed to practise. Yet this broad ideal of affiliation was the only significant limitation on Trevet and his confrères: they were otherwise relatively free, in the wake of *Quia nonnumquam*, to criticise the theory of absolute apostolic poverty which had so long prevailed under canon law, and to put across a theory of apostolic common ownership on the basis of both gospel references and appeals to reason. Equally significantly, in the absence of a fixed Thomist conception of *dominium* in relation to property rights, Trevet was relatively free to probe the doctrinal parameters of apostolic *dominium in communi*. Indeed, it would be unsurprising if further research into other Dominican contributors to the poverty consultations revealed a similar spectrum of argumentative differences as the wide range exhibited by their Franciscan counterparts.

[271] Guillemain, *La cour pontificale*, p.384, notes that '[l]es dominicains ont bénéficié d'un préférence, non pas d'un monopole' in relation to the teaching of theology at Avignon during this period.

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In recent years, scholars have begun to explore Trevet's theological works in greater depth, but his engagement with ecclesiological topics has yet to undergo a more systematic appraisal. While this chapter has only offered a synthetic account of some of those topics – due to the generic conventions of the quodlibetal disputations, on the one hand, as well as the loss of his treatises on apostolic poverty, on the other – nonetheless it has begun to shed light on the ecclesiological issues that were current within the Oxford schools during the early decades of the fourteenth century.

Trevet's quodlibets suggest that there was a renewed interest at Oxford in the status within the Church of the mendicant orders, particularly their participation in the pastoral work of confession. This interest is almost certainly a reflection of Boniface VIII's and Benedict XI's attempts to settle the status of the privileges that governed the friars' involvement in pastoral activities, even though Trevet only made a single direct reference to recent papal decrees. Such a direct link between papal legislation and the Oxford masters' interest in confession seems especially plausible due to the nature of quodlibets, which invited speculation *de quolibet* and so provided a forum for the discussion of recent urgent topics.[272] But the interest of the Oxford theologians in mendicant privileges may have been further piqued by the more localised response to them, especially as they were reflected in new university statutes which attempted to curb the friars' relatively untrammelled access to the theology faculty, even though the conflict did not erupt fully until the next decade. In the aftermath of that conflict, which saw the temporary expulsion of the Dominicans from the *consortium magistrorum* and also precipitated Trevet's own return to Oxford, the only distinctively ecclesiological question that he addressed *a quolibet* concerned the status of the Dominican vow. Meanwhile, the poverty treatises demonstrate that Trevet openly participated in the discussion of apostolic and Franciscan poverty which followed John XXII's promulgation of *Quia nonnumquam* in March 1322. Although his engagement, and that of his Franciscan critics, was not directly tied to the pontifical consultation into those

[272] Hamesse, 'Theological *Quaestiones Quodlibetales*', p.30; Glorieux, *La littérature quodlibétique*, i, pp.20–39.

questions – at least insofar as their responses did not form part of the papal investigation – it still provides evidence of a more localised English interest in the apostolic poverty disputes underway at Avignon; and, in Trevet's case, it points to a desire to take advantage of recent events to pursue a distinctively Dominican interpretation of apostolic poverty.

The Oxford mendicants' engagement with the subject of poverty also bears witness to the weakening of the Parisian schools' influence over the discussion of disputed theological questions: not only were Trevet, Chatton, and Conington able to determine relatively publicly on the subject of poverty, but their respective responses reflect the intellectual vibrancy which was then emerging in the Oxford schools more widely.[273] Indeed, the works investigated in this chapter all contribute to the view that there was a significant change in the landscape of theological teaching authority during the early fourteenth century. The special pre-eminence of the Parisian masters in theology had already begun to be challenged during the 1280s and 1290s, a development which was especially reflected by the failure of their efforts to overturn papal provision in relation to mendicant privileges. While the Parisian masters did not entirely relinquish their standing to their counterparts in other institutions, it was somewhat diminished by the emergence of an increasingly sophisticated method of assessing theological and doctrinal issues within the papal curia itself – the theological centre of gravity, as it were, shifted to accommodate the increasing prominence of the papacy as a decision-making institution. This shift also impacted theologians in other intellectual centres – including the Oxford masters – by removing them from the more passive, imitative role which they had tended to play during the thirteenth century, and encouraging the discussion of a more diverse range of theological issues and the development of a more idiosyncratic '*theologica anglicana*'.[274]

[273]Courtenay, *Schools and Scholars*, pp.151–7; Courtenay, 'Theology and Theologians', pp.1, 7–9.
[274]Courtenay, *Schools and Scholars*, pp.250–306.

Conclusion

During their appeal against the Dominicans in 1311–13, the Oxford secular masters asserted that the privileges and customary practices of the University of Paris were not applicable to the Oxford schools: 'one and the same form of living will not suit every place equally'.[1] A similar criticism could be levelled at modern scholarship in relation to the study of mendicant ecclesiological thought, which has tended to be discussed almost entirely in terms of secular-mendicant conflict and with exclusive reference to the institutional disputes at the University of Paris. Not only have these rather narrow contextual parameters overshadowed other contexts in which mendicant ecclesiological thought took place, but they also risk imposing certain artificial limits on the range of *aspects ecclésiologiques* that mendicant masters discussed. By contrast, this thesis has attempted to broaden the institutional and intellectual parameters within which the mendicants' engagement with ecclesiological issues took place, via an examination of certain works prepared by three mendicant masters associated with the Oxford schools.

It has been possible to arrive at certain specific conclusions about these masters and the ecclesiological ideas that they espoused. Although it was written in Oxford, the *Manus* of Thomas of York was unquestionably prepared in response to the secular-mendicant controversy at Paris; moreover, Thomas's treatment of certain key issues, such as the apostolic *loculos*, demonstrates his dependence on a much larger body of Franciscan thought. Yet the *Manus* is also notable for its distinctive emphasis on hierarchy and mendicant participation in pastoral care, ideas which Thomas imbibed as a member of the circle surrounding Robert Grosseteste.[2] In a similar way, the *Correctorium* of William de la Mare can be regarded –in the words of David Burr — as a further 'instalment' in the Parisian secular-mendicant controversy, the parameters of which

[1] Rashdall, 'Friars Preachers', p.236: 'unus et idem modus vivendi non equaliter convenit omni loco'.

[2] However, this should not be taken as a straightforward endorsement of Richard Southern's conception of Grosseteste as a 'provincial' theologian who stood outside the mainstream of Parisian theological currents. Southern, *Robert Grosseteste*, pp.lvi-lx. See also the valuable remarks in Antonia Fitzpatrick and John Sabapathy, 'Introduction: Individuals and Institutions in Medieval Scholasticism', in id. (eds.), *Individuals and Institutions in Medieval Scholasticism* (London, 2020), pp.1–49, at 10–11.

influenced Thomas Aquinas's systematic conception of issues such as apostolic poverty, religious vows, and the ecclesiastical hierarchy; and, by extension, de la Mare's treatment of the same issues.[3] Yet a closer examination of de la Mare's ecclesiological articles reveals that there was a certain underlying coherence in his conception of those issues, such as a commitment to underlining strictness as a defining characteristic of the religious state, and a belief in the efficacy of the paternal role exercised by priests during the process of delation. These consistencies across the *Correctorium* articles allow for the development of a more synthetic account of his ecclesiological thought, which helps to establish de la Mare's own distinctive position within the pantheon of leading thirteenth-century Franciscan theologians. Finally, the *quodlibeta* and the poverty treatises of Nicholas Trevet underscore his contemporary importance as a theologian, which was as essential a facet of his identity as the classical commentaries for which he is now best remembered. Although Trevet's theological works cannot be fully appreciated without an understanding of the local, institutional context in which they were prepared, which informed the ecclesiological issues he discussed (particularly in the quodlibets), they also bear witness to a change in the overall orientation of ecclesiological thought; that is, Trevet was consistently guided by intellectual developments at the papal court rather than disputes at the University of Paris.

However, while the thesis has broadened the traditional parameters within which the mendicants' discussion of ecclesiological issues has tended to be conceived, it is far more difficult to offer a more general conclusion about mendicant ecclesiology at Oxford on the basis of the previous three chapters. After all, the secular-mendicant controversy at Paris comprised a sequence of related institutional debates concerning the existence of the friars and their participation in ecclesiastical activities, permitting scholars to develop a coherent chronology and 'canon' of texts in which the same themes are consistently addressed and developed. By contrast, the absence of a similar series of related disputes or controversies at Oxford – indeed, the relative infrequency of anti- or intrafraternal debate of any kind – presents a challenge to the construction of a comparable account of 'mendicant ecclesiological thought'. For this reason, while the thesis sheds light on the

[3]Burr, *Olivi and Franciscan Poverty*, p.155, discussed on p.149 of this thesis.

work of these three masters, and also offers some more specific conclusions about the ideas they articulated and the various intellectual and institutional impetuses for their expression, it is a much more challenging task to summarise the general characteristics of mendicant ecclesiology produced by the Oxford masters during this period.

Besides the absence of a clear sequence of related debates, there are certain obstacles to establishing a more general conclusion. One of these is the difficulty of settling upon a consistent definition of the term 'Oxford master' that would satisfy all of the theologians who have been discussed: for, while each of these three masters can be ascribed a more or less concrete association with the Oxford schools, the numerous disparities between their career trajectories mean that it is essentially impossible to apply a consistent definition of the term 'Oxford master' to them. As 'Oxford masters', then, they are perhaps no more or less representative than many other theologians associated with the Oxford schools during this period.

Furthermore, attempts to classify masters in accordance with their affiliations with the universities as institutions presents an additional challenge insofar as the mendicants were concerned, because the orders' own *studia* networks transcended the institutional divisions that separated the universities themselves. Mendicant theologians, along with their texts and ideas, passed between their *studia* in the university centres in such a fluid way that it is difficult to assign any of them the fixed designation 'Oxford master' or 'Oxford text' without significant qualification; and, as has already been observed, such a qualification could not be applied consistently, at least in relation to the three masters examined in this thesis. The mendicant orders as a whole were 'international' or 'macro-institutional' in nature, and their centres of authority that lay outside the universities. As such, it could be asserted that each of these friars would have considered himself a Franciscan or Dominican first and foremost, rather than a mendicant in a more general sense, or indeed an Oxford or Paris master; and that, accordingly, he would have regarded his works as a contribution to Franciscan or Dominican discourse above all else, notwithstanding the specific polemical circumstances which prompted him to sharpen his pen.[4] In that case, there is considerable scope for future research into the ways in

[4] This tallies with Russell Friedman's discussion of the lines along which intellectual traditions emerged

which certain ecclesiological issues were discussed and developed by members of a certain religious order, rather than within a specific institutional context; certainly, the recurrence in all three chapters of this thesis of the apostolic *loculos* as a linchpin of Franciscan poverty discourse would seem to point to the utility of just such an approach, and allow for the possibility of a more synthetic general conclusion.

This is not to say that future studies of 'mendicant ecclesiology' should be overly preoccupied with tracing a fixed constellation, or recurring set, of predetermined ecclesiological *topoi*. The wide range of issues treated in this thesis demonstrates that there was no 'school' of mendicant ecclesiology; at least, not if such schools are narrowly defined in terms of doctrine. However, there is far greater scope in identifying 'schools' of mendicant ecclesiological discourse in accordance with Steven Marrone's reconceptualisation of schools in terms of 'allegiance', that is, as reflective of 'the politics of group identification'.[5] Such an approach should help to reinforce the important contention that, rather than seeking to construct an account of ecclesiological thought on the basis of a fixed set of doctrines that recur across the work of numerous mendicant authors, it would be more fruitful for future researchers to consider how different members of particular religious orders conceptualised broader issues pertaining to the mendicants' existence and activities. This gives scope for further analysis of the ways in which different mendicant orders conceived of themselves and their activities in contradistinction to one another, not just their secular counterparts. In other words, an approach to mendicant ecclesiological thought based on affiliation with a particular order would broaden the artificial parameters imposed by the scholarly preoccupation with the Parisian secular-mendicant disputes, while offering a more concrete context from which to trace meaningful developments in the discourse surrounding the friars and their self-identity within the Church.

Nonetheless, this thesis does contribute to a broadening of the same historiographical parameters. The numerous differences between the three masters make it difficult to draw a more positive conclusion about so-called mendicant ecclesiology at

during this period. Friedman, *Intellectual Traditions*, i, pp.21–7.

[5]See, respectively: Marrone, *Light of Thy Countenance*, i, p.16; and Fitzpatrick and Sabapathy, 'Introduction', p.25.

Oxford during this period, but it is still possible to offer a slightly more attenuated criticism of the main issue which inspired the creation of this thesis – namely, the contention that the secular-mendicant disputes at Paris cannot be upheld as a cypher for mendicant ecclesiological discourse *per se*.

In many ways, the relative narrowness of the dominant scholarly concern with secular-mendicant conflict presents a serious limitation to the study of mendicant ecclesiological thought precisely because the friars' emergence took place on a general, phenomenological scale. Their existence posed a challenge not only to local ecclesiastical structures and routines, especially in relation to pastoral work; but also to emerging conceptions of the Church as a juridical entity comprised of a fixed hierarchy and orders, which had become increasingly consolidated in canon law during the twelfth century. As such, while issues related to both churches and 'the Church' were undoubtedly a major locus of the antifraternal disputes of the Paris schools, they were also relevant elsewhere, and equally as widely discussed. Those discussions often did not take place according to a strict secular-mendicant dichotomy, reflecting instead the mendicant orders' mutually inconsistent conceptions of the *vita apostolica* and religious perfection. In short, the orientation of mendicant ecclesiological discourse differed profoundly based on circumstantial factors including geographical location, institutional affiliation, and affiliation with a particular order.

The many similarities between the ecclesiological *aspects* discussed in the schools at Oxford and Paris attest to the danger of drawing overly strict distinctions between different intellectual centres during this period: both the broader curricular similarities between the theology faculties at Paris and Oxford, as well as the lively intellectual exchange between university centres facilitated by the mendicant *studia* system, present an obstacle to such unqualified thinking. Nonetheless, the works examined in this thesis demonstrate that distinctive localised contexts and influences played an important role in determining the ways in which mendicant masters conceived of the broader issues related to their place in the Church. The friars at Oxford engaged with ecclesiological *topoi* relating to the place, existence, and activities of the mendicant orders in lively and

often original ways that reflected the particular circumstances in which they lived and worked, as much the events and arguments which prevailed at Paris and elsewhere.[6] At the very least, the works examined in this thesis demonstrate that there is value in broadening the current source base for the study of mendicant ecclesiology beyond the secular-mendicant *querelles* at the University of Paris.

[6]Ginther, 'The Church', pp.51–4.

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