

Det Kgl. Danske Videnskabernes Selskab.
Historisk-filologiske Meddelelser. **XXVI**, 3.

THE BEGINNING OF THE STRIFE
BETWEEN RICHARD FITZRALPH
AND THE MENDICANTS

WITH AN EDITION OF HIS
AUTOBIOGRAPHICAL PRAYER AND HIS
PROPOSITION *UNUSQUISQUE*

BY

L. L. HAMMERICH



KØBENHAVN
LEVIN & MUNKSGAARD
EJNAR MUNKSGAARD
1938

Det Kgl. Danske Videnskabernes Selskab udgiver følgende
Publikationer:

Oversigt over Det Kgl. Danske Videnskabernes
Selskabs Virksomhed,
Historisk-filologiske Meddelelser,
Filosofiske Meddelelser,
Archæologisk-kunsthistoriske Meddelelser,
Mathematisk-fysiske Meddelelser,
Biologiske Meddelelser,
Skrifter, historisk og filosofisk Afdeling,
Skrifter, naturvidenskabelig og matematisk Afdeling.

Selskabets Kommissionær er *Levin & Munksgaard*, Nørre-
gade 6, København.

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Printed in Denmark.
Bianco Lunos Bogtrykkeri A/S.

I.

The Pope and the Friars until 1350.

When St. Francis of Assisi had been seized by the idea of exerting the utmost piety by taking no part whatsoever in the world's pursuit of temporal goods, he did not intend, by doing so, to interfere with the existing social order. He only wanted — for himself and perhaps for a few others — to withdraw from the evil influence of secular life. — Therefore he tried to carry out his purpose: by enjoining his companions to gain the wherewithal for living either by manual labour or by humble begging; by enjoining them to own nothing, neither severally, as in the old monastic orders, nor in common (this being something that not even the Dominican order demanded); and finally by enjoining them never to receive or even touch money, never to carry on lawsuits or to seek privileges. Alas! The very success of the movement rendered his intentions impossible, — as is pathetically evident from his Testament, where he desperately urges on his followers all these injunctions, including that against seeking privileges (*priuilegium autem ordinis mei non habere priuilegia*). But this testament was never acknowledged by the Order; and a few years after his death it was simply declared invalid by the Pope.

A small body of people may withdraw from society without actually damaging it, but when many do so, when

thousands proclaim their intention to be poor, to renounce all property, to live by begging, then a society built on property is shaken to its foundations. Consequently, it becomes necessary to maintain the legal fiction that the property of the Order belongs to the Church and that its possessions are managed by papal proctors, who, however, were totally dependent upon the Order. — A few may live as beggars in the country, but not a great number; consequently, the mendicants removed their convents to the cities. — One man may preach in the open without interfering with the parish priests, but if hundreds want to preach, they must have buildings for their services, and there must be rules as to when they may preach; this becomes dependent on the permission of the bishop. — In spite of the opposition of St. Francis himself these privileges were already obtained during his lifetime.

A few clerics may be excused from taking their place in the rigid hierarchy of the Church, but when it is a question of a large number, their position must be regularized somehow or other; and the only possible way was to exempt the friars from the jurisdiction of the local bishops and place them immediately under the power of the Pope, who exercised his authority through a few bishops appointed *conservatores*.

Already during the lifetime of St. Francis the adoption of the ideal of divine compassion had brought about a gradual decline of the idea of salvation through personal sanctity, in favour of an increasing activity as spiritual guides; at first, this was greeted with joy by the bishops and the secular clergy, because the latter were scarcely sufficient in number and anyway frequently lacked the necessary education to carry out the famous injunction of the Lateran Council of 1215 that *omnis utriusque sexus* should

confess at least once a year. This had two important consequences; for one thing that with the justified aim of making themselves fit to act as spiritual guides the friars gave up the manual labour which St. Francis had considered a necessary part of a humble life, instead of which they devoted themselves to studies — with the glorious result that at the end of the thirteenth century the mendicants not only crowded the benches of the students but also occupied the chairs of the professors; indeed, it may safely be stated that from shortly after the middle of the thirteenth century and until the time of the Great Schism, learning and the universities were dominated by the mendicants. The second consequence was that the friars were in great demand as confessors, especially among the nobility and the rich and thus gained supreme influence in secular politics too. Furthermore, it was quite natural that the penitents should wish to bestow gifts on their confessors, i. e. on the convents and churches of their confessors, and that they should desire to be buried in or near these churches in order that the friars might say masses for their souls. The result of this was that the friars received very large revenues, of which the parish priests were thus deprived.

It is evident that a development that led so far away from the original basis, and which had so farreaching social and spiritual consequences, must cause strong tension, in theory as well as in practice, partly between the mendicant friars on one side, the Church and the State on the other, partly within the Orders themselves, and particularly within the one that was the most asocial of them all, the Minorites.

The controversy within the order itself was of longest duration; it was not settled until the Council of Constance

segregated and legalised the friars belonging to the Rule of strict observance. It was the struggle from the time of St. Francis himself, between *communes*, who wanted to adapt themselves to the society of their day, and *spirituales*, whose aim was to realize the gospel of poverty from the days of St. Francis and from the early Christians. To the latter, the idea that the end of the world was near, had been an indubitable fact, and so it was to many of the most rigorous of the *spirituales*, the *fraticelli* — a name in the most intimate harmony with the ideals of St. Francis. They were apt to let themselves be ensnared by ecstatic prophets such as Joachim of Flora; they often were real communists, and consequently they had followers among the poor and the lay folk who joined the order, the *tertiarii*. But they constituted no actual danger to society, whose powers were all ranged against them: the Pope and the Emperor, the hierarchy and the State, the universities and the Inquisition. They were burned at the stake and hanged and immured, just as the Peghards, the Flagellants, and other fanatics of the time. When, in 1349, Clemens VI. interdicted the Flagellants, who had spread menacingly after the Black Death, this fatal prosecution was made to include the remnants of the Fraticelli too.

Much worse, from the point of view of the Church, were the attacks on the mendicant Order as an institution, because they were backed by the hierarchy and the older Orders. In 1256, the first theoretical attack was made, led by William of St. Amour, afterwards supported by Gérard of Abbeville. Mendicant friars as prominent as the Franciscan St. Bonaventura (*Quare fratres minores predicent et confessiones audiant* and *Contra aduersarios perfeccionis christiane*) and the Dominican Thomas Aquinas (*Contra*

inpugnantes dei cultum) wrote against them, and the struggle goes on for decades in *disputationes* and *questiones de quolibet* at the University of Paris, until it is merged with a controversy of different origin, by which it is temporarily eclipsed.

For while it had not been particularly difficult to direct the weapons of society against the extremist Spirituals, yet within the Order there were many who, for idealistic reasons, looked with misgivings at a too extensive use of the privileges, and these holy men were actively supported by the hierarchy, which might feel itself menaced by these very privileges. In *Exiit qui seminat*, Nicholas III. had authenticated an interpretation of St. Francis's *Regula* in accordance with St. Bonaventura's *Questio de paupertate* and with the mitigated portion of the *communitas*, at the same time forbidding any other glossing. In *Super cathedram*, Boniface VIII. had developed this further, especially by fixing the rights of the friars in relation to the hierarchy. This constitution, however, was revoked by Benedict XI. in *Inter cunctos* of February 17, 1304, which was to replace it, and which was more advantageous to the hierarchy than to the friars. Several of the theoretical and practical questions were discussed at the Council of Vienne, where the friars, i. e. the community, had great influence, with the consequence that immediately afterwards Clement V. gave a supplementary commentation of the Rule in *Exivi de paradiso* and a further glossing in the decretal *Dudum*, which was incorporated into his collection (Clement. tit. III. De sepulturis, Richter—Friedberg II, 1161—64) and which annuls *Inter cunctos*, reaffirming *Super cathedram*. When, however, in *Quorundam exigit* (October 7, 1317) John XXII. gave a further interpretation of the Rule, a con-

troversy broke out, which, because it involved practical as well as theoretical considerations, and politics as well as theology, was kept up until it caused a schism within the Church.

Several of the teachers at the Sorbonne had immediately proclaimed their doubts as to the correctness of *Quorundam exigit*, and in 1319 it became known that the Minister-general of the Franciscans, Michael of Cesena, was also opposed to it. To the practical consideration of preserving the individuality of the Order was added theological doubts as to the proper conception of Poverty: to those Franciscans who were serious in their efforts to imitate the life of Christ, it was a dogma that Christ and his Apostles had lived in absolute poverty, literally owning nothing, neither severally nor in common, and begging for their living. They maintained, further, that a reform of the Church could be attained only if the Church as a whole would adopt the same life in poverty as the Order and — again like the Order — abstain on principle from all attempts to usurp the power of government which belonged by right to the secular authorities. With the Minister-general joining in these views, the rigoristic elements within the Franciscan Order gained the upper hand in the country which was the key position, France. Openly and in secret the rigorists were working against the Pope, and their views were supported by the scholars in Paris.

But now, on July 24, 1321, John XXII. issued his bull *Vas electionis*, condemning three clauses maintained by John of Pouilly, thereby establishing the right of the friars to hear confessions, so that whosoever had confessed to one of them should not be obliged to repeat his confession to the parish priest. This decision was in direct opposition to

the wishes of the leading Franciscans, and they tried to prevent further discussion by adducing the *Exiit qui seminat*, in which Nicholas III. had forbidden the glossing of the Rule. But the Pope annulled this injunction by the decretal *Quia nonnunquam*, issued on March 26, 1322. Nine months later, on December 8, 1322, he furthermore tried to rob the Order of the very foundation of its power by abolishing, in the decretal *Ad conditorem*, the fiction that property acquired by the friars was to be considered as belonging to the Church, not to the Order; *syndici* were no longer to be appointed to administer the property of the Order on behalf of the Church. And now John XXII. decided to strike at the root of the matter: his decretal *Cum inter nonnullos* (November 12, 1323) categorically declares it a heresy to maintain that Christ and his Apostles had owned nothing *neque in speciali neque in communi!* Finally *Quia quorundam* (November 10, 1324) forbids all opposition to the decretals *Ad conditorem* and *Cum inter nonnullos*.

This move on the part of the Pope had the well-known effect of changing the controversy from a merely internal and theological and ecclesiastic dispute to a major crisis of international politics: the Emperor, Louis of Bavaria, lent his support to the recalcitrant Franciscans and set up one of them, Peter of Corbara, as antipope. Among the chief exponents of the movement may be mentioned, besides Michael of Cesena, Bonagratia of Bergamo, John of Janduno, and Marsilius of Padua (whose *Defensor Pacis* is probably the most brilliant political treatise of the century), and finally Occam, the greatest thinker of them all.

This is not the proper place to enter upon a subject that, though frequently treated, is still fascinating. It is enough here to mention the fact that the successor of John XXII.,

Benedict XII., went very far to bring about a reconciliation with the Emperor, but in fact without any palpable success. After him, Clement VI., within a year of his accession, announced the reopening of the struggle in a remarkable but little known sermon, delivered in the papal Consistory, on Good Friday 1343. Its title is *Contra Bauarum*, and it expounds the text from the Apoc. 11,2 *Atrium quod est foris eice foras* (a copy of it is preserved at the Municipal Library of Treves 596/2038 f. 161 rb—165 rb). The result is wellknown: Charles IV. became emperor, Louis died, and the renitent friars minor — who had not either died or returned-submitted to the Pope; among the more prominent friars the last to do so was Occam, whose absolution was pronounced by the Pope on June 13, 1349. A dangerous strife had finished with the absolute victory of the papacy; this may have contributed to the decision of Clement VI. to proclaim a Jubilee in the year 1350.

Besides this political and theoretical strife, however, there had constantly been practical difficulties between the mendicants on the one side, and the bishops, parish priests, and old monastic orders on the other. At the request of some bishops and an abbot in the south of Italy, John XXII. issued a bull *Frequentes hactenus* (February 28, 1327), which enjoined the mendicants of all four orders as well as all bishops, parish priests, etc. to keep the decretal *Super cathedram*, at the same time appointing *conservatores* to take care that the order was carried out. Both John XXII. and Benedict XII. issued the same bull several times, adressed to various institutions and persons in practically all parts of the domain of the Church, but of course most frequently in France and Italy. There can scarcely be any doubt that in most cases *Frequentes hactenus* was directed

against the mendicants; there are other bulls from the same period showing the same tendency, such as the one adressed to the Archbishop of Nidaros (April 28, 1337). Going so far here as to abolishing the friars' right of appeal to the Pope, Benedict XII orders the Archbishop to intervene, because the mendicants do not keep *Super cathedram*: they are careless about securing the required episcopal approbation of confessions, they do not pay the parish priests their burial fees, and sometimes they employ as preachers persons far too young. *Frequentes hactenus* continues to be issued under Clement VI., although now, to all appearances, less frequently. But the continual publication of this bull through a number of years is a proof that there still existed a complex of unsettled matters of dispute between the mendicants and the hierarchy.

Such is the situation at the moment when Richardus Armachanus joins the contest, not only urged on by the hierarchy of his own country and by his King, but, as he says himself, on behalf of the whole Church. And he does so in reliance upon his personal authority, acquired at the Curia itself.

II.

Richard FitzRalph until 1350.

Manny a mile have I gone,
and manny did I walk,
but neuer sawe a hollier man
than Richard of Dundalk.

We find these lines on f. 115 r of the MS. No. 506 in the Bibliothèque nationale in Brussels — the manuscript which contains the famous *Martyrologium Dungallense*, and which was brought to Brussels and placed in safety there together

with several other valuable Irish MSS., at the time when the officials of James I. were fiercely prosecuting the Irish Catholics. One of these, probably a Jesuit, has added a number of hagiographic notes at the end of the old MS, among them the doggerel quoted above. The Richard of Dundalk, mentioned there, was an Anglo-Irishman to whom attention has recently been drawn by K. BURDACH and particularly by Father AUBREY GWYNN, Professor at the National University of Ireland, who has published a series of fascinating articles on this Richard FitzRalph in the Irish quarterly review: *Studies*, 1933—37, and in the Proceedings of the Irish Academy, October 1937.¹ As in these articles all the known facts have been made available, it is sufficient here to give a brief outline of the most important data of Richard's life until 1350, without reference to contemporary political conditions in Ireland, which are not essential to the edition of the *proposicio* given below.

Richard was born about 1300 into a humble family in Dundalk in the east of Ireland, i. e. within the English domain, which was not very extensive at that time; he tells us so himself, e. g. in his sermon No. 80. In the Brussels MS., Philips 11082 (a miscellany from the fifteenth and sixteenth centuries) f. 14 r we read of him as follows: *Sciendum est quod istum Richardum de nobili prosapia Rex anglicus Richardus levavit de sacro fonte*: this is, however, only a fabrication, based on his Christian name, the patronymic FitzRalph, and the later meaning of Fitz. We may suppose that he came to Oxford about 1315 and took his first degree (as Master of Arts) about 1322. We know that

¹ See also: "L. L. HAMMERICH: Et Bidrag til det 14. Aarhundredes Aandshistorie. RICHARDUS ARMACHANUS" in: Forhandlingerne paa det 8. nordiske Filologmøde i København, 12.—14. August 1935 (Copenhagen 1936, pp. 76—81).

he became a Bachelor of Divinity in 1329, a Doctor of Divinity in 1331, and that he was Chancellor of the University in 1332—34. Meanwhile, in 1329—30, he had been to Paris as tutor to one or more young men. In 1334—35 he was back in France, this time at Avignon, in order to take part in the discussions about the beatific vision, which had been so fatefully initiated by old John XXII.; shortly before the death of the Pope, Richard personally submitted his response to him. Benedict XII. appointed him Dean of Lichfield in 1335 (December 17), and he was installed on April 20, 1336; towards the end of August 1337, however, he left Lichfield and spent the years 1337—44 at Avignon to plead for the Chapter of Lichfield against the Archbishop of Canterbury. He succeeded in carrying the case through to ultimate victory in spite of a series of obstacles and dangers: the Archbishop had gone so far as to excommunicate him and seems to have had the King on his side too. Meanwhile, this law-suit was not his only preoccupation during the seven years at Avignon; most noteworthy is the fact that together with the bishop of Traù in Dalmatia¹ he was appointed to confer with the emissaries of the Armenian Church concerning certain of their dogmas; these negotiations began under Benedict XII. († 1342).

He probably left Avignon soon after July 7, 1344, and resumed his work at Lichfield before November 25 of the same year. In the summer of 1346 he was elected Archbishop of Armagh; he received the papal appointment very quickly (July 30), but did not obtain the confirmation of the King until April 15, 1347; he was then consecrated at Exeter on July 8, 1347. The exact date of his arrival in his province is not known: he may have spent part of the

¹ See note to l. 501, below p. 79.

winter of 1347—48 in and about Oxford (see the remarks on sermon No. 27 below p. 27); in any case he was in Ireland from the spring of 1348 until the summer of 1349, and so witnessed the Black Death in the Pale in the autumn of 1348.

The summer of 1349 saw him in Avignon once more: the King of England had commissioned him to seek leave for the inhabitants of Great Britain and Ireland to benefit from the indulgence granted for the Jubilee of 1350, without the customary pilgrimage to Rome, on the plea that such journeys from the distant Atlantic Islands were not only expensive and difficult in general, but at that time encountered particular obstacles on account of pirates, the war with France, the deadly combats between Englishmen on one side, Scots and Irishmen on the other, and last not least because of the Black Death, which until then had been particularly virulent among the English. These considerations, among other things, are set forth in the remarkable proposition "*Domine, salva nos, perimus*", which he submitted to the Pope in August 1349; the proposition has been treated in an interesting essay by Father GWYNN (Studies 1935), but highly deserves a separate edition. He remains at the Curia, "on private business", to quote a mandate from the King, until the end of the winter of 1350—51; at any rate he is known to have been back in Ireland in the late summer of 1351 and to have remained there, apart from a lengthy stay in England in 1353, until the early summer of 1355, when he crossed to England to preach against the mendicants. Finally, in 1357, he went to Avignon, where he remained until his death in 1360, (an unreliable later tradition will make us believe that it was due to poisoning by his adversaries). — It is well known that the last years of his life were wholly taken up with the

great controversy with the mendicants, which has brought his name down to posterity; this part of his career is, however, outside the scope of this article.

Among Richard FitzRalph's works the three principal ones are: the Lectures on the Sentences (from the 1330ies), the *Summa contra Armenos* (from the 1340ies), and the treatise *De pauperie salvatoris* with the supplement *De mendicitate* (from the 1350ies). FATHER GWYNN is preparing an edition of the Lectures on the Sentences. Dr. R. LANE POOLE edited the first four books of *De pauperie salvatoris* as an appendix to Wycliffe's *De Domino Divino* (Wyclif Society, London 1890), because FitzRalph's conception of property and of the State was taken over by Wycliffe; unfortunately, the rest of *De pauperie salvatoris* and the whole of *De mendicitate* (one of the copies of which is found in the MS. Ancien latin 3222 in the Bibliothèque nationale, Paris) are unedited, and the *Summa contra Armenos* has only been printed in Paris in 1512.

The exact date of composition of the latter work is not known; as, however, Richard calls himself *archiepiscopus Armachanus* in the prologue, and as he dedicated his work to Clement VI., it must have been completed between 1347 and 1352. Now, we may safely fix the beginning of this lustrum as the time of its completion, for we know that in 1350—52 Richard began writing his great work *De pauperie salvatoris* at the invitation of Clement VI., whereas the circumstances that caused him to write the *Summa contra Armenos* date as far back as the time of Benedict XII. (see above p. 13). We may then, for the present, venture to assume that the treatise against the Armenians was prepared, at least in part, during his stay at Lichfield, that in all essen-

tials it was completed in 1347 at Oxford, and that after some additions had been made, it was presented to the Pope as late as 1349, during Richard's sojourn at the Curia in 1349—50. In spite of its elaborateness, it is a highly interesting work, for it leads us right into the ecclesiastical discussions of the most important spiritual centre of the time, Avignon. Like other thinkers of the Occident, Richard, during his seven years' residence at Avignon, had had personal intercourse with prominent representatives both of the Armenian Church, such as the Archbishop Nerses and the Elect John, and of the Greek Church, for instance the Abbot Barlaam, who is known also from the life of Petrarch; and the Orientals had furnished him with more minute information concerning the teachings of Mahomet and the doctrines of the Jews.

The first five books of *Summa contra Armenos* deal with the divine and the human nature of Christ, a fundamental problem to the Armenians. The sixth book deals with the matter which principally divides the Greek from the Roman Church, the doctrine of the famous *filioque*, i. e. the assumption that the Holy Spirit emanates from the Son as well as from the Father. The seventh book claims for the Roman Church the position as *caput totius ecclesie christiane*, while the eighth and the ninth books present the Roman teachings concerning Baptism and Holy Communion. The tenth book is partly directed against simony, partly it gives a brief outline of the doctrine that the grace of God is a necessary condition for receiving *dominium*, the subject which Richard treats at length in *De pauperie salvatoris*. The eleventh book deals with Confession, the twelfth with Purgatory (directed against the Greeks) and the thirteenth with Penance. Already in these books Richard had dealt with questions that

had been or still were the subject of much discussion in the Western Church, and the problems taken up in the following books were even more in the focus of interest: the fourteenth book deals with the problem of the Beatific Vision, raised by John XXII., and the fifteenth with the eternal problem of Predestination, which had lately been taken up again by Clement VI. Having treated several other ardent Occidental questions in the sixteenth and seventeenth books, the eighteenth book examines the Alkoran (the numerous quotations are proof that he had actually read it — of course in Latin translation); and finally the nineteenth book treats the doctrines of the Jews.

The whole is a work of impressive learning; it contains a number of views that may seem surprising, and this is the reason why the Roman apologists of as late a time as the seventeenth century find it worth their while to warn against it. On a closer examination it would seem, rather, to be a typical product of its own time, a vivid picture of spiritual life at Avignon in the 1340ies, painted by a man of great originality. His sanctity, his intrepidity, his independence as a thinker, and the ease and beauty of his handling the vivid, expressive idiom of mediaeval Latin, are well illustrated in the autobiographical prayer that terminates the work, and which now follows. — The text is based on the Latin MS. in the Bibliothèque Mazarine, Paris, 895 (440) — here called D —; further have been used the printed edition, (whose text, here called T, is faulty) and the three MSS. in the Bibliothèque Nationale, Paris: Nouv. lat. 12438, 14578, and 15974, here called A, B, and C. Only readings that differ from D are mentioned.

III.

The Autobiographical Prayer.

(Summa contra Armenos, lib. 19, cap. 35.)

Tibi laus, tibi gloria, tibi gratiarum accio, Jesu piissime, Jesu potentissime, Jesu dulcissime — qui dixisti: “Ego sum 5 Via, Veritas, et Vita”: Via sine deuo, Veritas sine nubilo, et Vita sine termino — quod tu te Viam ostendisti michi, tu te Veritatem michi docuisti, tu te Vitam michi promisisti. Via eras michi in exilio, Veritas eras michi in consilio, et Vita eris michi in premio. Tu michi eras Via tuta, Via recta, 10 et Via leta.

Via eras michi tuta, cum exul fugiebam sepius a facie persequencium animam meam, qui te Viam in qua ambulabam, te cohibente, videre non poterant et ob hoc me apprehendere non valebant. Et sic in te Via eis abscondita 15 tutus inaccessi. Tu, Via tuta, Via segura, tu nosti — nouit et puer tuus, qui solus tunc mei itineris comes erat — quociens in publica strata persecutores mei me viderant, quociens in lumine solis odio me habebant, nec tamen nouerant, quid cernebant, quia a te eorum oculi tenebantur, ne rabiem 20 persecucionis inferrent ambulanti michi in te, Via tuta. O quam tuta eras michi Via, cum a predonibus rugientibus, ut me et meos vorarent, captus eram cum hijs pueris quos michi in obsequium prouidisti, nec tamen sinebas eos cuiquam de nobis inferre molestiam, nisi quod pecunie mee sarcinulam 25 abstulerunt, quam me, si eam diucius tunc portassem, tu fortassis videras oppressuram. Et nichilominus, cum amplius me urgebat necessitas, diuersis temporibus per partes eam

21 *inferrent* A B C T *inferrant* D. 23 *vorarent* A B C T *vocarent* D.
26 *quam* A B C T *quid* D.

fecisti restitui, alens me in fame, et me, ut volebas, dirigens

30 *Via tuta.*

Via eras michi recta, cum ego a facie ministrorum regalium fugiens latitarem, qui litteras, quas breuia nominant, plurimas in portubus diuersis regni nostri acceperant, ut me caperent et tenerent, quoniam tu premendo ipsorum insidias
 35 *nunc me interius premonebas ut fugerem, me nunc exterius dirigebas quo pergerem, tandem via breuiori apud homines declinata multo celerius per te, Viam rectissimam, me perduxeras quo tendebam, pedibus carnis errantem utiliter, ne in noxios michi errores inciderem, viatorem tuum a viatoribus*
 40 *sic distinguens, cunctorum viancium sed non exorbitantium Via recta.*

Via eras michi leta, semper michi post tribulacionem meorum criminum purgatiuam exultacionem infundens, ut in tuis operibus erga me cunctis iusticiam simul atque clemenciam sociatas attenderem, quoniam afflictionem et penam mea priora scelera a tua iusticia promerebant, et consolacionem nichilominus fides atque confidencia mee de te a tua clemencia extorquebant. Sic afflictio, quam fingebas michi ambulanti in te Via, leticiam duplicabat, quoniam sic
 50 *gaudebam de euasione periculi, sicut ante letabar de inmissione solacij. Non enim est leciior non afflicto inmissee consolacionis iocunditas, quam sit prius afflicto pristinae sue afflictionis libertas, — sicut sic consolabar peregrinum tuum in isto exilio, Via leta, et me cum locandis meis maioribus*

31 *eras* A B C *erat* D T. 33 *in portubus* A *inportunatibus* (!) D B C T. 46 *mea*] *meam* D A B C T. 48 *affliccio* A B C T *afflicto* D. 50 *letabar* A B C T *gaudebam* D. 51 *inmissee* D *inmense vel inmissee* A B C T. D at first writes as A B C T, but alters *inmense* to *mense*; subsequently this is erased, and *inmense vel* is taken out by subpunction. Probably, in the archetype of the MSS. examined, *vel inmissee* was a correcting marginal note, which has been acknowledged as such by D.

*ad romanam curiam deduxisti, ubi eras michi Veritas in 55
exilio, Veritas lucida, Veritas valida, Veritas solida.*

*Eras michi in curia Veritas lucida, in tantum quod,
patefacta iusticia questionum mearum et aduersancium michi
calumpnijs denudatis apud palacij apostolici auditores, gratiam
in oculis cunctorum inuenerem. 60*

*Eras michi ibi Veritas valida, cum appellacionibus xvj
contra me interpositis successiue — non propter confugia que
tu Veritas concessisti, sed propter diffugia que tu Veritas
notuisti — veluti baculis arundineis omnino confractis de
potentibus meis aduersarijs omnibus patenter me triumphare 65
fecisti — ymo, vt eloquar apcius, tu, Veritas valida, triumphasti
— et post seruitutem inibi vj annorum vij^o anno — vt lex
tua preceperat — me liberum a loco illo seruitutis abire iussisti.*

*Nec illis sex annis michi, solida Veritas, abfuisti, sed in
tuis sanctis scripturis — que de te Veritate incarnata a te 70
atque propter te erant tuis populis promulgate — me veluti
in quodam radioso speculo illuxisti, qui annis meis prioribus
in philosophorum nugis me quasi ita in quadam tenebrosa
caligine latitasti. Putabam enim antea per Aristotelica
dogmata et argumentaciones quasdam profundas hominibus 75
nonnisi vanitate profundis cum celi tui ciuibus Veritatis tue
me penetrasse abyssos, donec tu, Veritas solida, in tuis
michi litteris splenduisti, fugans huiusmodi mei erroris nube-
culam, michi ostendens quomodo cum ranis et buffonibus in
paludibus crocitantibus. Audiueram quippe, sed non noueram 80
nisi te Veritate ductrice, contra te Veritatem gariencium
philosophorum, pertinacium Iudeorum, simigentilium Gre-
corum, carnalium Sarracenorum, atque indoctorum Arme-
norum tumultum, qui fraudulentem et callidem decorticabant*

71 me ÷ D A B C T. 76 vanitate] vanitati D A B C T. 82 simigentilium] similititer gencium D A B C T (simi- = semi-).

85 *tuam scripturam, ut ipsa quasi fetus sensus eis coloris varij
parturiret, et peperit eis plurimos abortiuos, quoniam tu,
forcior omnium Veritas, intus latens in litteris, clipeis tuis
vndequaue in eisdem scripturis vibratis huiusmodi conceptus
ante partus exordia peremisti. Tandem, Veritas solida, sic
90 michi desuper radiasti, quod exarsi te, Veritatem, Jesum in
lege ac prophetis nobis promissum in eisdem litteris capere
et tenere.*

*Et cum a turbinibus licium vicissitudo aliqua serenitatis
michi arriserat, in ipsis litteris tuis sacris intimis atque
95 inportunis non tam leccionis studijs quam oracionis suffragijs
te querebam, donec occurrebas michi in ipsis Vijs tuis hylariter.
Et repperi te Messiam promissum patribus, in quo benedic-
cionem gracie ac glorie sequerentur, deum esse debere et
hominem, a quo sine inicio eternaliter Spiritus Sanctus vnus
100 tecum Deus sine mutabilitate nostre comunis nature processit.
Legem tuam nouam, quam per te ipsum tuis apostolis et per
ipsum posteris tradidisti — quos oculos tuos in ipsis scripturis
nonnunquam vocaueras, eo quod per illos Veritatis tue radios
emissurus eras in filios tuos vndequaue per orbem — in
105 ipsis litteris prophetarum ac legis sollicite eciam inquirebam,
donec ipsa lex tua in eisdem litteris michi clare prenunciata
occurreret, que vnum ministrum precipuum ipsa lege prodente
quasi tuum heredem in terris haberet, primatem omnino tui
sacri collegij militantis, sicut teipsum tui beati populi trium-
110 phantis vnicum principem statuisti. Inuestigabam conse-
quenter sacramenta tua filiorum veteris Ade renouancia venu-
statem, penas ac premia que tu, Veritas summa, inpijs atque
pijs in statera tua nescia doli ponderanda statueras. Et*

90 *exarsi te*] *exarci te* D B C *exartice*(!) A T. 94 *arriserat*] *irriserat* DBCT *surriserat* A. 95 *intimis atque inportunis* ('intimate and inaccessible'). 104 *vndequaue* ABC T *unaquisque* D.

tandem ipsius noue legis ac veteris auctoritatem et robur ostendere satagebam. Et sic opus istud in decem et nouem 115 libris distinctum, te Veritate vt estimo me ducente, conpleui.

Sicubi vero de meo, quod non abs te, summa ac solida Veritas, accepi, hic posui — sicuti non ex animo te teste illud egi — sic tu michi Veritas, ignosce, ac tui; que autem de tuo hic sensi, tu, omnium Rectrix ac Doctrix, agnosce, et tui; 120 et anime mee ad te amore languenti, que tui capax absque te saciari non potest, te Veritatem pro operis mercede retribue, quemadmodum illi te ostensuram promiseras, cum nobiscum ambulabas in carne.

Et sicut eras Via peregrinanti in isto exilio et Veritas in 125 consilio, sic michi sis amodo Vita in premio, Vita micasura ignara mortis, Vita segura oblita timoris, Vita beata plena dulcoris, vt in te manens nunquam langueam, tibi adherens nunquam timeam, te amplectens nunquam doleam, sed cum tuis ciuibus in te semper gaudeam, Vita eterna omnium 130 electorum ac Ciuitas amplissima spirituum beatorum, que cum Patre tuo ac Spiritu Sancto tuo vnus es Deus omnipotens, viuens et imperans sine fine. Amen.

In this prayer Richard first gives accounts of three cases of pursuit: once, when abroad (*exul*) he fled, accompanied only by a young monk or a novice (*puer tuus*) and escaped from his pursuers. Another time, he was captured by robbers together with some servants (*pueri . . . in obsequium*), but suffered no injury, except for his money-bag being stolen — and he even got some of the money back later. A third time, a royal brief had been issued to capture him, but he succeeded in reaching his destination by a devious

113—115 *Et — satagebam* A B C T ÷ D (homoteleuton). 118 *animo* A B C *omnino* D *aaron* T.

route. During this exile (*in isto exilio*) he came, *cum locandis meis maioribus* (*locandus* is an undergraduate student) to Avignon and won in a lawsuit against powerful adversaries, obtaining sixteen sentences in his favour. He passed more than six hard years at the Curia, but during this period he came to understand that much of the Aristotelian philosophy, which he had formerly admired so deeply, was idle vanity. Through the noise of babbling philosophers, obstinate Jews, lustful Saracens, semi-pagan Greeks, and ignorant Armenians he came to see that Truth is to be found only in the Holy Scripture. Through the Bible and through the force of prayer he was led, in a later, more quiet period of his life, to see the Nature of God, His law, the Church, and the Sacraments, and he laid down his convictions in the nineteen books of the *Summa contra Armenos*. —

It is not quite clear to what events he is alluding here, but there can be no doubt that the six or seven years spent at the Curia were those from 1337 to 1344, when he was conducting the lawsuit against the Archbishop of Canterbury, and that the following, more tranquil period refers to the subsequent years at Lichfield 1344—47, during which the larger part of the *Summa contra Armenos* must have been written.

The first of the three accounts of pursuit (l. 12) must refer to an event during his residence at Avignon, for l. 54 *in isto exilio* probably alludes to l. 8 *exul*, and l. 55 mentions his stay at Avignon. The second account of pursuit (the locality of which is unknown) and the third one (which evidently happened in England) may seem difficult to fix. In the spring of 1357 the King forbade Richard to leave England, without special permission, "for parts beyond the sea, to which, as the King has learned, he intends shortly to cross"

(Calendar of Close Rolls, April 1, 1357): as we have actual evidence that, in spite of this order, Richard was in Avignon in the autumn of 1357, one might be justified in assuming, that this is what is alluded to, as he may thus have left England against the King's will; on the other hand, we do not positively know that he was a fugitive in 1357.

Again, one might suppose that Richard was alluding to events of 1349—50. According to the Calendar of Patent Rolls a license was issued on October 7, 1350 "for Richard Archbishop of Armagh to stay at the court of Rome until the Purification [February 2, 1351] over the prosecution of his business there; and it is the king's will that all processes against him by reason of his stay there and any contempt put upon him because he has not returned to his own parts, *persuant to the king's mandates*, shall be stayed entirely . . .". We do not know, whether there was also an order to capture him among these mandates, as the mandates are neither preserved nor recorded in any registers. It seems unlikely, however, that Richard should have been pursued by the King in 1349—50, for although the quotation above shows that the King was displeased with Richard's long absence, it is an established fact that he went to Avignon in 1349 in compliance with the wish and command of the King, so that he can hardly have left Ireland or England at that time against the injunction of the King.

The only reasonable conclusion must be that such a *breve* (cf. l. 32) from the King had been inspired by the Archbishop of Canterbury, when the latter excommunicated Richard, i. e. at the beginning of the law-suit against the Chapter of Lichfield (1337—44). Consequently, the third account dates from this time, and so, probably, does the second one. Now, on this assumption, there seems to be no absolute

necessity for assuming, as Father GWYNN has been inclined to do, that the epilogue should have been composed at a later date than the rest of the work. In fact, the last part to be written was probably not the epilogue but the prologue. It may, perhaps, be added that silence on several points (e. g. regarding the mendicants, Ireland, and especially the Black Death) speaks against fixing a late day for the epilogue. Especially it seems incredible and inconceivable that in such a retrospective prayer, which renders thanks for escape from dangers, he should not have been grateful for having escaped the danger which, according to the descriptions of the ravages of the pestilence, had been far greater than *predones* and *ministri regales*.

The beautiful prayer, whose place in the history of literature may be discussed in another connection, may, then, be taken to be a true expression of Richard's conception of himself at the zenith of his life (about 1348—49), before he was embittered and hardened by his many conflicts with his colleague in Dublin, with the avid and rough settlers in the Pale, and with the mendicants, whose anti-social power he tried to break by the Sisyphean labour of his last years.

IV.

The Sermon-Diary until 1350.

Besides the three works mentioned above, (the Lectures on the Sentences, the *Summa contra Armenos*, and the treatises on the poverty of the Saviour), his Collection of Sermons must be reckoned among his principal works; he did not, however, succeed in getting it published — or even prepared for publication — before he died. This collection has been described in detail by Father GWYNN

in the article in the Proceedings cited above, so that a brief summary and a few supplementary remarks will be sufficient here. Richard himself had planned, towards the end of his life, a division of the book into three sections: (1) sermons preached in England and Ireland while he was Dean of Lichfield and Archbishop of Armagh, (2) sermons preached in Avignon, and (3) pleadings before the Curia.

Part I, comprising 68 sermons, he arranged in chronological order, which, on the whole, has been fairly well preserved, although he himself made some mistakes and a few more have been added in the course of transmission. An error which he discovered himself, is that the sermons Nos. 50—51 should be inserted between Nos. 43 and 44. For to sermon No. 50 we find the following note, e. g. in the copy in the British Museum, Lansdowne 393 (and it can be proved that it dates back to the archetype and was probably made by the author): *Verte ante 6 fol. et quere tale signum o+ quia isti duo sermones debent ibi collocari*. Probably, the mistake must be ascribed to the author too, when the Nos. 62 and 63 are erroneously placed in this order; for to No. 62 he made the note *in festo sancti Luce evangeliste 1356* and to No. 63 this one: *dominica tercia mensis octobris 1356*, apparently not remembering that in 1356 this Sunday fell on October 16, i. e. before the day of St. Luke (October 18). A similar explanation would seem to apply to the inversion of the undated sermons No. 5 (a sermon on St. Catharine, i. e. from November 25, probably 1344) and No. 4 (presumably from November 28, 1344); there is, however, some confusion at this point, as No. 3 is dated November 25, 1345, and at the same time is designated as preceding No. 5; however that may be, the Nos. 3, 4, and 5 may all be assigned to the Lichfield

period. Chronological errors in the archetype which cannot be ascribed to the author, are, as pointed out by Father GWYNN, the misplacing of No. 38 (March 25, 1357), which should follow after No. 68 (March 12, 1357), No. 34 (February 7, 1352), which should follow after No. 39 (December 18, 1351), and No. 42 (March 4, 1352), which should follow after No. 34. — No. 27, a sermon on the Epiphany, is either from January 6, 1348, and if so, is correctly placed in the MSS., or from January 6, 1347, and in that case should be interchanged with No. 26 (April 11, 1347). The heading *sermo Richardi decani Lichfeldensis* is incorrect in either case, for in 1347 Richard was *electus Ardmachanus* and in 1348 he was *archiepiscopus Ardmachanus*; as a matter of fact, the first five sermons that he preached as an archbishop have only the heading *sermo eiusdem*. The dating on the MSS. of No. 27: *A. D. M.° CCC^{mo} XLVII* (as with all dates from January 1 until March 24) is ambiguous, since the Curia computed the New Year from January 1, whereas the English (and the Anglo-Irish) Church fixed it at March 25. Richard expressly dates sermon No. 14 *secundum computationem curie romane* and uses the same computation in Nos. 6, 15, 82, 88; on the other hand, in Nos. 33, 34, 38, 42, 44, 45, 46, 50, 51, 66, 67, and 68, he employs the computation of the English Church. Probably he has done so in No. 27 too, and then its chronology is correct, i. e. its date can be fixed as January 6, 1348. — Besides the erroneous heading of No. 3, we find also a wrong year in the case of No. 59, which is ascribed to 1355 (June 23), but actually belongs to 1356 (Father GWYNN).

Leaving out of consideration, for a moment, the three first sermons, the probable chronology of the Anglo-Irish

sermons is thus the following: Nos. 5, 4, 6—33, 35—37, 39, 34, 42, 40—41, 43, 50—51, 44—49, 52—61, 63, 62, 64—68, 38, Nos. 6—33 comprising the period from March 1345 to March 1349, while No. 35 and the subsequent ones are from Sept. 1351 until March 1357.

Father GWYNN has pointed out quite correctly that most of the errors are to be found in the middle section (between Nos. 33 and 43), and he has made the conjecture that the undated Nos. 1 and 2 really belong here, i. e. to the years 1353 or 1354. In No. 2 there is hardly any clue to the date, except for the fact that it seems likely to have been preached at some provincial council, but whether in Lichfield or in Drogheda it is impossible to decide; in the case of No. 1, however, Father GWYNN puts forward two arguments: 1°, that it contains an allusion to the visit of George of Hungary to the Purgatory of St. Patrick during the autumn of 1353, 2°, that it mentions the mendicants in a way which would be impossible until the 1350ies. To the latter argument may be objected that taking into consideration the observations given below in regard to the sermons from the 1340ies, this does not seem cogent; indeed, one might even call attention to the strongest attack on the mendicants in No. 1: *unde dampnant se confessores religiosi, si qui sunt, et alii, qui receptis paucis denariis non inducta restitutione homini de furto aut de usura aut de injusto lucro proximi absolucionem inpendunt*. It will probably be conceded that this seems rather to belong to a period, when the fight against the mendicants was dawning, but was not yet fully ablaze. — To the first argument one may object that in No. 1 Richard says that at the end of the sermon he gave an *exemplum* about the knight who *solus post Patricii tempus eius purgatorium intravit*. This *solus* proves that the sermon must

have been preached before the visit of George of Hungary, since it is scarcely credible that Richard should have been ignorant of the account of St. Patrick's Purgatory, which was famous over all Europe, and which related how the knight Owein descended into Purgatory in 1153 as the only visitor after St. Patrick. On the contrary, it is evidently this very Anglo-Irish legend which Richard uses as his *exemplum*. — Meanwhile, the difficulty of establishing the date of No. 1 remains; yet it does not seem improbable that it might have been one of the first sermons preached in Ireland, for it has a striking inner resemblance to No. 27, the date of which was fixed above (p. 27) as January 6, 1348.

The second section of the sermons, viz. those preached in Avignon, comprises the Nos. 69—88, the probable chronological order of which is the following: from 1335: 74; from 1338: 71—72, 77—78, 83—84; from 1340—44: 87, 70, 75, 86, 73, 76, 85, 79; from 1349—50: 80—82; from 1359: 69, 88. As no other principle of classification has been used, we may doubtlessly conclude that Richard had intended to arrange them chronologically, but did not live to carry out his plan.

The third, short, section of this work, the pleadings, is chronological and comprises three *proposiciones*, No. 89 *Domine, salua nos* from August 1349 (unedited, see above pp. 14,) No. 90 *Unusquisque* from July 5, 1350 (edited below p. 53), and No. 91 *Nolite iudicare* from November 8, 1357. The latter is preserved in numerous MSS. and in several printed editions (for which see A. J. PERRY'S edition of some of JOHN TREVISA'S translations; Early English Text Society 1925 p. LIV, and Father GWYNN in Proceedings I. c., p. 46). To this section belongs, finally, No. 92, his pleader's duply, probably from 1359, which begins *Quoniam in*

proposicione nuper facta and is later than *Nolite judicare*. It has been printed in the edition of *Nolite judicare*, Paris 1533, an edition, based on a Victorine MS. and containing further interesting material concerning the mendicant controversy.

To sum up the chronology of the sermons, then, the case is this: prior to the great mendicant controversy in its more well-known phases after 1350, we have all the Avignon sermons, with the exception of two (Nos. 69 and 88), further the sermons of the first section which were preached in England and Ireland, i. e. until No. 33 (Nos. 1 and 2 being dubious). As the mendicant controversy is opened by the proposition *Unusquisque* from July 5, 1350, printed below,¹ we shall examine the sermons dating from before that year, in order to try to throw some light on the still unsolved problem of why FitzRalph did raise the great controversy against the mendicant orders.

If one should volunteer — with every due acknowledgment to the articles of Father GWYNN in “Studies” and especially in “Proceedings” — to offer a characterization of these sermons, the first fact to point out must be the obvious difference between the Latin sermons, preached in Avignon, before the Pope himself, or before the Vice-Chancellor, or in some convent church (belonging to the Franciscans, the Dominicans, or the Carmelites), which are frequently given in full, and the sermons in English, preached in England and Ireland, which are sometimes only brief summaries.

In an Avignon sermon, No. 80 *Michi mundus*, delivered on October 4, 1349 in the Franciscan church, where he

¹ Cf.: Forhandlinger paa det 8. nordiske Filologmøde i København 1935, p. 80 and Proceedings l. c., 1937.

was particular anxious to secure the favour of his audience, he begins, after an introduction, by saying: — — — *accepta pluribus quod sermonum prolixitas dominos hic sepe accedat, sermonum difficultas eorum animos sepe perturbat, sermonum curiositas eos aut alios(!) nunquam edificat, sed loquentem ostentat.* Although such criticisms need not have been especially directed against FitzRalph's sermons, yet there seem to be cases, where these typical reproaches might apply to them, too. Such sermons as, for instance, No. 78 *O mulier magna* (November 25, 1338) on St. Catharine, and No. 75 (August 4, 1341) *Creuit in vineam laciorem* on St. Dominicus, are very longwinded panegyrics of the same kind as several of the sermons preached by the later Clemens VI. Still, both of them contain interesting passages: the former e. g. the strong assertion of the authority of the Scriptures and the indignation against those *qui habent in cauernis magnam copiam librorum legum aut medicine, et non est inter omnes vna parua biblia quam possent in fine diei respicere.* Or, again, the second allocution, which was preached in the church of the Dominicans, contains an attack on the incompetent and indolent *viri ecclesiastici*: with a bold, even tactless allusion to the old pun of the *dominiani* being *domini canes*, he calls them *canes muti non valentes, aut, vt verius proferam, non scientes.* No. 84, (December 6, 1338) is an example of a long, rhetorical, and subtle sermon; it deals with the Advent of the Lord, and it is built up in 27, viz. $3 \times 3 \times 3$, paragraphs, with systematical titles: I. *Humanitatem iudicis indicat localis descensio*; II. *Equitatem examinis preconizat legalis decisio*; III. *Mortalitatem plasmatis reformat corporalis resurreccio.*

I, *the descent* is described as (1) *terrificus*, (2) *mirificus*, (3) *magnificus*; II, *the judgment* is regarded in relation to

(1) *locus*, (2) *modus*, (3) *effectus*; III, *the resurrection* is described (1) *in omnibus naturalis integritas*, (2) *in eisdem etatis equalitas*, (3) *in bonis supernaturalis nobilitas*. Finally, each of these nine subdivisions consists of three subdivisions so that e. g. I, (2) (*descensus mirificus*) is divided into a) *corusca viuifice crucis promissio*, b) *stupenda super nube iudicis delacio*, c) *horrenda tube clangentis resonacio*. II, (2) (*iudicij modus*) is divided into a) *peccatorum allegacio sine accancio rigorosa*, b) *allegatorum examinacio seriosa*, c) *examinatorum decisio seu condempnacio luctuosa*. III (*resurreccio*), (3) (*in bonis supernaturalis nobilitas*) is depicted as a) *inpassibilitas*, b) *claritas*, c) *subtilitas*. The tripartition has always been admired, but when it is carried out so systematically as here, its influence on the lucidity and the simpleness of the exposition is necessarily unfortunate. Yet, even in this sermon, a certain common sense does not belie itself: under heading III (*resurreccio*) (1) (*integritas*) mention is made of the problem, discussed by others, how the resurrection of the flesh may be combined with *integritas* in the case of a person who has been completely devoured by cannibals (the resurrection of whose flesh must also come to pass with concomitant *integritas!*); FitzRalph, however, simply dismisses the question as *nimis absurda*.

However, the majority of the Avignon sermons are constructed far less elaborately. In a number of cases, the same subject (e. g. St. Catharine) is treated in the learned Avignon sermons as well as in the more popular English ones, and, consequently, there is of course a difference in the style. Similarly, the representation of a dogma looks different in the Avignon sermons (e. g. Nos. 71, 73, 74, 76, 85) and in the English ones (e. g. Nos. 8, 9, 12, 13, 14, 22).

With few exceptions, FitzRalph only employs *exempla* in the popular sermons, such as that of the knight Owein in No. 1 (see p. 28 above); in No. 5 he relates of a man who revered St. Catharine, and when he fell into temptation, was warned in time, as her picture in the church turned away. No. 11 gives an account of an avid *clericus advocatus*, who, however, venerated the Virgin Mary, and so was saved from condemnation when lying seemingly dead. Nos. 19 and 25 relate of a knight who had entered a convent, but found life there unbearably hard, until the Virgin Mary appeared to him and made him dip dry, hard bread into blood, which trickled from the cross, so that the bread became soft and sweet. No. 29 is the tale of the bird that leaves its nest in a tree, under which *luxuria* is committed.

Still, the subjects of the learned and the popular sermons are to a great extent the same, and in both categories they go to show what were the preoccupations of FitzRalph during these years (1335—50). The first thing to catch the attention is perhaps a certain interest in eschatological matters: cf., among the Avignon sermons, No. 84 (mentioned above p. 31, on account of its structure of 27 divisions) and Nos. 83 and 86 (all three are Advent sermons), and among the popular sermons Nos. 10, 12, 13, 17, 18, 19, and 30. But most particularly one may point to the subjects that are of importance to the subsequent anti-mendicant campaign.

The principal dogmatical question of *pauperies Christi* is treated very warily in sermon No. 17, which was preached on Palm Sunday 1346 at Burton-on-Trent, possibly to an audience which contained students from Oxford; we may draw this conclusion from the introduction, where he says: *a scolaribus siue discipulis, cum in studijs generalibus in*

inicijs anni aut termini cuiusquam ad scholas accedunt, tria racionabiliter queri possunt: quem magistrum audient, quam doctrinam addiscent, et quomodo proficient. The dogmatical portion of this sermon is feeble, as is often the case in the popular sermons, for of course he could not consider all dogmatical material well-suited to such an audience; as he says himself: *dubia fuerant cogitata, sed non dicta.*

He frequently denounces simony, nepotism, the greediness of the clergy, the chase after prebends, the insolent begging from the Pope, the all too numerous litigations, the corruptible judges — in short, the well-known, deplorable economical conditions of the Catholic Church during that period. We find this in Avignon sermons from 1341 (No. 70), 1344 (No. 79), and 1349—50 (80—82), as well as in Lichfield sermons from 1345 (Nos. 6 and 7). The keynote, however, is somewhat different in the two cases. He certainly did not mince matters in the disposition for the English sermon on St. Mark (No. 7, April 25, 1345): St. Mark sold everything to live on alms — whereas the prelates of present times sell the possessions of Christ to enrich themselves *et suos fortassis nimis propinquos*; St. Mark cut off his thumb to become unfit for posts of honour — whereas, to seize upon honours, the prelates of present times try to multiply their fingers, viz. by securing themselves patronism, and by *petitionibus inportunis in Curia Romana*. But, he probably did not actually say much of this in his sermon, for he adds, as if to check himself: *sed non placet causam tractare, quia iam loquor ad populum!*

In contrast to this, he speaks without modification in the sermon (No. 72), preached in the chapel of Benedict XII. on Ash Wednesday (probably 1338), where, among other things, he complains of the way scholars are slighted:

laborant in studio modernis temporibus doctores in theologia, doctores in decretis, et alij probi viri omni laude digni. Et eis reiectis, eis oblitis seu spretis, ita ut in mendicitate miserrima finiunt dies suos, beneficia pingua et canonicatus ac prebende talibus conferuntur, qui nesciunt declinare "prebenda", et frequente pueris, qui leciores fiunt ex hoc quod ferulam et virgam effugiunt, quam quod prebendam accipiunt. — In the Avignon sermon, No. 70, which probably dates from 1341, he chastises the sacerdotal audience, but at the same time he displays a relieving sense of humour: *Audiui a quodam prelato, qui vnum pingue beneficium dederat vni iuueni de suis nepotibus; cum quidam ab eo quesierat, cur illud non contulit vni doctori, cum in sua diocesi plurimos valentes haberet, ipse respondit: "Grauem lapidem non possum ad remota proicere, sed nec¹ ad genua mea levare."*

It goes without saying that in the popular sermons several questions of morals are treated, such as the obedience of children and servants and their seemly behaviour towards parents and superiors (e. g. in No. 20). In No. 10, he uses this as an illustrating example: . . . *sicuti nec mater carnalis aut pater filium inpetendo cibum exaudit, si facie fedata expostulat, quin potius respondebit: "Laua tibi faciem et manus, et sic cibum accipies!", ymmo fortassis, quia sic deformis postulat, primo verberibus emendatur et postmodum se lauare compellitur.*

However, the subject to which he returns again and again, is avarice; thus in No. 11 with the exemplum, quoted above (p. 33), and with a quotation from *versificator Viridicus*:

Crescit amor nummum, quantum pecunia crescit.

Or, again, in the highly characteristic sermon No. 20 from May 21, 1346, he speaks with obvious common

¹ »only«; cf. French *ne — que*.

sense of those that trust too little and those that trust too much in the Lord's pity, and of those that sin from arrogance and those that sin from despair. The same sermon contains an emphatic passage about faithless stewards, who cover the deficits in the accounts of one year by items from the subsequent one, and by doing so fall ever more deeply into debt. — In No. 26, (April 11, 1347) he attacks the merchants who make profit of dearth, the lawyers who demand exorbitant fees (*panem comedunt alienum*), and corruptible judges. And in No. 32 (May 11, 1348), preached in Mansfieldstown in Ireland, he denounces usury, maintaining on principle: *nemo debet lucrum reportare, cum de alieno mercatur, sed de suo bono lucrum iuste reportat*. We find parallels to this view in other sermons; still, it is a characteristic feature that he by no means condemns wealth as such. As early as in No. 9 (May 15, 1345) he states quite clearly: *non autem reprehendo homines iustos, licet diuites, multas diuicias, sed tamen eis et suo statui necessarias, possidentes, quoniam ipsi de dei voluntate et non contra legem eius, sed conformiter legi sue talia eis necessaria retinent*. And two years later he explains in a similar way (in No. 26) that *viri sancti et iusti* are justified in keeping the riches which are necessary to them. — The significance of this statement will appear from the final summing up of the proposition *Unusquisque*.

Richard is an upholder of society: in No. 26, he emphasizes his view that incapable priests may lead not only to *subuersio status ecclesie*, but even(!) to *pericula imminencia hoc regno* (i. e. England). At the same time, he leaves it perfectly clear that the one and only important thing is that all actions shall be in accordance with the law of God, in such

a way that in all cases of conflict, His law is given precedence to that of the King. He finds an opportunity for touching on this in one of his sermons on St. Thomas a Beckett (No. 79, July 7, 1344), when, with a sigh of relief, he terminated his seven years' residence at Avignon with a remarkable sermon on a text which could be applied to that saint with singular aptness: *Contempnit timorem nec cedit gladio*. In this sermon there are probably also hidden allusions to his own recently finished struggle, and sometimes a little self-irony, as in the following clause: *Domini reuerendi! sustinete modicum quid insipientie mee, vt iocose seu quasi yronice pauca loquar. Ecce enim videri possunt hec et omnia conuenire Thome ex nomine. "Thomas" enim anglice idem est quod "Thom-as", id est "Thom asinus"; "as" enim in anglico idem est quod "asinus" in latino . . .* And after having described the stubbornness of the ass, its strength, its courage, its willingness to carry loads, he goes on . . . *unde veraciter, quamuis tamen yronice, possumus affirmare quod nec mulus Yspanie, nec destrarius Apulie, nec buredo Ethiopie, nec dromedus Arabie, nec elephantus Asie, nec camelus Sirie hoc asino nostro apcior Anglie siue audacior inuenitur ad prelia, qui "contempnit timorem nec cedit gladio."* — In the sermon, No. 77, on St. Martin (preached in Avignon on November 11, 1338) he denounces, for one thing, exaggerated joy of fighting, for another *oppressio per principes seculi . . . propter quod omnes dies festi viuuntur in luctu, et pro consueto tripudio* (St. Martin's Eve frolics) *populus ubique suspirat et gemit . . . sed frustra loquor absentibus*. His treatment of the subject is, however, particularly interesting in the three sermons which he preached in the presence of the King in London on the occasion of the big public processions: No. 10, from June 26, 1345, No. 23, from

September 1346 (to celebrate the victory of Crecy), and No. 26, from April 11, 1347. In No. 10, he declares that one must pray for the King, that he may live justly, that he may be governed by wise councillors, and that his wars may end speedily, happily, and justly; but one should not pray that he may shed the blood of his enemies! The same injunction is repeated, only more emphatically, in No. 23, with the addition that one must pray for the King *vt non superbiet de triumpho iam habito, sed illum adscriberet summo deo*. Finally, in No. 26 (which, by the way, is illustrative of his conception of constitutional law) the same ideas are worked out in detail, and with new and interesting arguments: *et ibi fuit ostensum de recipientibus predas ac spolia tempore guerre, quia, quamuis guerra quoad iura regnorum sit iusta, potest tamen esse iniusta quoad iura diuina, et quia reges non possunt absoluere a peccato, ideo licencia regum non sufficit ad transferendum dominium in casu huiusmodi*. This is in close accordance with his teaching of dominion through the grace of God; but probably the King was not particularly pleased to listen to it.

In sermon No. 33, preached in Drogheda on March 25, 1349, he mentions several cases of *crassa ignorancia* among the population of Anglo-Ireland: . . . *Primus casus est quod, cum est guerra communis inter Anglicos et Hibernicos, cuiuscumque culpa prouenerit, credunt quod liceret eis non tantum rapere et spoliare, sed et aduersarios occidere* . . . Yet, the law of God is above that of man: *Ideo tales inuasores hominum sunt inexcusabiles apud deum, et similiter raptores, donec satisfecerint*. — This intrepid insistence on the supremacy of God's law, asserted against the King as well as against the English settlers and merchants in the Pale, have scarcely

procured him much favour; in any case, it was a contrast to the clemency often shown by the mendicant confessors.

A subject to which he returns again and again, is his conviction that a man cannot obtain salvation by giving gifts *post mortem*. He mentions it in No. 85, a dogmatically remarkable sermon, preached on December 8, 1342 in the church of the Carmelite friars at Avignon; its chief subject however, is the Immaculate Conception, which he treats not only in a dogmatical sense (*aue*), but also in a moralising one (*ve*). Similarly, in the Pentecost sermon No. 9 (May 15, 1345 in Lichfield) he proceeds, after a dogmatical introduction (about the *filioque*) to moralising speculations, emphasizing the necessity of total purification from sin: . . . *nec per distributionem illorum bonorum post mortem iuuantur in purgatorio, cum non vadant in purgatorium, sed in profundum infernum!* We find a parallel to this in No. 17 (April 9, 1346), mentioned above (p. 33): . . . *amplius vobis proderit vnus quadrans datus in vita quam totus mundi thesaurus per executores vestros post mortem distributus.* And in the *Pater noster* sermon (April 11, 1347): . . . *quoniam factum quodcumque per ipsos in vita, si ex caritate fieret, mereretur premium eternum in celo, omnia data post mortem saltem inminucionem purgatorij merentur, et minimum gaudium in celo melius est quam inminucio aliqua pene temporalis carnis . . .* this, however, must probably be considered a mitigation of the attitude of No. 9 which menaced those that trust in death-gifts, with Hell! As it is, these constant warnings against testaments must have been unpleasant to the mendicants, for they owed the majority of their riches to this very practice of donation by testament.

With or without connection with the subject of testaments he continually warns against an *absolutio*, the premiss of which is not the returning of unjustly acquired goods. Thus in No. 9 (May 15, 1345), mentioned above (p. 39), . . . *non fit vera sanacio, set verius aposchemacio* (cf. ἀπόσκημμα the "isolating of suffering to one part of the body"), *sanato vulnere exterius, ferro interius remanente*. In No. 1 (of unknown date(!): . . . *non est contricio nisi pretereat restitucio, si assit facultas, aut saltem vera voluntas restituendi cum poterit, si desit facultas. Non enim potest homo penitere, quod alium deceptit vel eius bona sic habuit, et cum hoc velle retinere quod rapuit*. We find a similar trend of thought in No. 27 (probably from January 6, 1348; cf. p. 27). And in both these sermons the reproach is directed against those who seek such *absolutio* as well as against those who confer it. As it says in No. 1 (cf. p. 28): . . . *dampnant se confessores religiosi, si qui sunt, et alij, qui receptis paucis denarijs, non inducta satisfaccione, hominem de furto aut de usura aut de iniusto lucro proximi absolucionem inpendunt*. In the same two sermons he warns against confessing some sins to one priest, others to another; in No. 27, again, he says: . . . *cum quis de vno crimine confitetur tacens de alio, aut vnum peccatum vni ostendens et aliud alteri, de quorum neutro veniam accipit*. Again, in No. 1 (in which the soul is likened to a laundry-maid): . . . *transgressio . . . concensa voluntate vsque ad lacrimas cordis saltem exprimenda est, instar lotricis, ita vt non diuidatur confessio, quia sic de nullo haberet remissio*. — It is obvious that the reproaches (in any case as time goes on) are directed more against the mendicants who confer the censured absolution, than against the members of the congregation who try to obtain it.

A similar treatment is given to another question of

far-reaching economical importance, viz. the wish to be buried in or near one of the mendicant churches, i. e. away from the parish church. As early as in No. 10 (June 26, 1345), the excellency of the latter is stressed, and in No. 20 (*Estote*, May 21, 1346) he says still more emphatically, in speaking of some *se male agere ignorantes*: . . . *sicuti audio aliquos de vobis agisse de sepultura exigenda extra parochialem vestram ecclesiam in cimiterio ecclesie aliene. . . . Ibi de iure nostro dictum fuit; nec dubium, quin tales nullatenus excusantur, quia sicuti sine lege peccarunt, sic sine lege peribunt*(!). The sermon is in English, so in this case the reproach is still adressed directly to the members of the congregation.

In August 1349 Richard had presented his proposition *Domine, salua nos* to the Pope, and two months later, on October 4 of the same year, he delivers a sermon (No. 80) in Avignon at the feast of St. Francis, in the church of the Franciscan friars, on the text *Michi mundus crucifixus est et ego mundo*. This very remarkable sermon may be characterized as the last attempt to obtain a peaceful solution of a long-smouldering conflict, a final urgent warning, before the gage of battle is thrown down; when, at a later epoch, he speaks of *precaros meos amicos fratres*, he is not sincere.

In the introduction (see p. 30 above) he at once sets out to win the favour of his audience, using beautiful words about the *antiquitas*(!), the *auctoritas*, and the *stabilitas* of the Franciscan Order, and also about his own filial affection for it, dating from the days of his childhood in Dundalk. At the same time, however, he directs an attack against the friars who live in obvious opposition to the sayings and the intentions of St. Francis himself, by trying to acquire ecclesiastical honours, by disregarding the injunctions con-

cerning poverty and obedience, and by roving the country far away from their convents and for long periods; both the Order — and here he is speaking to its leaders — and the Curia — there were cardinals present among the audience — ought to intervene and command their return to their convents and especially their leaving the papal court. For here, most of all, one finds *illi miseri vagabundi* who try to obtain the favour of the Pope by means of royal mandates, a scandal to themselves and to their Order, for:

*culpa horum ribaldorum
redundat in ordinem*

(a quotation from a poem?).

The description is very amusing: . . . *dominus papa nunquam alicui talium prouideret, si eorum fraudes agnosceret. Set quia venit adulando cum literis principum recommendatijs quod "talis est noster karissimus . . . nobis veraciter diu seruiuit sancte conuersacionis apud deum et homines . . . cui sumus plurimum obligati . . . ideo etc."* *Nec est unum verbum veridicum in tota continencia literarum, set sunt litere inpetrate aut ex fauore alicuius mediatoris a latere principis aut (comunius!) per pecuniam datam tali procuratori, quales sunt multi a lateribus principum facti per talia lucra de simplicibus gloriosi. Ideo dominus papa ex causa motus sancta et bona, volens acquiescere precibus principum, vt nos sub eorum tutela tranquillam vitam agamus, talibus precibus principum annuens prouidere talibus [debere credit].*

Although the style does not lack sharp satirical touches, one feels at the same time the author's disarming sense of humour, which presupposes goodwill and mutual sympathy. No doubt FitzRalph believed that he would find in some of the leading Franciscans a responsive audience, for this sermon treats fundamental problems of the Order.

V.

FitzRalph and the Curia 1350.

Alas! the words fell on stony ground, or they were trodden down by busy feet. So it came about that Richard opened the campaign by his proposition *Unusquisque* (July 5, 1350), which demands the total abolition of the privileges of the mendicants, to wit preaching without the permission of the parish priest, hearing confessions, admitting lay people to be buried in their convent grounds, and non-submission to the jurisdiction of the local bishops. From an ecclesiastico-political point of view, this radical proposition appears in the middle of the Jubilee year, when the Curia was receiving large revenues, shortly after the final victory of the Papacy in the dangerous thirty-years' war against the Franciscans (p. 10), and at a moment when the decimation of the clergy by the Black Death in any case would necessitate a reorganisation on several points. FitzRalph himself must have been convinced that he was in favour at the Curia just then. A short time before, he had presented his big work *Summa contra Armenos* to Clement VI., the outcome of the negotiations which he and his collaborator, the bishop of Traù,¹ as the two representatives of the Holy See, had carried on with the emissaries of the Armenian Church. In this *Summa* he had not only completed the task that had been imposed upon him, viz. to give a survey of the Catholic point of view in the dogmatical conflict with the Armenians; he had also upheld the position of the Curia in occidental matters of contention, such as for instance (in the seventeenth book) its attitude towards the diverging doctrines which had quite recently spread at the University of Paris. The most characteristic feature of the *Summa contra Armenos*

¹ See p. 13 above and note to l. 501, p. 79 below.

was the emphasising of the view that truth could not be discovered through philosophical quibbles, but only by means of the Scriptures; and it was to be expected that this would be particularly well received by Clement VI., whose exceptional knowledge of the Holy Writ he points out — and with good reason, too, judging by several of Clement's sermons.

Even if we do not know exactly, what were the results of his proposition *Domine, salua nos* from August 1349 (in Proceedings l. c., Father GWYNN has given his reasons for the assumption that it was not granted), still this document itself proves that FitzRalph was justified in counting on being firmly established in the good graces of Clement VI. It is not surprising that he should flatter the Pope, but he does it in a curiously intimate way. In the beginning of *Domine, salua nos* (Lansdowne 393, f. 240 r) he says: . . . *domini nostri correccioni me eciam subicerem, si non esset iudex meus, sed tantum frater et iustus. Quia locuturus sum de sacris scripturis, quas amplius habet inpectoratas quam alius quiuvis viuencium meo iudicio, et suadeo ex lege clemencie ob reuerenciam nominis ipsius, et racionibus vtor in numero senario ob reuerenciam eius cognominis.* — And towards the end (l. c. f. 243 r): *Et vt breuiter concludam: gratis accepistis, gratis date! Si tibi multum fuerit, habundanter tribue! Eratis, pater Clemens, a paruo, vt accepi, liberalissimus, vt non dicam prodigus, in distribucione carnalium que facilius consumuntur. Absit quod quisquam vobis suadeat; et si suaserit, absit quod suadeat vobis parcitatem in distribucione spiritualium que ex distribucione nullatenus minuuntur.*

Considering what kind of man Clement VI. was — *il avait les moeurs et les vices d'un grand seigneur*, says one of his biographers, and another one reminds us that he issued orders to the angels — this bold and jocular allusion

to his notorious prodigality can only have been possible for a supplicant who feels that he may permit himself considerable freedom of speech.

The preceding fragmentary characterization of the sermons up to this time has attempted to show among other things that a number of the subjects which FitzRalph treats in his proposition *Unusquisque* had interested him for a long time: the danger caused by the position of the mendicants outside the solid structure of society (see p. 36 above), the privileges concerning confession and burial (see p. 40—41 above). On the other hand, he possibly had not realized the danger of the privilege of preaching, until he began his activities as Archbishop of Armagh; and he certainly had not realized the danger of the exceptional legal position of the mendicants (cf. note to l. 417 p. 77 below) until then.

But he did not speak for himself alone. When FitzRalph delivered his expostulation *Unusquisque* to the Pope, emphasizing that Bartholomew, Bishop of Traù, would subsequently explain its practical and legal aspects in greater detail (*seriosius*), he acted as the spokesman of a number of prelates who were present at the Curia, and to whom he frequently alluded in his proposition. Its title also states it to be presented *ex parte prelatorum et omnium curatorum totius ecclesie*. We know nothing, it is true, concerning the justification of this statement. Still, it is an undeniable fact, that the unfortunate usages to which Richard calls attention, and which on the whole he describes in restrained expressions, were found not only in England, let alone Anglo-Ireland: to a certain degree they prevailed everywhere in the Catholic world; cf. also chapter I above. Thus, it is a wellknown fact that the Black Death

had the same consequences in large parts of Europe. We may, for instance, point to the statements of V. DE FUENTE in his large *Historia ecclesiastica de España*. IV, 366; here he describes how, in 1348, the pestilence depopulated the Spanish convents, so that they were obliged to admit young and unfit persons and to mitigate the rules, especially those of the Franciscan friars, who now obtained *tantas rentas, bienes, privilegios y exenciones como los Cluniacenses y Cistercienses*. All things considered, there was certainly reason enough for the hierarchy of the whole Church to wish for an intervention against the mendicants.

We have no knowledge of Bartholemew of Traù's subsequent statement. Nor do we know whether FitzRalph is correct in stating, in the introduction to *Unusquisque*, that the mendicant Orders (all of them together?) had submitted a proposition to the Pope, demanding an interpretation of *Super cathedram* (cf. p. 7). The solving of these questions must be left for future investigation, which should probably take in the whole of FitzRalph's anti-mendicant campaign. On this subject there exist a large number of MSS., mostly unknown or at least unedited, especially in English and French libraries (but also e. g. in Brussels, Munich, Rome). These MSS. deal mainly with the later, better known phases of the controversy (1355—60), but they probably also contain items of information as to how the campaign was opened by the proposition *Unusquisque*.

One fact may be pointed out already: *Unusquisque* led to no papal interference with the privileges of the mendicants. It seems more likely that the Pope's answer was an invitation to FitzRalph to make a detailed exposition of the theoretical basis of the problem. Such an exposition was given in his third big work *De pauperie saluatoris*

(above p. 15); he composed it in the beginning of the 1350ies, and in the introduction he states that it was written at the instigation of Clement VI.

VI.

The Manuscripts of the Proposition *Unusquisque* and of the Sermon-Diary.

The subsequent edition is based on five MSS.:

H = The (formerly ducal) Library of Wolfenbüttel,
Helmstedt MS. 1006.

J = St. John's College, Oxford, MS. 65.

L = British Museum, Lansdowne MS. 393.

B = Bodleian Library, MS. 144.

N = New College, Oxford, MS. 90.

The four latter are the only known MSS. of the complete sermon-diary of FitzRalph, and have been described by Father GWYNN (Proceedings, pp. 2—9). The first manuscript has been described (under No. 1108) by v. HEINEMANN, Die Hss. der Herzogl. Bibl. zu Wolfenbüttel, I. Abt. Die Helmstedter Hss., Bd. III, Wolfenbüttel, p. 3 seq.; this description was reprinted by BURDACH, Vom Mittelalter zur Reformation, II, 2 (Briefwechsel des Cola di Rienzo II), pp. 292—297. The provenance of the manuscript is the monastery of Aberbrothock (Arbroath, Co. Forfar, Scotland). It is a miscellany of the fourteenth and fifteenth centuries; ff. 50—59 have certainly been written in Scotland, as they contain notices of local Scottish interest. But ff. 1—49 contain various small items, which (when datable) go back to the middle of the fourteenth century: thus ff. 10—27 is a report on a *Processus contra fratres Johannem Gudulchi de Castellione et Franciscum de Archata hereticos factus per . . . dominum*

Guilielmum episcopum Tusculanum . . . cardinalem tempore Innocentii pape VI a. d. 1354. Further, ff. 34—39 there are two letters from Cola di Rienzo: No. 27, the patent letter on the sovereignty of the Roman people from August 1, 1347 (ed. BURDACH p. 101 seq.), and No. 43, a letter to Clement VI. from October 11, 1347 (ed. BURDACH p. 158 seq.). Finally, on ff. 42 r—49 r, we find the present proposition, from July 5, 1350.

BURDACH assumes that this first part of the MS. goes back to Richard FitzRalph himself, and that the Irish Archbishop had possessed a collection of letters from Cola di Rienzo. Based upon this supposition he makes some very ingenious speculations on the probable influence of Cola di Rienzo on Richard FitzRalph, and, through him, on Wycliffe — alas! all in vain, as the assumption that the Aberbrothock MS. should go back to Richard FitzRalph is wholly unfounded. Only one hypothesis is probable, namely that this miscellaneous collection was made in Avignon after 1362 (f. 41 contains a bull by Urban V.) — thus after the death of FitzRalph — and was brought to Scotland about 1380, without our knowing how this came to happen. But if the hypothesis of the Avignon origin, indicated by the contents of the collection, is correct, the possibility arises that the text of the proposition in this MS. might go back, not to a transcript of the whole sermon-diary, but to a copy made in Avignon, perhaps even to the very copy that was presented by FitzRalph to the Pope after he had delivered his speech (l. 499). As a matter of fact, the text of the MS. H, although not without errors of its own, is appreciably better than that of the MSS. J, L, B, N, and clearly points to an original which was superior to that of the four other MSS. This is easily understood, if we suppose that H goes back to an

Avignon original of the proposition *Unusquisque*, whereas the original of J, L, B, and N was a manuscript, comprising the whole sermon-diary.

Consequently, the present edition of the proposition *Unusquisque* has taken the MS. H as its base, and only deviates from it, where it is manifestly erroneous.

That J, L, B, and N go back to the same source and that this source is inferior to the source of H can be seen from examples such as the following:

34 *iura et*] *iura* H *iuxta* JLBN; 81 *mihi videtur* H *modo videtur* JLBN; 185 *seculares* H ÷ JLBN (cf. 131); 196 *Ita enim inportune vexarunt . . . quod quilibet Romanus pontifex ex hoc fuerat fatigatus* H; for *quod quilibet* the reading of JLBN is *pro quibus*: that is to say that the source of these MSS. has misread *quilibet* as *quibus* and has therefore made an erroneous correction; 254 *statum perfectionis et paupertatis altissime* H *s. professionis et p. a.* JLBN (cf. 274, 356); 311 *tunc* H *cunctos* J *cunctis* LB ÷ N; 447 . . . *quam suus socius carens huiusmodi facultatem, et ita ipse non habet altissimam paupertatem, cum suus socius habeat ampliorem* H *quam suus socius id non habens* JLBN; 460 *ratio premissa firma videtur* H *r. p. prima v.* JLBN; 510 *practica* H *predicta* JLBN; In 493 the marginal note *minor* has been inserted in the source of JLBN (cf. 494).

The errors of H are omissions of single words or misreadings such as 44 *scilicet*] *sanctam*. But we have also to reckon with the possibility of smaller alterations in H, made deliberately. Most conspicuous is the fact that H sometimes replaces *iste* by *ille*. This is proved by two passages, where the source of JLBN has misunderstood the original *iste*: 225 *istud ius siue ista facultas*] *istud ius siue illa facultas* H *istud ius siue iusta facultas* JLBN; 423 *petitionem istam*]

petitionem illam H *petitionem vestram* J *petitionem nostram* LBN. Thus, in the use of these pronouns H is not to be trusted; on the contrary, here it is safer to follow the usage of JLBN or of their source. We may also have our suspicions regarding other stylistic phenomena of minor importance; thus, in cases of differences in the order of words, it is not always certain that H has the correct rendering. But on the other hand, for want of definite proof, we generally have no reason for rejecting the order adopted by H.

As, in this text, the four MSS. JLBN together have no greater authority than the one MS. H, the mutual relations of those four MSS. are of minor importance to the text of the proposition *Unusquisque*. Moreover, it is impossible to determine exactly the relations of the four big MSS. of the sermon-diary on the basis of this short text alone.

Nevertheless, as a preliminary to the future edition of the sermon-diary, some remarks may not be out of place.

N — the MS. that has transposed the original order of the sermons — has a vile text: a glance at the readings at the foot of the text pages will suffice to prove this. Misreadings and omissions are very frequent. More interesting is the fact that N has many errors in common with B, e. g. the omissions of 65 *predicari*, 78 *per*, 89 *dicuntur*, 112 *penitus*, 276 *fratrum*, 359 *ipsorum*. Or such misreadings as 116 *autem*] *secundam*, 143 *propter*] *preter*, 163 *vulnera*] *verbera*, 243 *tunc*] *inter*, 390 *predicacio*] *predicta*. This fact appears in its proper light, when we observe that whereas N has many errors of its own, the inverse is not the case; on the contrary, N shares the errors of B. Thus, N seems to be a mere transcript of B.

Notwithstanding this, N, in some places, comes nearer to the original than B; thus 214 *consilij desiderari* H *consilij considerari* JLB (*consilij ÷*) *considerari aut desiderari* N; 308 *semel tantum aut bis in anno* HN *s. tamen a. b. i. a.* JLB; 334 *sepultus est in sepulcro patrum suorum* HN *s. e. i. s. fratrum s.* JLB. But doubtlessly such cases are due to corrections in N, as is clear in other places, e. g. 347 *habebant gratuita* H *gratis* JLB *metant carnalia gratis* N.

Especially instructive are places where B has an error that is presupposed by the correction of N. Thus 241 *pocius* HJL *possunt* B *penitus* (twice) N. 254 *sicut et ordinis] et ordinis* H *sive ordinis* JL *sancte ordinis* B *sancte sancti ordinis* N; 330 *ipse* HJL *scilicet ipse* B *sibi* N.

This means that if N should not prove better in other parts of the sermon-diary, an edition of the latter can completely disregard N, (cf. the opinion of Father GWYNN (l. c. p. 8) that N is in no sense an independent witness to the original text).

It is also clear that B, the original of N, has many errors.

L, on the contrary, is a very good manuscript, with few errors of its own, and these generally insignificant or quite obviously silly, e. g. 30 *vocatus] natus*; 117 *vocacione] locacione*; 140 *quem] quam*; 163 *vulnera] verbera*; 384 *que] qui*; 464 *necessariarum] necessariorum*.

Now, as Father GWYNN has justly observed, L is intimately related to B; indeed, we find lacunae in exactly the same places in L and B. Thus on f. 13 of L and f. 3 of B "there is a blank half-page, followed by a blank whole page on the reverse of the folio" (Proceedings p. 20). Similar observations can be made throughout the MSS., and Father GWYNN has ingeniously used the lacunae — which are, partly, reflected in J too — to explain the actual

order of the sermons. In this connection, the most important question is that of the interrelation between L and B. That they are closely related, is proved also by the common errors (shared by N, see above), e. g. 108 *particulam] personalem*; 118 *maneant] moueat*; 142 *assequitur ÷*; 259 *indicta] inducta*; 297 *quos] quod*.

We may combine this observation with the preceding ones, namely that B has rather many errors of its own, which we do not find in L, whereas L has few errors, which are not found in B too, and that the errors of L which are not found in B, are of a type that can be corrected by any scribe. The consequence is that B has no value of its own. It may have been copied from L. It may be a parallel but less careful transcript of the same source. It may be partly one thing and partly the other. This can only be decided after a close examination of a series of sermons. But, at any rate, we cannot expect to find more of the original text in B than in L.

If we turn to J, we find that this manuscript has a considerable number of errors, not only omissions and misreadings, but also corrections of its own, e. g. 52 *resecentur] recensentur*; 91 *duplici ÷*; 233 *idem] non*; 309 *frater] frater talis*; 330 *sepulture] sepulcri*; 331 *sara vxor] cum sara eius vxore*; 351 *capitibus] causis*; 366 *pauperum ÷*; 395 *cognouerit] cogitauerit*; 411 *consequi ÷*; 424 *ostendo] ostendi*; 459 *de ea ÷*, 462 *arta] arte*. On the other hand, J sometimes has a better reading than LBN, thus 142 *assequitur* HJ ÷ LBN; 259 *indicta* HJ *inducta* LBN; 297 *quos* HJ *quod* LBN. It even happens (but very seldom) that J alone has the correct reading, e. g. 419 *vindicarem* J *iudicarem* HLBN: the difference between *uin* and *ui/iu* is only a thin horizontal line which certainly has been in the source of H as well

as in that of JLBN, but it has only been noticed by the scribe of J.

The result of these observations, then, is that whereas N is dependent upon B and B upon L (or perhaps upon the source of L), J and L are mutually independent (but not necessarily direct) copies from a manuscript which must have comprised the whole collection of sermons and which, probably at the instigation of FitzRalph himself, had been copied from the original MSS. of the single sermons at the time when he made up his mind to publish the collection. Consequently, the future editor of the sermon-diary has to investigate carefully the existing MSS. of single sermons, because they might offer a better text than that of the collected edition. This is luckily the case with the MS. H of the proposition *Unusquisque*. If, in the rest of the sermon-diary, no separate MS. of independent value is found, the text has to be based on L, but with complete use of the readings of J. N can be almost neglected, and B need be consulted only if the text of LJ is incomprehensible.

VII.

The Proposition *Unusquisque*.

Proposicio domini Richardi, archiepiscopi Ardmachani, Hibernie primatis, solempnis in sacra theologia doctoris, ex
5 parte prelatorum et omnium curatorum tocius ecclesie coram
domino Clemente papa VI^{to} in publico consistorio, anno
domini millesimo ccc^{mo} l^{mo} mensis julij die quinta.

3-7 *Proposicio* — *quinta* ÷ N *domini* ÷ LB *Richardi archiepiscopi* ÷ J
Ardmachani H *Armachani* JLB 4 *Hibernie* — *doctoris* ÷ J *solempnis*
 — *doctoris* ÷ LB 5 before *ex parte*: *contra fratres et eorum priuilegia* JL
 6 *Clemente* H ÷ JLB *sexto* H ÷ JLB 7 *mense* JB

A. *Vnusquisque in quo vocatus est frater, in hoc maneat apud deum. I. ad Cor. VII. capitulo [.,24]. Pater Sanctissime, loqui prohibeor et tacere non possum. Loqui pro- 10*
hibeor, quia timeo precaros amicos meos fratres offendere, et
tacere non possum, quia votis reuerendorum dominorum
meorum presencium prelatorum in curia debeo ac teneor
obedire. Qui patres reuerendi ac mei domini acceperunt, quod
fratres ordinum mendicantium super decretali quadam felicis 15
recordacionis Bonifacij VIII. in Clementinis titulo de
Sepulturis capitulo Dudum incorporata, que sic incipit:
Super cathedram, in presencia Vestre Sanctitatis et istius
sacri collegij proposicionem quandam fecerunt, decretalis
eiusdem tres particulas in genere distinguendo: partem vnam 20
dicunt obscuram, alteram affirmant superfluum, et terciam
asserunt rigosam — humilibus precibus postulantes per
Vestram Sanctitatem eiusdem decretalis obscura seu dubia
declarari, superflua resecari, et eius rigida mitigari. Hoc
autem postulant (vt debemus supponere, quod perfeccionis 25
viam tenentes apostolicis monitis cupiunt obedire), qui vt
verba premissa concluderet in eodem capitulo I. ad Cor. VII.
[.,17f.]: vnumquemque sicut vocauit deus, ita ambulet:
cum circumcisis quis vocatus est, non adducat pre-
puccium; in prepucio aliquis vocatus est? non cir, 30
cumcidatur.

Nos autem ecclesiarum prelati maiores atque minores in prepucio sumus vocati, quia temporalia bona matris nostre

8 *frater* ÷ N 9 *permaneat* J 10 *prohibior* B et — *prohibeor* ÷ N
 11 *timeo* H 12 *votis*] *vocatis* N *dominorum meorum reuerendorum* BN
 13 *debeo* B ac] *aut* J 14 *qui*] *qua* L 15 *ordinum* ÷ N 16 *Bonofacij* B
 in *Clementinis titulo*] *incliti* N *titulo*] *ti.* HJLB(N) 17 *sepulturis* H
sepultura JLBN 21 *alteram* ÷ N 22 *asserunt*] *assererunt* B *asserue-*
runt N 25 *quod* HJL *quia* BN 26 *qui* HBN *quia* JL 27 *concluderet* H
concluderent L *concludent* BN ÷ J 29 *cum* H ÷ JLBN 30 *vocatus*] *natus* L

militantis ecclesie dispensamus et iura et leges quibus nobis
 35 *debentur habemus. Fratres vero quatuor ordinum mendi-*
cancium sunt in circumcissione vocati: sanctam enim atque
deuotam paupertatem altissimam profitentes ex sua per-
feccione sunt temporalibus et huiusmodi legibus, quibus eis
debentur talia temporalia, circumcisi. Ex quibus consequitur
 40 *quod, sicut nos habentes ex vocacione prepucium non de-*
bemus nobis circumcissione fratrum adducere huiusmodi tem-
poralia seu leges quibus nobis debentur, vt fratres in sua
vocacione faciunt abdicando, sic nec fratres in circumci-
sione vocati, scilicet paupertatem altissimam profitentes ac
 45 *leges quibus ista temporalia debentur ex professionis sue*
regula abdicantes, a nobis tollere nec eis adducere debent
prepucium. Vnde petitionem ipsorum premissam — tanquam
iustam et sanctam et prefate apostolice doctrine conformem
atque regule suorum ordinum congruentem (quam eis cre-
 50 *dimus esse diuinitus inspiratam), scilicet quod huiusmodi de-*
cretalis dubia (intelligo, si qua sint que non debent computari
inter superflua) declarentur, superflua resecentur, et rigida
mitigentur — omnes concorditer tam maiores quam minores
prelati presentes, vice nostra ac omnium absencium, quanto
 55 *valemus, deuocius atque humiliter petimus adimpleri, sic enim,*
vt credimus, in eis implebitur vnusquisque in quo voca-
tus est frater, in hoc maneat apud deum.

B I. *Vt autem ad materiam ipsam descendam et quod dico
 clarius elucescat, ecce est in predicta decretali obscura vel*

34 *desponsamus* N *iura et*] *iura* H *iuxta* J L B N *nobis* ÷ J
 36 *enim* ÷ J 37 *perfeccione* H J N *profeccione* L B 41 *circumcisionem* L
 41 *circumcissione fratrum nobis* J L B N 42 *in* ÷ N 44 *scilicet*] *sanctam* H
 45 *ista* ÷ H *debentur ista temporalia* J L B N 47 *prepucium* ÷ N 50 *esse*
 H ÷ J L B N *inspiratam diuinitus* J *diuinitus*] *diutius* N 52 *resecentur*]
recensentur J 53 *mitigantur* B N 55 *et sic* H 59 *elucescat* H *eluceat*
 J L B N *est* H *enim* J L B N *vel* H ÷ J L B N

*videtur illa particula Ordinamus, ut dictorum ordinum 60
fratres in ecclesijs et locis eorum ac in plateis
comunibus libere valeant clero et populo predi-
care ac proponere verbum dei, hora illa duntaxat
excepta in qua locorum prelati predicare vo-
luerint vel coram se facere solempniter predicari, 65
in qua eciam predicare cessabunt, preterquam si
illud de prelatorum ipsorum voluntate proces-
serit et licencia speciali.*

*Quoniam dicitur quod fratres ibi per prelatos non in-
telligunt indistincte quoscunque maiores atque minores pre- 70
latos curatos, quin potius inuitis rectoribus, vicarijs, seu
parochialibus capellanis, cum ipsi predicant, fratres eciam in
suis locis et in plateis comunibus, eciam prope ecclesias pa-
rochiales, nonnunquam tunc populo predicant, a matrice
ecclesia populum subtrahendo, licet sit preceptum ecclesie quod 75
parochiani hora misse ad ecclesiam parochialem confluant
ecclesie monita audituri. Nos vero e contrario affirmamus,
scilicet quod per prelatos quicunque maiores et minores ibi
debent intelligi. Quod triplici via suadeo: ex grammatica, ex
scriptura sacra, et ex ratione certa. 80*

*Ex grammatica hoc michi videtur, quoniam verbum pre-
latus aut descendit a verbo preest aut a verbo prefertur,
et ex utroque consequitur, quod competit quibuscunque qui in
cura alijs presunt siue alijs preferuntur. — Ex scriptura sacra,
quia ad Ebreos xiiij. cap. [17] dicitur Obedite prepositis 85
vestris et subiaccete eis, ipsi enim peruigilant,*

65 *predicari* ÷ BN 69 *per* ÷ J *per prelatos* ÷ H 70 *prelatos* LBN ÷ J; in H *prelatos* has been cancelled (and so probably the archetype, with or without restoration) 72 *ipsi* H ÷ JLBN 78 *per* ÷ BN 79 *suadeo*] *sua deo* N 81 *michi* H *modo* JLBN *verbum* ÷ H 84 *cura* HJ *curijs* L *curis* B *terris* N *alijs* (1) *alij* N 85 *xiiij.* N

quasi rationem de animabus vestris reddituri. Ex qua causa satis apparet quod omnes curam animarum habentes dicuntur prepositi et per consequens dicuntur vere prelati.

90 *Vnde alibi dicit Apostolus Qui bene presunt presbyteri duplici honore digni habeantur 1. Tim. V. [,17], omnes curatos intelligens, qui, quoniam duplici honore sunt habendi, merito hijs siue ipsorum a quibus honorantur dicuntur esse prelati. — Item videtur idem ex ratione manifesta, quia*

95 *iustum est quod semper maior preferatur minori, si ad eundem actum velint concurrere: constat autem, quod curati quicunque maiores sunt in ordine ecclesiastico, quam sint fratres ex ordine, cum fratres in ordine non habeant nisi ordinem leuitarum et sacerdotes eorum ordinem simplicium sacerdotum;*

100 *igitur videtur quod omnes curatos volebat (quia debebat) intelligere in illa particula exceptiua nisi prelati locorum. Item, ex quo fratres toto residuo diei tempore possunt predicare pro voto et curati nunquam predicant nisi tempore missarum, iniquam esset quod vnus fructus inpediretur per*

105 *alium, cum populus posset vtraque consequi horis diuersis, sic quod vtilitas populi videtur exigere quod nomine prelatorum maiores et minores debent ibi intelligi. — Constat igitur istam particulam dubiam esse in puncto, et ob hoc, si non debeat inter superflua computari, iuste petitur declarari. Intendo*

110 *tamen infra ostendere quod ista tota particula, qua fratribus auctoritas legis ad predicandum conceditur, est omnino superflua et ab eis penitus amputanda.*

87 *racioni* N *de* H J *pro* L B N 88 *habenti* N 89 *dicuntur* (1) ÷ B N *vere*] *viri* N 91 *duplici* ÷ J *habeantur* J L B N *habentur* H *Tim.*] *Thi.* H *ad Thym.* J *Thim.* L N *Themo.* B 92 *curatos*] *creatos* N *intelligens*] *intelligimus* H 98 *in*] *ex* H 102 *iterum* N *tempore* H ÷ J L B N 105 *cum*] *tamen* N *vtrumque* N 107 *maiores et minores* H *minores sicut maiores* J L B N 108 *particulam*] *personalem* L B *puncto*] *parte* B *et* ÷ H 109 *intento* N 110 *infra*] *in facto* B 111 *predicandum* N 112 *et* ÷ N *penitus* ÷ B N

C II. *Secunda particula decretalis illius videtur omnino superflua, videlicet illa que fratribus ipsis concedit confessiones alienorum parochianorum audire et eis penitencias iniungere et eos absoluere. Hanc autem particulam esse superfluum et circumcidendam in fratribus, vt in sua vocatione maneat apud deum, triplici via suadeo: videlicet ex sufficiencia precedentium legum ecclesie, ex fratrum ipsorum regula seu professione, et ex confitentium iactura seu 120 discrimine.*

C II, 1. *Primo videtur illa absoluendi potestas esse superflua propter sufficienciam precedentium legum ecclesie, quoniam mille cc annis ante constitutionem alicuius istorum ordinum predictorum leges comunes seu iura comunia sufficienter congruo regimini totius ecclesie. Cur igitur non ita sufficienter istis temporibus, ratio non videtur. — Item si non ad hoc sufficerent iura comunia, cur non potius ordines amplius approbati et amplius incorporati ecclesie, scilicet ordines possessionatorum, qui non solum sunt confirmati, sed 130 instituti ab ecclesia — isti autem sunt solummodo approbati — et alij doctores theologie et decretorum in partibus, si hoc insufficienter curatorum exigeret, hanc facultatem habent? Ratio non videtur quin potius deberet magis incorporatis ecclesie committi quam minus incorporatis ecclesie. — Si vero 135 dicatur quod, quia curati plures sunt minus sufficientes ad illud officium et fratres multi sunt sufficientes, ideo videtur*

113 videtur] est H 116 secundam particulam BN 117 circumcidendam esse LBN vocatione] locacione L 118 maneat] moueat LBN (B corrects to maneat) sua deo N videlicet ex HL ÷ JBN 120 ipsorum fratrum H seu ÷ N 124 constitutionem H institutionem JLBN istorum H ÷ JLBN 126 igitur] ergo J 127 ratio H ÷ JLBN 128 hoc] hec H ad hoc sufficerent H sufficerent ad hoc JLBN 129-131 amplius incorporati — approbati et ÷ N 130 non sunt J 132 decretalium L hoc HJ hec LB 133 qui hanc H (erroneous correction!) 134 deberet JL debent HBN magis ÷ N 135 committi — ecclesie ÷ N 137 illud] istud H

*valere regimini populi christiani quod fratres habeant cum
 curatis istud officium, videtur michi ex hoc sequi contrarium,
 140 et facio ad hoc huiusmodi rationem: Si fructus ille, quem
 modo populus per legem comunem restrictam et per istam
 facultatem fratribus concessam assequitur, regularius et
 honestius proueniret in populo quam modo prouenit et propter
 hoc multa incomoda vitarentur que modo contingunt, conse-
 145 quitur quod magis expediret istam facultatem circumcidere
 in fratribus quam permittere eam manere. Sed hoc constat,
 ergo etc. — Probatur minor, quoniam ordinarius singulis
 annis visitans suam dyocesim, si reperiret insufficienciam in
 curatis, posset fratres quos ad hoc iudicaret idoneos, quando
 150 et ubi expedire videret, vocare in partem solitudinis cura-
 torum. Et si fratres essent sub lege comuni, tenerentur episcopo
 obedire, ymo obedirent gratanter (ex quo modo currunt pre-
 cipitanter ad istud officium), et esset multo honestius et
 regularius quod ordinarius loci vocaret sic de sibi subiectis,
 155 quando expedire videret, quam quod vnus extraneus qui
 nullam habet iurisdictionem, sicut minister seu vicarius fra-
 trum, parochianis episcopi tales preficeret, sicut fit modo. Et
 sic idem fructus qui modo prouenit in populo tunc regularius
 proueniret, et propter hoc multa vitarentur incomoda que
 160 modo proueniunt: Modo enim quia a curatis tollitur ius suum*

138 *valere regimini*] *velle regimen* B *quod christiani quod* N
 139 *istud* H J B *illud* L N 140 *quem*] *quam* L 141 *modo* H ÷ J L B N
restrictam] *recitatam* N 142 *assequitur* H J ÷ L B N 143 *prouenire* N
propter] *preter* B N 144 *hoc*] *hec* N *que*] *qui* N 145 *istam*] *illam* H
 146 *manere*] *remouere* N 148 *annis*] *sinus* N *reperiret*] *reciperet* N
 149 *curatis*] before this word *prelatis* has been written, cancelled, and
 restored H *quos ad*] *quo ad* N 150 *ubi*] *ibi* N *vocare* ÷ N 153 *ad* H
 ÷ J B L N *et esset* H L ÷ J B N 154 *quod* H *quando* J L B *admittere*
quando N 155 *expedire videret*] *expediret* N *extraneus*] *extrinsecus* N
 155 *quia*] *qui* N 156 *sicut* H N *sic* L *sive* J B *seu* H *sicut* J L B N
 157 *parochianum* N 160 *suum*] *comune vicissim* N

per fratres, oriuntur inter ipsos et fratres dissensiones ac odia ac contumelia, ita quod nonnunquam per verba peruenitur ad verbera, ymo ad hominum occisiones et vulnera. — Item magnum videtur inconueniens quod curatus, qui in persona sua ad curam admissione oneratur a suo episcopo, vt pro 165 omnibus sibi commissis reddat rationem in die iudicij, per totam vitam suam plurimum sibi subditorum non potest vitam agnoscere, ymo illis subditis est in hoc magna iactura, vt infra ostendam. — Constat igitur, quod comoda illa que modo proueniunt, circumcisa ista facultate absoluendi a 170 fratribus, per sola iura comunia regularius prouenirent, quam modo proueniunt, et nichilominus multa incomoda que modo ea occasione eueniunt, vitarentur. Consequitur igitur ex illa sufficiencia precedencium legum ecclesie, quod ista facultas absoluendi concessa fratribus tanquam in toto superflua est 175 penitus amputanda.

C II, 2. *Secundo hoc idem videtur ex ipsorum fratrum regula seu professione, tam quoad huiusmodi facultatis assecucionem quam quoad eius execucionem; quoniam assecucio videtur contra diuinum consilium et contra diuinum 180 preceptum; et constat, quod fratres ex sua professione et regula tenentur seruare precepta atque consilia; ergo etc. Probatum assumptum. Et primo accipio quod fratres ad hanc facultatem habendam non erant vocati ab ecclesia, quoniam pocius ecclesia vocasset, vt dixi, doctores seculares, curatos, 185 et religiosos possessionatos, qui sunt ab ecclesia instituti et*

161 *dissensiones* N 162 *contumelie* BN 163 *verbera*] *vulnera* L
vulnera] *verbera* BN 165 *ad*] *in* J 167 *subiectorum*] *subditorum* N
169 *igitur* H *ergo* J LBN 170 *ista* J LBN *illa* H 173 *igitur*] *ergo* J
illa H *ista* J LBN 174 *ista* J LBN *illa* H 175 *est*] *est et* J 178 *tam*
quoad] *tamquam ad* N *huiusmodi*] *huius* BN 180 *contra* ÷ L 181 *pro-*
fessione N 183 *accipio*] *accipio ad hanc* J L (*hunc*) BN ÷ H 185 *eccl-*
esia vocasset pocius J 185 *seculares* H ÷ J LBN *curatos* ÷ N

*incorporati ecclesiastice yerarchie ante aduentum fratrum
 per mille cc annos aut circiter, quam vocaret fratres aduen-
 ticios, quorum ordinem non instituit, sed ad institutorum
 190 ipsorum ordinum petitionem humilem approbavit. Quod quia
 ecclesia non fecit, consequitur, quod ad istud officium non
 erant vocati. Nec puto, quod ipsi valeant hoc negare, cum
 opera ipsorum presencia et preterita id affirmant: Ita enim
 inportune vexarunt quasi quoscunque Summos Pontifices sui
 195 temporis, a tempore quo ad huiusmodi negocia habebant
 ingressum, vt ampliaretur in eis talis facultas, quod quilibet
 Romanus Pontifex ex hoc fuerat fatigatus, nec idem Vestre
 Sanctitatis tempore omiserunt, cum super hoc instent eciam
 in presenti. Clarum est ergo atque patens, quod ad peti-
 200 cionem et aspiracionem eorum, non ad vocacionem Ecclesie
 istud curatorum officium acceperunt.*

*Petere vero siue desiderare illam facultatem fuit, vt videtur,
 contra diuinum consilium atque apostolicum: Cum, inquit
 Christus, inuitatus fueris ad nupcias, recumbe in
 205 nouissimo loco, vt, cum venerit qui te inuitauit,
 dicat tibi: 'amice, ascende superius!' Luce xiiij. [8—10].
 Et Paulus apostolus, qui ewangelium a Christo reuelante non
 ab homine, vt ad Gal. [1,1] scribit, accepit, dicit expresse
 Nemo sumat sibi honorem, sed qui vocatur a Deo,
 210 [Hebr. 5,4] et quis ambigit quin facultas illa absoluendi sit
 magni honoris? — scilicet habere reges, principes, comites, ba-
 rones, reginas, comitissas, ac dominas, filios ac filias spirituales:
 Igitur non potuit absque transgressione diuini atque apostolici*

188 vocaret H vocasset J LBN fratres ÷ N 193 et] sicut N 194 in-
 portune attendentes BN vexauerunt J 195 tempore quo ÷ J 196 am-
 plieretur B quod quilibet H pro quibus J LBN 199 ergo] igitur J atque
 patens H ÷ J LBN 200 aspiracionem H affirmacionem J LBN 201 illam
 H istam J LBN 203 cum H dum J LBN 207 apostolus ÷ H 209 su-
 mat J sumit H LBN 210 quin H quod J LBN illa H ÷ J LBN 211 reges
 et J 213 absque H sine J LBN

consilij desiderari a fratribus. Vnde duo filij Zebedei, quia petebant a Christo gradum honoris, audire ab eo meruerant: 215 Nescitis quid petatis! Mat. xx. cap. [,20]. Super quo verbo dicit Crisostomus omelia xxvij. in Imperfecto Opere super Matheum: Desiderium primatus ex iactancia cordis nascitur; qui enim est humilis corde, nunquam desiderat superior apparere. — Item istud de- 220 siderium videtur esse contra diuinum preceptum Exod. xx. cap. [,17] Non concupisces domum proximi tui, nec desiderabis uxorem eius, non seruum, non ancillam, non bouem, non asinum, nec omnia que illius sunt. Cum igitur istud ius siue ista facultas tunc fuerit curatorum, 225 non potuit sine transgressione huius diuini precepti a fratribus concupisci, nisi quis affirmet quod quis licite potest rem talem spirituales proximi sui desiderare et non potest rem corporalem illius concupiscere, quod minus prudenter diceretur, cum ista res spiritualis multum sit proximo suo utilior quam 230 res huiusmodi corporalis. Consequitur ergo quod assecutio huius facultatis fuit in fratribus graue peccatum.

Item idem videtur de executione facultatis istius, primo quidem, quoniam maculat statum persone et ordinis, cum sit notum quod questus est huius executionis causa precipua, 235 cum fratres non querant facultatem ministrandi alia sacramenta quibus nullum comodum est annexum, sicuti sacramenta baptismi et extreme vnctionis. Item ceteri homines

214 *consilij desiderari* H *consilij considerari* JLB *considerari aut desiderari* N *a fratribus a fratribus* N 215 *meruerunt* N 217 *opere super matheum* ÷ N 219 *cordis nascitur* H *nascitur cordis* JLB *vescitur cordis* N 220 *superior* ÷ J 221 *esse* H ÷ JLB N 222—224 *non seruum non ancillam non bouem non asinum* H *nec s. nec a. nec b. nec a.* JLB N 225 *ista*] *illa* H *iusta* JLB N *presbiterum siue curatorum* N 227 *licite potest* H *potest licite* JLB N 230 *ista* JLB N *illa* H 231 *res* ÷ H *huiusmodi*] *huius* B 233 *idem*] *non* J 234 *ordinem* N 235 *huius*] *huiusmodi* B

deuoti et sancti de possessionatorum ordinibus ac eciam
 240 *seculares non solum non querunt istud officium, sed oblatum*
pocius reiciunt. — Est ergo in fratribus aliqua causa latens
interius, cur ipsi se ad officium istud precipitant; nec talis
causa potest esse deuocio, quia tunc reperiretur saltem in
 245 *aliquibus alijs viris deuotis vt in fratribus, quod tamen nun-*
quam contingit. Constat ergo questum esse in causa precipua.
Vnde Aristoteles Primo Posteriorum docens inuenire sub-
stanciam primam cuiuscunque passionis seu immediatam
causam ipsius dicit, quod est id 'quo posito ponitur passio, quo
remoto remouetur seu tollitur.' Sic est hic in fratribus de
 250 *comodo temporali huic facultati annexo, quod illo posito*
ponitur ista grata executio, quo remoto remouetur. Igitur
non est dubium, quin questus sit causa precipua executio-
facultatis istius; et cui dubium, quin hoc maculat statum
personarum, sicut et ordinis, qui statum perfeccionis et
 255 *paupertatis altissime profitentur? Vnde dicit dominus Nicolaus*
ij. in decretali illa 'Exijt qui seminat' libro vj.: Ista tamen
sic faciant quod semper in eis et eorum actibus
paupertas sancta reluceat, prout ipsis ex eorum
regula inuenitur indicta.

260 *Item ista facultas in fratribus, quia fuit acquisita mediante*
peccato, non videtur posse exerceri ab eis sine peccato me-
diantе quo fuerat acquisita, quoniam illud peccatum in
acquirente semper manet, quamdiu retinetur res mediante

241 *pocius* HJL *possunt* (in the margin to *pocius* corrected) B
penitus penitus N *reiciunt* H *eiciunt* JLBN *Est* HLN *Et est* J *Et* B
 242 *se* H ÷ JLBN 242 f *istud — causa* ÷ N 243 *tunc*] *inter* BN 246 *sub-*
stanciam primam] *philosophicum principium* N 247 *passionis*] *possessionis*
 N 248 *est* ÷ N *id*] *illud* J *passio seu possessio* N 249—251 *seu—remoue-*
tur ÷ BN 254 *sicut et*] *et* H *sive* JL *sancte* B *sancte sancti* N *per-*
feccionis H *professionis* JLBN 257 *faciant*] *perficiant* N *eis et* ÷ N *et*
 H *et in* JBL 259 *indicta* HJ *inducta* LBN 260 *ista* JLBN *illa* H
 263 *mediante* H ÷ JLBN

illo peccato illicite acquisita — intelligo, cum peccatum fuit causa mouens precipua acqusicionis illius. — Racionem huius 265 sepe dixi in publico. Quoniam nunquam penitet quis de tali peccato acquisitio rei talis, quamdiu res illa tenetur: non enim stant simul in animo penitencia male acquisitionis rei cuiuscunque et voluntaria rei illius detencio; et ob hoc, qui vere penitet de tali peccato, rem abicit quam mediante isto 270 peccato nequiter acquisiuit. Vnde e contra sequitur quod, qui rem illam retinet, nequaquam de peccato mediante quo illam acquisiuit veraciter penitet. Vnde videtur quod fratres contra statum sue perfeccionis faciunt in exequendo hanc facultatem et in assequendo similiter, vt ostendi. Et ita ex 275 fratrum regula et professione apparet quod ista facultas absoluendi est in eis superflua et circumcidenda ab eis.

C II, 3. *Tercio idem apparet ex confitencium iactura siue discrimine. Primo, quia, sicut in medico et medicinis carnalibus non posset vnus homo apte sanari per diuersas 280 medicinas et diuersos medicos, quorum vnus vnam eius partem aut eum eciam in parte sanaret et alius aliam eius partem aut eum eciam in alia parte sanaret, vno illorum factum alterius penitus ignorante, sic in medicis et in medicinis spiritualibus nunquam possunt duo medici eidem homini adhibentes 285 medicinas diuersas, scilicet sacramenta diuersa quibus anima vnaquaque sanatur, (sicut sunt curatus et frater) ita apte animabus mederi vno ignorante quid alter efficit, sicuti posset vnus medicinas omnes, scilicet sacramenta omnia, ministrando,*

264 illo] illa N 265 illius J LBN ipsius H 268 in animo H vera J LBN (penitencia vera N) 268 rei H ÷ J LBN 273 acquisiuit illam J vnde e contra veraciter N 274 perfeccionis H professionis J LBN 276 fratrum ÷ BN professione H professione (profeccione) status J LBN 277 absoluendi ÷ J 280 sanari N per] et N diuersa H 282 eciam H ÷ J LBN 282—283 et alius — sanaret ÷ H 284 medicinis] medicis J 285 duo ÷ N

290 *videlicet baptismum, penitenciam, eucaristiam, et vncionem
extremam. Ecce penitencium vna iactura.*

*Item Christus dicit Mat. 19. [4—6]. An non legistis,
quia, qui fecit eos ab inicio, masculum et feminam
fecit eos, et dixit propter hoc 'dimittet homo pa-
295 trem et matrem et adherabit vxori sue, et erunt
duo in carne vna'. Itaque iam non sunt duo, sed
vna caro. Quos ergo deus coniunxit, homo non
separet. Cum igitur separatur confessio viri et vxoris, vnus
coniuncti separatur confessio, quod fieri constat illis esse
300 nociuum, quia satis est notorium, quod vnus sciens vtriusque
morbum congruencius posset eis mederi quam duo. Ecce alia
satis grauis iactura.*

*Item tollitur omnino verecundia aut multum minuitur,
que tamen est penitencie pars magna; quoniam nemo am-
305 bigit, quin quisunque maiorem verecundiam haberet con-
fiteri illi qui eum quasi per singulos dies esset visurus, sicuti
curatus per singulos dies conspicit oues suas, quam illi qui
fortassis semel tantum aut bis in anno eum videret, qualis
est frater.*

310 *Item cum homines sepe infirmentur, ita quod oportet
confiteri, et curatus tunc audiat — sicut oportet fratre con-
fessore absente — confessionem talium, multo posset eis vtilius
consulere in articulo mortis, si vitam eorum precedentem
agnosceret, quam potest in presenti, quando vitam *ouium*

292 dicit ÷ H 293 ab inicio ÷ H 293 f ab — eos ÷ J 296 itaque]
atque N 297 quos HJ quod LBN iunxit N 298 igitur H ergo J LBN
303 omnino H modo J LBN 304 ambigit ÷ N 306 dies ÷ N sicuti H
sicut J LBN 307 curatus H curato JLB creator N 308 tantum HN
tamen JLB 309 frater talis J 310 sepe H sepius J LBN oportet H
oporteat J LBN 311 confiteri — fratre ÷ N tunc H cunctos J cunctis
LB oportet H oporteat J LBN 312 talem N 313 eis consulere in arti-
culo mortis vtilius J LBN eis ÷ H eorum H illorum J LBN 314 potest
÷ N quando] qua H J N quam LB ouium] quia H J LBN

*non cognoscit. Constat quod confitens patitur in hoc magnam 315
iacturam.*

*Alia plura possent hic dici, sed videntur hec tres vie suf-
ficere, scilicet precedencium legum ecclesie sufficiencia, fratrum
regula seu professio, confitencium discrimen seu iactura
patenter ostendere, quod ista facultas in fratribus est omnino 320
superflua et ex toto circumcidenda in eis.*

D III. *Tercia particula huius decretalis videtur nimium
rigorosa curatis, fratribus, et sepultis, que facultatem fratribus
ipsis parochianos alienos sepeliendi concedit.*

D III, 1. *Primo videtur hec facultas sepulture fratribus 325
concessa rigorosa curatis ex parte sepulture, quia est contra
legem nature, qua filius naturaliter appetit cum parentibus
sepeliri quia habet corpus de corpore eius. Vnde Adam sepultus
est in Ebron, ut dicitur Josue 14. capitulo [,15]; et ibi Abraham
emit sibi ius sepulture, scilicet speluncam duplicem, ubi ipse 330
sepultus est, Sara vxor, Ysaac, et Jacob; et Joseph mortuus
in Egipto adiurauit ossa sua in locum patrum adduci, Gen.
ultimo in fine [50,24]; et iij. et iiij. Regum de regibus quasi
omnibus dicitur sic: et sepultus est in sepulchro patrum
suorum vel appositus est ad patres suos aut dormiuit 335
cum patribus suis. Vnde constat hanc esse legem nature. —
Item est contra legem ecclesie que statuit parochiales ecclesias
ad hoc, et facta est continuacio per m cc annos et amplius,
quod, ubi homines recipiant sacramenta, ibi habere debent*

317 hic ÷ H 319 regula seu professio H professio seu regula JLB N
321 eis H ipsis JLB N 326 curatis H rectoribus JLB N 327 qua HLB
quia J N 328 sepeliri cum parentibus J habet H ÷ JLB N corpus suum J
329 est ÷ H 330 sepulture] sepulcri J ipse] scilicet ipse B sibi N
331 Sara vxor] cum Sara eius vxore J Josep L 332 locum H loca JLB N
333 ultimo ÷ N quasi] quasi de H 334 patrum HN fratrum JLB
335 vel H aut JLB N 336 legem esse N 337 ecclesias ÷ H 338 et (1)]
quod N 339 debent H debeant JLB N

340 *sepulturam. — Item iusticia exigente ibi remanere debet con-*
modum temporale, ubi recipitur precipue conmodum spiri-
tuale. Vnde Apostolus dicit Si nos vobis spiritualia se-
minamus, non magnum est, si nos carnalia vestra
metamus 1. Cor. 9. [11]. Constat autem, quod in ecclesia
 345 *parochiali recipitur precipue conmodum spirituale, quia omnia*
sacramenta; ergo et conmodum sepulture debet habere; et
fratres, si seminauerint spiritualia, habeant gratuita oblata
atque legata. — Item magis est rigidum istud negocium
propter recuperacionem porcionis debite rectoribus, quoniam
 350 *sepius fratres sunt executores, et non audent eos curati conue-*
nire coram prelatis ex multis capitibus, tum quia e contra
faciunt eos ex alijs causis conuocari coram suis conseruatoribus,
tum quia e contra faciunt eos accusari de heresi, sicut dicitur.

D III, 2. *Secundo videtur ista facultas rigorosa fratribus*
 355 *ex fratrum professione, quoniam obligat fratres ad lites, et*
contra perfeccionem suam; nec dicunt iuxta illud 1. Cor. 6. [7]
Omnino delictum est in vobis quod iudicia habetis.
Item ditat fratres contra altissimam paupertatem. Item
distrahit a contemplacione contra institutorum ipsorum
 360 *ordinum intencionem. Item famam maculat personarum et*
ordinis, cum constat questum esse in intencione precipuum
iuxta philosophicam regulam supradictam, quoniam nec in
alijs ordinibus inuenitur ista facultas aut eius voluntas, tum
quia, vt in precedenti articulo alia sacramenta ita deuote non

344 metuamus N autem] igitur J 346 ergo] gratie H 347 si ÷ N
 habeant gratuita H gratis JLB metant carnalia gratis N 350 curati eos
 JLBN 351 capitibus HLBN causis J 352 conuocari H vocari JLBN
 353 e contra ÷ H sicut H vt JLBN 356 perfeccionem H professionem
 JLBN nec H vt JLBN 357 omnino] omne J est ÷ J iudicia H iu-
 dicem JLBN 359 ipsorum ÷ BN 361 constet N 363 ista JLBN illa H
 364 vt JL ÷ HBN precedenti H presenti JLBN sacramenta ita deuote]
 ita deuota H sacramenta JLBN

curant, scilicet baptismum et unccionem extremam, item non 365
ita sollicitantur, ut habeant sepulturam pauperum, sicut
diutum. Unde nullus ambigit, quin anclacio ad ista est
precipue propter conmodum temporale annexum.

D III, 3. Tercio videtur hec facultas rigorosa sepultis ex
animarum utilitate, que consistit in oblacionibus et in ora- 370
cionibus pro eis factis post mortem. — Primo videtur quod
substrahitur mortuis in oblacionibus ibi factis, quoniam
magis acceptantur a deo in loco sibi magis accepto: talis est
parochialis ecclesia, non oratorium fratrum. Probatur per
illud Deuteronomij 12. capitulo [,5] Ad locum quem elegerit 375
dominus deus vester, de cunctis tribubus vestris
venietis et offeretis in illo loco holocausta et victimas
vestras, decimas et primicias manuumstrarum,
et vota atque donaria. Locus enim fratrum quamvis
approbatus tamen non est ab ecclesia vice dei electus, sicut 380
sunt parochiales ecclesie et monasteria illorum ordinum qui
sunt ab ecclesia instituti. Igitur parochiales ecclesie sunt
magis deo accepte pro votis atque donarijs offerendis, et ita,
cum oblaciones, que ibi fierent, alibi fiunt, minuitur fructus
oblacionis ipsius sepulti. Et ille est rigor pergrandis. 385

Item idem patet de oracionibus, scilicet quia in loco deo
magis accepto amplius acceptantur oraciones. Hoc constat ex
illo dicto Christi Domus mea domus oracionis vocabitur
Mat. 21 cap. [,13] et Luc. 19. [,46]. Et ex oracione Salomonis

366 sepulturam] in sepultura N pauperum ÷ J 367 anclacio H
hauelacio JL auelacio BN ad ista JLBN illa H 370 consistit H
constat JLBN 371 factis pro eis JLBN 372 in H de JLBN quoniam
H quantum JLBN 373 est ÷ H 375 elegerit H elegit JLBN 377 loco
illo N 379 enim H vero JLBN 383 deo magis JLBN 384 que] qui L
fiunt] sint N 385 illius ipsius N 385 Et ille est HJ Et est ille LBN
386 quia H quod JLBN 389 ex oracione H eo quod oracionem JLBN

390 (*que non solum videtur oracio sed potius predicacio*) *ijj. Regum*
vij. cap. [37—39]. Domine deus, fames si aborta fuerit
in terra aut pestilencia aut corruptus aer aut
erugo aut locusta aut rubigo, et afflixerit eam et
inimicus eius obsidens portas, omnis plaga, vni-
 395 *uersa infirmitas, cuncta deuoracio, si quis cog-*
nouerit plagam cordis sui et expanderit manus
suas in domo hac, tu exaudies in celo. Et infra
eodem capitulo [III. Reg. 8, 48 f.] Eciam si captiui ducti
fuerint et orauerint contra viam terre sue et
 400 *ciuitatis et templi quod edificauit nomini tuo, tu*
exaudies in celo et in firmamento solij tui. — Ex isto
triplici rigore palam sequi videtur, quod talis debet fieri eius
mitigacio quod curati habeant illud quod de iure comuni eis
debetur.

405 **E** *Item ex alio priuilegio concesso fratribus videtur*
dominis meis prelatis presentibus sequi magna absurditas,
videlicet quod quecumque persona potest consequi iusticiam
in partibus de episcopis — qui apostolis Christi in ecclesiastica
yerarchia succedunt — si episcopi in eos deliquerint, scilicet
 410 *penes suum archiepiscopum, et nemo in partibus potest*
iusticiam consequi de aliquo fratre istorum ordinum, qui non
habent in ecclesiastica yerarchia nisi gradum leuitarum aut
ad plus simplicium sacerdotum ex sui ordinis instituto. Vnde
cum volebam semel facere iusticiam cuidam in ista mortalitate
 415 *super quibusdam bonis amici sui defuncti, a fratribus, vt*

390 *que non solum* twice J *potius* H ÷ J L B N *predicacio* H J L
predicta B N 391 *si fames aborta* N *aborta* H J L B N *oborta* Vulgata
 392 *corruptus* L 393 *eam* H *eum* J L B N 394 *obsidendo* N 395 *cog-*
nouerit] *cogitauerit* J 397 *Et* ÷ N 403 *comuni* H ÷ J L B N 409 *scilicet*
 ÷ H 411 *consequi* ÷ J 412 *nisi statum nisi gradum* H 413 *ad plus*]
ad amplius N *instituto*] *institucione* J 414 *semel volebam* J L B N
 415 *quibusdam*] *quibus* N

asseruit, usurpatis, fratribus coram me vocatis, quorum fueram conseruator, fratres responderunt in publico, quod non eram nisi conseruator eorum, non positus vt iudicarem de eis, sed vt vindicarem pro eis.

F. *Verum quia predixi vnā particulam huius decretalis 420 dubium continere, cuius declaracionem domini mei cum fratribus ipsis a Vestra Sanctitate deposcunt, et dixi petitionem istam nos ita accipere, quod, si illa particula non veniet sub superfluis amputandis, illam declarari vellemus, ideo ostendo duplici racione illam particulam de potestate predicandi 425 de lege esse in eis superfluam et penitus circumcidendam in eis (sicut et facultatem absoluendi et aliam quamcunque, qua spiritualiter laboranti de lege dei necessaria vite debentur) — quoniam in quadam decretali domini Gregorij ix., sicut allegat dominus Johannes xxij. in decretali Quia 430 quorundam, dicitur quod fratres predicatorum et minores in altissima paupertate Christo pauperi famularentur, et dominus Johannes illud tenet et contrarios obiectus dissoluit. E contra vero accipio, quod talis facultas legis in proprio non stat cum altissima paupertate, 435 et per consequens talis facultas predicandi a lege fratrum professioni repugnat. Probatur istud assumptum: quoniam nullus ambigit, vt videtur, quin habens ius quo est securus de vite necessarijs exigendis minus pauper est, quam qui caret — ceteris paribus — tali iure. Quilibet autem habens a 440 lege auctoritatem predicandi habet ius exigendi necessaria*

419 vindicarem J iudicarem H LBN 420 particulam J LBN partem H
 421 domini mei (sui N) declaracionem J LBN 421 cum ÷ H 422 fra-
 tribus ipsis (et ipsis B vel ipsis N) J LBN dictis fratribus declaracionem H
 sanctitate vestra J LBN 423 istam] illam H vestram J nostram LBN
 veniet H veniat J LBN 424 ostendi J 431 ibi dicitur J 434 e H et J
 et e LBN vero ÷ N 435 in proprio H in fratre J LBN 439 minus
 twice N 440 partibus N 441 ius ÷ H

vite ab hijs quibus habet predicare, quia illa potestas secundum omnes sanctos et secundum ipsos fratres per virgam intelligitur, quando Saluator noster mittens apostolos ad predicandum precepit, vt nichil secum ferret in via de multis rebus in ewangelio numeratis nisi virgam.

Igitur quilibet habens tale ius minus est pauper quam suus socius carens huiusmodi facultatem, et ita ipse non habet altissimam paupertatem, cum suus socius habeat ampliorem.
 450 *Et si quisquam dixerit: 'sic possum arguere, quod robustus corpore non habeat inter eos altissimam paupertatem, quoniam habet facultatem laborandi, quam debilis non habet, et laboranti merces non inputatur secundum gratiam sed secundum debitum, vt dicit Apostolus ad Rom. iij. cap. [4]', respondeo: Ista facultas corporis naturalis est, et ideo eius abdicacio sub voto sancto cadere omnino non potest, vnde ad voluntariam paupertatem abdicacio eius non pertinet. Alia vero facultas est aduenticia et gratis accepta que potuit acceptari et respui, et ob hoc de ea ratio premissa*
 455 *firma videtur.*

Preter hoc eciam dominus Nicholaus iij. in decretali illa declaratiua regule fratrum minorum, descripta fratrum arta paupertate que consistit, vt dicitur, in simplici usu rerum necessariarum ad vitam — de quo usu simplici non habeo
 465 *modo tractare —, mouet vnum dubium et soluit hoc modo: Nec quisquam ex hijs insurgat erronee, quod taliter propter deum proprietatem omnem abdicantes, tamquam homicide sui vel temptatores dei,*

444 quando] quod N 446 recitatis siue numeratis N 447 quam suus] quod suus quod N 448—449 carens — ampliorem H id non habens JLBN 451 inter eos non habet JLBN 453 et ÷ N 454 dicit ÷ H 455 ista JLBN illa H 456 non H ÷ JLBN 458 vero H autem JLBN 459 de ea ÷ J 460 firma H prima (Prima J!) JLBN 462 arte J 464 necessariorum L 466 quicquam N 467 propter deum propter B

*viuendi discrimini se committant: sic enim seipsos
 committunt diuine prouidencie, vt viam non con- 470
 temptant prouisionis humane, quoniam vel de hijs
 que offeruntur liberaliter, vel de hijs que men-
 dicantur humiliter, vel de hijs que conqueruntur
 per laborantium opera, sustentantur; qui triplex
 modus viuendi in regula prouidetur expresse. — Hec 475
 in decretali predicta, vbi constat, quod labor corporalis est
 fratribus non tantum concessus ex regula, sed prouisus et ob
 hoc professioni fratrum in nullo repugnat. Facultas vero a
 lege predicandi non potuit a Sancto Francisco in regula
 prouideri, et ob hoc ista facultas aduenticia eis videtur, contra 480
 professionem altissime paupertatis.*

G. *Pater Sanctissime! Ista omnia dicta atque dicenda
 proponendo exprimo, vt est moris, nulla penitus affirmando.
 Vt igitur vtar vnico argumento, quod pro toto negocio videtur
 dominis meis prelati sufficere, dico, quod potestatem meretur 485
 amittere qui sibi concessa abutitur potestate. Hoc enim deus
 summus iudex atque iustissimus facto nobis ostendit, cum
 fructuum lignorum paradisi dominium nostro primo parenti
 abstulit, eum de paradiso eiciens et cherubin statuens ad
 custodiam ligni vite, eo quod potestate sibi data abusus fuit 490
 comedens de ligno prohibito. Sic Hely sacerdos; sic Saul et
 Nabugodonosor reges, et alij plurimi, qui fuerant potestate eis
 a deo data abusi, ipsis potestatibus sunt priuati. Assumo*

470 *contempnent* H 472 *que]* qui LN 474 *laborantium* HBN *laborantium* JL *opera* H ÷ JLBN 475 *viuendi modus* JLBN *prouidentur* N *hec* H *hoc* JLBN 476 *decretis* B *corporalis* H ÷ JLBN 477 *tantum]* tum J 480 *ista* JLBN *illa* H 483 *proponendo exprimo* H *propono* JLBN 484 *quod* ÷ H 485 *quod dico quod* H 486 *hoc* H *hic* JLB *hec* N 490 *potestatem* B *datam* B 492 *eis potestate* JLBN 493 *after abusi: minor* JLB *minorum* N ÷ H; this is a marginal note unduly inserted into the text.

minorem, quam non intendo astruere, licet eam compellor
 495 *exprimere, scilicet quod tam facultate predicandi et absoluendi*
quam facultate sepehendi et alijs eciam priuilegijs eis con-
cessis fratres istorum iij ordinum in singulis diocesibus
abutuntur, vt domini mei presentes et alij contestantur, et
ad hoc probandum exhibent hunc librum mortis non vite,
 500 *saluo iure addendi, in quo continentur amaritudines maris*
magni, sicut dominus meus Traguriensis statim exponet. Ex
quibus non ego, sed domini mei prelati presentes vice eciam
cunctorum absencium patenter, vt dicunt, possunt concludere,
quod tota predicta facultas a fratribus debet auferri, et a
 505 *Sanctitate Vestra, que non tantum Paulo, sed Petro et Paulo*
succedit, execucionem fieri postulant supradicte Pauli sen-
tencie professioni fratrum tam congrue, quam deuote: Vnus-
quisque in quo vocatus est frater, in hoc maneat
apud deum.

510 *Cetera, que ad practica pertinent et ad iura, dominus meus*
Traguriensis hic presens Vestre Sanctitati seriusius, si Vestre
Sanctitati placuerit, propalabit.

VIII.

Explanatory Notes to the Proposition.

8. The comparison, which to our notions seems grotesque when carried out in greater detail, is used also by St. Paul in his Epistle to the Galatians (Ch. 1).

496 *et alijs eciam*] *eciam et alijs* J 501 *Traguriensis* HJL *Drauguri-*
ensis B *Draugutiensis* N 502 *eciam* ÷ N 504 *et* ÷ H 505 *Vestra Sanc-*
titate JLBN *tantum* ÷ N 507 *profeccionem* N *quam* H *tam* JLBN
 510 *practica* H *predieta* JLBN 511 *Traguriensis* HJ *Tragrutensis* LB
Draugutiensis N 511 f *Sanctitati Vestre* JLBN 512 *propalabit*] *pro-*
palabit. Expliciunt proposita per dominum ardmachanum contra peti-
ciones fratrum quatuor ordinum mendicancium tempore pape Clementis
vji H.

10. FitzRalph employs the same passage (a quotation?) in sermon No. 75 *Creuit* on St. Dominic (August 4, 1341 in Avignon).

11. Cf. the sermon No. 20 *Michi mundus* (October 4, 1349) in the church of the Franciscan friars in Avignon; p. 41 above.

18. Corpus juris canonici, II, Decretalium collectiones, Clementinarum lib. III, tit. VII *De sepulturis*, cap. II (ed. RICHTER-FRIEDBERG, Leipzig 1879, col. 1161 seq.); cf. p. 7 above.

19 Such a document does not seem to exist in the current collections.

60. RICHTER-FRIEDBERG I. c. col. 1162.

217. PS.-CHRYSOSTOMUS [PS.-ULFILAS], homilia 35 [!] in *Inperfecto Opere super Matheum: . . . corde, nunquam . . .] corde, et indigniorem se alijs arbitratur, secundum illud præceptum apostolicum quod dicit: "Alter alterum æstimans superiorem se, nunquam . . ."* (cf. Phillip. 2, 3) MSG 56, 829.

246. Analytic. Posterior. I, 13, 78 a (Aristolelis Organon Graece, ed. TH. WAITZ. II. Lpz. 1846). . . ἡ δὲ τοῦ διότι ἐπιστήμη κατὰ τὸ πρῶτον αἴτιον . . . οὐ γὰρ διὰ τὸ μὴ στίλβειν ἐγγὺς εἰσιν, ἀλλὰ διὰ τὸ ἐγγὺς εἶναι οὐ στίλβουσιν . . . 78, b . . . καὶ ἔστι τοῦ διότι ὁ συλλογισμὸς . εἴληπται γὰρ τὸ πρῶτον αἴτιον . . . οἷον διὰ τί οὐκ ἀναπνέει ὁ τοῖχος; ὅτι οὐ ζῶν. εἰ γὰρ τοῦτο τοῦ μὴ ἀναπνέειν αἴτιον, ἔδει τὸ ζῶν εἶναι αἴτιον τοῦ ἀναπνεῖν, οἷον εἰ ἡ ἀπόφασις αἰτία τοῦ μὴ ὑπάρχειν, ἡ κατάφασις τοῦ ὑπάρχειν, ὥσπερ εἰ τὸ ἀσύμμετρα εἶναι τὰ θερμὰ καὶ ψυχρὰ τοῦ μὴ ὑγιαίνειν, τὸ σύμμετρα εἶναι τοῦ ὑγιαίνειν. ὁμοίως δὲ καὶ εἰ ἡ κατάφασις τοῦ ὑπάρχειν, ἡ ἀπόφασις τοῦ μὴ ὑπάρχειν, ἐπὶ δὲ τῶν οὕτως ἀποδοδόμενων οὐ συμβαίνει τὸ λεχθέν. οὐ γὰρ ἅπαν ἀναπνεῖ ζῶν.

My colleague, Professor V. KUHR¹ has kindly called my attention to the fact that this is the one place in the Second Analytic, where Aristotle proffers an argument corresponding to the one cited by FitzRalph. Here mention is made of the "first cause", and here the fixed relation is put up, which can be stated, in case there is an adequate cause, viz. the fact that the effect takes place if the cause is stated, whereas the effect does not occur, if the cause is not stated (so that from the non-occurring effect we may infer the absence of the cause). In the current translation of the Middle Ages, which we may suppose that Fitz Ralph used, the passage goes as follows: (*Dialectica Aristotelis; Boethio Severino interprete. Lugduni 1554. Part I cap. 10*) p. 247 . . . *quæ Propter quid scientia est secundum primam causam . . .* p. 248 . . . *non enim ex eo quod non scintillant [planetæ], prope sunt, sed propter illud quod prope sunt, non scintillant erit propter quid syllogismus: accepta enim est prima causa vt: Propter quid non respirat paries? p. 249: quia non est animal: si enim respirandi causa est hoc, oportet esse animal causa respirandi, Vt si negatio causa est ipsius non esse, affirmatio causa est ipsius esse: sicut si sine mensura esse calida et frigida, causa est non sanandi: et mensura huius causa erit sanandi. Similiter autem, et si affirmatio est causa ipsius esse, et negatio ipsius non esse. In his autem sic demonstratis non contingit quod dictum est: non enim omne animal respirat.*

Here, then, the wording is quite different from that of FitzRalph. This may be due to one of three causes: (1) that he quotes the manual from memory, (2) that he uses

¹ Also to Professor JØRGEN JØRGENSEN I am indebted for kind information on this point.

some commentary to the Analytics, (3) that his indication of the passage quoted is erroneous, so that his source is actually some other work by Aristotle, or perhaps some pseudo-Aristotelian work.

Of special interest, however, is his use of the word *passio*. As is well known, in Aristotle this word ($\pi\acute{\alpha}\theta\eta$) is either one of the ten categories or is used to define an attribute in general (see e. g. Dictionary of Philosophy and Psychology ed. I. M. BALDWIN, London 1902, Vol. II, 266). In this epistemological sense it is used in the scholastic discussion about the relation of *ens* to *passiones entis*, and the Aristotelian argument quoted in the sermon is valid only when *passio* is taken in this sense. Still FitzRalph probably was not sorry that his audience was inevitably reminded of the psychological sense of *passio* too, viz. Eng. *passion!*

256. Sexti decretalium l. c. V. tit. XII *De verborum significacione* cap. III. RICHTER-FRIEDBERG II, 1109; cf. p. 7 above.

265. cf. p. 40 above.

268. here L has the marginal note: *nota terribilem conclusionem!*

279. cf. p. 40 above.

336. cf. p. 41 above.

350. *conuenire* t. t. jur. "to sue at law".

362 cf. 246.

367. *anclacio*, cf. *anclare* "clepere, rapere, manticulare, furari, subriperere" (DU CANGE); *anclacio ad ista* "the rapacious angling for these things"; FitzRalph ends this explanation with an abusive term.

391. This reference to *fames, pestilencia, corruptus aer* etc. must have been of great effect in the year after the Black Death.

416. When, by means of his confirmation (July 21, 1245) of the bull *Nimis iniqua* (cf. ad 429), Innocent IV installed such *conseruatores* to protect the friars against encroachments from the hierarchy, the Archbishop of Dublin and the Bishops of Ossory and Kildare became the conservators of the Friars Minor in Ireland (A. G. LITTLE, *Studies in English Franciscan History*, London, 1917, p. 102). The office could alternate between various bishops, however. The conflict concerning the primacy of Ireland had — at the time of FitzRalph, at any rate — led to such strained relations between Dublin and Armagh that it is out of the question that the Archbishop of Dublin could exercise any authority in the province of Armagh. As, on the other hand, a conservator was always a bishop, FitzRalph cannot have been a conservator, before he was elected Archbishop of Armagh. There seem to exist no documents relating to the conflict he alludes to.

420. cf. 107 seq. above.

429. Gregorij IX. Decretal. Lib. V. tit. 31 *De excessibus prelatorum et subditorum* cap. 16 *Nimis iniqua* (RICHTER-FRIEDBERG l. c. col. 842).

430. Extravagant. tit. 14 *De verborum significacione* cap. 5 *Quia quorundam* (RICHTER-FRIEDBERG, l. c. col. 1230); cf. p. 9 above.

443. Mark 6.8 *Et precepit eis, ne quid tollerent in via, nisi virgam tantum; non peram, non panem, neque in zona æs*. In the parallel passages Matt. 10,10 and Luke 9,3, however, *virga* is not excepted, but expressly (*neque virgam*) included among the things which are not permitted. The divergence has of course been noted by the old glossists, who either — e. g. Beda, *Glossa interlinearis*, Nicolaus de Lyra — try to eliminate it, by decreeing that *virga* is used

partly in a direct, partly in a metaphorical sense, or make a desperate attempt to carry through the metaphor both in Mark and in Matt.-Luke; thus Walafrid Strabo (Glossa ordinaria) in commenting on Luke 9,3: *neque virgam* “. . . *In Marco legitur, ut nihil tollerent in via nisi virgam tantum. Sed sciendum est, quia utrumque preceptum est a Domino, ut nihil nisi virgam ferrent, et ut nec virgam ferrent. “Non ferre virgam” est non esse sollicitum de his que necessaria sunt humane sustentationi, quia hec debentur predicatoribus ab his quibus predicant, quando sine scandalo possunt accipi. “Nihil ferre nisi virgam” est uti illa potestate accipiendi necessaria, que data est predicatoribus.*” (As for this, see one of the big glossed editions of the Scriptures, e. g. *Bibliorum Sanctorum cum glossa ordinaria*, Venetijs 1603 (Fol.) Vol. 5 to the passages quoted).

So FitzRalph is right: when a metaphorical meaning of *virga* is assumed, this is done by explaining it as the preacher's competence to receive from his audience what is necessary to support life.

461. *Exiit qui seminat* (cf. 256), which most minutely describes what the *usus simplex* of the friars may comprise.

483. Cf. e. g. the sermon No. 85 *Aue* (December 12, 1342 in Avignon) on the Immaculate Conception: *Ego vero non sum talis qui debeam in ista questione aut alia aliquid affirmare, et ob hoc protestor, quod in hijs que sum dicturus in ista materia nichil pretendo pertinaciter construere, sed tantum illud recitare quod michi probabilius videtur sub sanctissimi patris nostri et sub correccione dominorum meorum cardinalium hic presencium ac prelatorum et doctorum ac eciam cuiuscumque melius sapientis, quia non vereor a quoquam addicere.* — In the proposition, however, he uses the ex-

pression *ut est moris*, which seems to indicate a certain irritation and inner reluctance.

491. Gen. 3,24.

491. 1. Reg. 3—4; 1. Reg. 16.

492. Dan. 4,28 seq.

500. An allusion to Clement IV.'s constitution *Virtute conspicuus* (1265), which reaffirmed all the privileges that had hitherto been issued to the Franciscans, and which became known from about 1292 under the name of *Mare Magnum* (K. BALTHAZAR, *Geschichte des Armutsstreites*, Münster, 1911, p. 57).

501 From January 30, 1349 and until his death in 1361, a certain Bartholemew was Bishop of Traù (*Tragurium*) in Dalmatia; he was transferred to this post from the See of Cattaro, to which he had been appointed in July 14, 1348. EUBEL, *Hierarchia catholica medii avi* gives us these items of information in vol. I, 517 and I, 184, adding in the latter place: *canonicus Constantinopolitanus, jam consecratus apud sedem apostolicam*. As the Roman Pope could exercise no authority in Constantinople, *canonicus Constantinopolitanus* (just as *episcopus Constantinopolitanus* — for which see EUBEL, l. c. and GAMS, *Series episcoporum*, under the city name) is a title which — perhaps combined with an income — was bestowed on prelates who stayed at the Curia, e. g. as officials; probably Bartholemew, being a lawyer, has been such an official at the Curia.

Since *episcopus Traguriensis* was no empty title (ecclesiastically Traù belonged to the *Provincia Spalatinensis*, while politically it belonged still at that time to Venice, from 1358 to Hungary), it is hardly credible that the "*episcopus Traguriensis*" who together with Richard was the representative of the Curia in the negotiations with the Armenians (cf.

p. 13 above) can have been anybody else than this very Bartholemew. So, if this was the case, Richard, in presenting his proposition, had allied himself with a former companion in arms. One thing is especially important, however: the fact that a second plaint was added to his proposition *Unusquisque*, put in by a lawyer like Bartholemew of Traù, who was certainly known at the Curia and probably held an appointment there, shows us that in its beginning the big mendicant controversy was not an English, let alone an Anglo-Irish affair, but that there is a reality behind the words of the title *ex parte . . . totius ecclesie*.

IX.

Retrospect of the Proposition. Epilogue.

A. "Let every man, wherein he is called, therein abide with God"; this is the conservative text on which the sermon is preached, and which contains the characteristic expression *apud Deum*, i. e. "in, under, with the mercy of God"; here it is used in the particular sense that it is the *prelati* who are in rightful possession of the temporal goods of the militant Church; consequently, the friars are not justified in depriving them of these goods.

B. I. As for the friars' privilege of preaching, the *prelati* must be taken to comprise all superiors appointed by the Church, including the lowest: the *capellanus parochialis*; in this case, then, the friars must all obey the *prelati*. This is an obvious consequence of the existing order of rank within the Church.

C. II. 1. As for the privilege of hearing confessions, it is a fact that for twelve hundred years the Church subsisted without the friars, and that if anybody were now to be

appointed to assist the parish priests, they should preferably be members of the older Orders; further, that if anyone wanted to employ the friars, this could be done quite regularly in accordance with the general rules of the Church, viz. so that the bishop of the diocese should elect those friars to be confessors whom he found suitable; on the other hand, the friars' independent right to hear confessions only caused misfortunes. — 2. The fact that the friars have made and still make efforts to obtain the honour of becoming confessors, goes against God's commands that one must not strive to get the best seat, one must not covet one's neighbour's goods. The fact that they exercise this function must probably be ascribed to coveting, since there are temporal advantages connected with it but not with other similar functions (such as baptism and the sacrament of the extreme unction), which they do not attempt to usurp. Just as they have obtained this function through sin, so they exercise it in sin, and in case they regret its sinful acquisition this is no use, for such compunction has no value if that which has been obtained through sin is not given back. — 3. This privilege is positively detrimental to the parishioners, since it is more natural that they receive all sacraments from one and the same person, and that those who belong together (particularly man and wife) confess to one and the same. Further, confession becomes much too easy if it can be made to someone who perhaps turns up once a year, instead of to the ecclesiastic residing on the spot, viz. the parish priest. Finally, it is most unfortunate, if the latter has no knowledge of the past life of the penitent, when listening to the last confession before administering the extreme unction.

D. III. 1. As for the privilege of burying, it is emphasised

that it is the natural order of things that all members of a family in the course of the ages seek the same burial ground, and that for about twelve hundred years the Church has reserved the parish church for this purpose. As the Church distributes the spiritual goods, the temporal goods connected with burials ought to remain its privilege too — most of all, because it causes the parish priests excessive trouble (in some cases even danger of being accused of heresy!) to collect the fees which the friars are obliged to pay in cases of burials in their churches. — 2. Moreover, this privilege has consequences that go against the Rules of the friars: it leads them into law-suits, it gives them riches, it keeps them from sanctity, and altogether leads them into sin, for it is obviously the outcome of coveting. — 3. Finally, this privilege is detrimental to the buried, since they only get the full advantage of offerings and prayers for their souls, when these acts are performed in the place chosen by God for this purpose, viz. the parish church.

E. Wholly absurd is the privilege that allows the friars to be exempted from the jurisdiction of the bishop of the diocese, for in practice this means that nobody — not even the bishops — can vindicate legal rights against the friars.

F. As a matter of fact, the privilege of preaching, too, ought to be totally abolished, because the very existence of such a privilege, connected with temporal advantages, is opposed to the friars' vow to live in extreme poverty, and because it has been prescribed for the friars to get the wherewithal for living by means of voluntary gifts, by begging, and — last not least — by manual labour, whereas the activity as preachers was not included.

G. A general reason for abolishing these privileges is the fact that they are grossly abused; this being so, the

friars should be deprived of them, just as the Lord had Adam chased out of Paradise, when he abused the advantages he enjoyed there.

As is evident, the whole argumentation is founded on strictly conservative principles: the ancient organisation of the Church being at the same time the argument and the aim. Yet the consequences are radical. If the suggestions of this proposition were followed, the mendicants would simply be cast out of the organisation of the Church; they would have no possibility of gaining their living within the Church, nor would they be able to exercise any independent functions outside it. This would undeniably mean a real return to the ideals that led St. Francis to found his Order as a means to personal salvation through humbleness and compassion. The consequence of this would be that the number of mendicants must be greatly reduced, viz. to so small a band of incorrigible idealists, that they would constitute no danger to society as a whole.

There is, however, another and even more important consequence: considerable stress is put on the alternative that the friars might gain their living by working. When we consider this in conjunction with the views that have slowly taken shape in the preceding sermons (see p. 33 above) and in the *Summa contra Armenos*, and which FitzRalph expounds conclusively in *De pauperie Salvatoris*, based upon his practical experiences, this means that begging in itself is not recognized as a necessity, either in the Church or in society, — indeed, poverty is not considered agreeable to God, and the idea that the poor should be particularly dear to him is repudiated. On the contrary, it is agreeable to God that those who are *iusti et sancti* have riches.

All stress is put upon the natural and necessary combination of God's mercy and temporal *dominium* — as is evident from the last example of all in *Unusquisque*, viz. Adam who is deprived of *fructuum lignorum paradisi dominium*, because he no longer has the grace of God.

But from a conservative point of view, this is far more dangerous than the institution of mendicants itself. One is tempted to define it as the first germs of a system of capitalistic welfare morals, which, if carried out, would dissolve the whole medieval, feudal, hierarchic conception of society; for in this case the foundation of society would no longer be the various traditional classes of society, but the profits of work done under the mercy of God.

And this is no mere supposition. For, even though this proposition led to no practical reforms, Richard FitzRalph's doctrine of *dominium* was taken over by Wycliffe (as R. L. POOLE was the first to prove). And as a result of this, it becomes a decisive factor — with several peripathies — in the fundamental principles of the conception of society in the rich capitalistic and Calvinistic countries, viz. in England, Scotland, Holland, Switzerland, the older parts of U. S. A.

In this proposition *Unusquisque*, then, which is no edifying sermon, nor a learned treatise, but rather an ecclesiastico-political document, and the ideas of which its author attempted to carry into effect in the centre of Christianity, i. e. in the centre of Europe, we find in embryo far later developments; but the conservative, warmhearted, and intrepid Richard FitzRalph had never dreamt of that and would certainly never have approved of it.

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