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► **To cite this version:**

Sylvain Piron. Franciscan Quodlibeta in Southern Studia and at Paris (1280-1300). Chris Schabel. Theological Quodlibeta in the Middle Ages. The Thirteenth Century, Brill, pp.403-438, 2006. <halshs-00088978>

**HAL Id: halshs-00088978**

**<https://shs.hal.science/halshs-00088978v1>**

Submitted on 8 Aug 2006

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## FRANCISCAN *QUODLIBETA* IN SOUTHERN *STUDIA* AND AT PARIS, 1280-1300

Sylvain Piron

(in Chris Schabel dir., *Theological Quodlibeta in the Middle Ages. The Thirteenth Century*, Brill, 2006)

The classic definition of the quodlibetal dispute gave much importance to its localisation within the Paris theology faculty. Indeed, this is where the exercise was first invented and where it was most consistently practiced. This restrictive definition, nevertheless, has created some confusion. For instance, Palémon Glorieux wondered whether *quodlibeta* disputed by scholars who never became masters of theology at Paris could rightfully deserve such a qualification.<sup>1</sup> One author who especially came under suspicion is Peter John Olivi – while the true nature of William of Ockham's *Quodlibeta* was never really questioned, probably because of the very different status the *Venerabilis Inceptor* was granted later in the history of philosophy and theology. Yet, both cases reveal the same interesting fact: from the end of the thirteenth century onwards, for at least 40 years, the practice of *quodlibeta* spread from the university to the mendicant *studia*.<sup>2</sup> This was not just a limited phenomenon. It reached such an extent that most Franciscan *quodlibeta* produced during the last decade of the thirteenth century originated far from Paris, in Italian and Southern French convents. In order to set these documents in their proper context, they will be discussed here while taking into account the contemporary Parisian Franciscan *quodlibeta*.

### *Dissemination of Quodlibeta*

John Pecham has to be credited with the origin of this development. He is said to have introduced that scholarly exercise at the University of Oxford, ca. 1272-75. The fact that such an innovation was recorded in a chronicle bears witness to the public importance and solemnity of such events.<sup>3</sup> The quodlibetal dispute later held at the Roman Curia by the same Pecham, in

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<sup>1</sup> Glorieux II, pp. 35-6. J.F. Wippel expresses the same doubts in "Quodlibetal Questions," p. 67. L. Meier, "Les disputes quodlibétiques en dehors des universités," *Revue d'Histoire Ecclésiastique* 53 (1958), pp. 401-42, deals with the 15th-century revival of *Quodlibeta* in German universities and mendicant *studia* and does not treat the situation in the 13th century.

<sup>2</sup> W.J. Courtenay, *Schools and Scholars in Fourteenth Century England* (Princeton 1987), p. 45, notes that the conducting of *quodlibeta* by theologians without a proper degree, such as Ockham and Holcot, tends to disappear after 1335.

<sup>3</sup> According to the Franciscan Chronicle of Lanercost, Pecham "primus omnium disputavit in facultate theologiae de Quolibet" in Oxford, as quoted by I. Brady, "Introductio," in Rogerius Marston, *Quodlibet Quatuor* (Quaracchi 1968),

1277, has come down to us under the title of *Quodlibetum romanum*, which designation also indicates that it was innovative to some degree, or at least unusual. Matthew of Aquasparta followed him along that path, and apparently disputed there *de quolibet* almost every year from 1279 to 1284.<sup>4</sup>

Understandably enough, such examples quickly gave rise to imitation in other places. The earliest evidence we have for this is of a prescriptive nature. Still, there must have been some good reason for the Dominican General Chapter, gathered in Oxford in 1280, to define that such disputes were to be held only by lectors who had already been awarded the degree of master of theology, and only in the *studia generalia* of the order or in other places where the practice was normal for specific reasons – the Roman Curia being probably the main context the Dominican definitors had in mind for this second case.<sup>5</sup> This decision ratified the diffusion of quodlibetal disputations outside Paris, but at the same time reinforced the necessary qualifications for holding such exercises. Approving the recent Oxford usage and preventing its appearance in too many places may have been the main motives of that decision.

Whatever the case, the practice of *quodlibeta* in provincial *studia* was certainly not at that time as widespread as Michèle Mulchahey suggests, misunderstanding the clause “*et disputet*” found in assignments of Dominican lectors in thirteenth-century Provence.<sup>6</sup> The first time such permission is recorded in the acts of a provincial chapter, in 1269, a more precise phrase is used: “*et damus ei licenciam disputandi.*”<sup>7</sup> This “licence to dispute” was usually bestowed upon local theology teachers quite early in their career, even before they would be sent as students to Paris. It would only entitle and oblige them to hold henceforth disputed questions at least once in a fortnight during the academic year.<sup>8</sup> Such disputations were meant to be pedagogical exercises, in which “vain” or “curious” topics were to be avoided.<sup>9</sup> This *licentia disputandi* is not to be confused with permission to dispute *de quolibet*, which is not explicitly referred to before the

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p. 30\*.

<sup>4</sup> See V. Doucet, in Matthaeus ab Aquasparta, *Quaestiones disputatae de gratia* (Quaracchi 1935), pp. cxi-cxix.

<sup>5</sup> *Acta capitulorum generalium Ordinis Praedicatorum*, vol. 1, *ab anno 1220 usque ad annum 1303*, ed. B.M. Reichert (Monumenta ordinis fratrum praedicatorum historica, 3) (Rome-Stuttgart 1898), pp. 208-9: “Inhibemus ne lectores disputent de quolibet, nisi sint magistri in theologia, nisi in locis in quibus secundum ordinem generalia studia vigent, nisi forte ex causa aliqua in locis aliquibus aliud sit consuetum, aut nisi prioribus provincialibus in suis provinciis aliud videatur.”

<sup>6</sup> M.M. Mulchahey, “*First the Bow is Bent in Study...*” *Dominican Education before 1350* (Toronto 1998), pp. 173-4.

<sup>7</sup> C. Douais ed., *Acta capitulorum provincialium ordinis fratrum praedicatorum* (Toulouse 1894), pp. 137-8.

<sup>8</sup> Such assignments appear long before the 1280 General Chapter discussed the issue of *quodlibeta*. When paraphrasing this document (quoted above n. 5), Mulchahey deceitfully adds the phrase “and for those lectors whose credentials might earn them a special *licentia disputandi*,” which is not implied by the text. Unfortunately, the whole book is marred by such ungrounded preemptory assertions.

<sup>9</sup> A revealing definition of such disputes appears in a provincial chapter held in Rome, 1274; cf. T. Kaeppli and A. Dondaine, eds., *Acta capitulorum provincialium provinciae romanae (1243-1344)* (Monumenta ordinis fratrum praedicatorum historica, 20) (Rome 1941), p. 43: “Admonemus et volumus quod lectores qui habent licentiam disputandi, se in disputationibus se exercitent non vanarum sed utilium questionum; et fratres qui sunt de questionibus ad respondendum idonei, si se ad id difficiles exhibuerint, per priores suos respondere cogantur quando a lectoribus requirentur.”

early fourteenth century in the same documents of the Dominican provinces of Toulouse and Provence.<sup>10</sup> The case of Guillaume de Leus is illuminating here. After a long teaching career in Southern France (receiving the “*et disputet*” clause already by 1285), he was granted the doctorate at the request of Pope Clement V in 1309. Eventually, the 1311 provincial chapter ordered that he would make his inception as a master in the University of Toulouse and dispute there *de quolibet* as he wished.<sup>11</sup> Quodlibetal disputations in non-university Dominican *studia* are more widely attested only after a new regulation passed by the 1306 General Chapter, explicitly stating that provincial ministers could give such authorisations.<sup>12</sup> The best documented career of a Dominican lector in those days can serve as confirmation. After his Paris inception as master, Remigio de’ Girolami only held one *Quodlibet* in Italy, of which the text has been preserved. That was in the context of the Roman Curia, then in Viterbo.<sup>13</sup> While he carefully edited his own *opera omnia*, nothing in his literary legacy betrays any indication that he ever disputed *de quolibet* in Florence during his long teaching career there. The first time we hear of such an event in Santa Maria Novella is in 1315. As a matter of fact, Remigio was then back in office for a short while before his retirement, being active as prior and lector during that year.<sup>14</sup> But this is not what earned fame for that event, which left no written trace. What made it notorious is the fact that a young *baccalarius*, Umberto Guidi, was condemned by the following provincial chapter for his attitude during that occasion. Occupying the master’s chair, he had dared to speak *assertive* against the determination of his doctrinal superior.<sup>15</sup>

Normative or administrative sources within the Franciscan Order in the thirteenth century are much more scarce and fragmentary. Nevertheless, there can be little doubt that the same eagerness to dispute publicly on any topic was also felt by some Friars Minor around or shortly after 1280. The evidence is provided by the literary output of such scholarly exercises. Some ten

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<sup>10</sup> C. Douais, *Essai sur l'organisation des études dans l'ordre des frères prêcheurs au treizième et au quatorzième siècle (1216-1342). Première province de Provence – province de Toulouse* (Paris-Toulouse 1884). These cases are to be found on p. 236 (Toulouse, 1311, Guillaume de Leus), p. 271 (Cahors, 1308, B. de Massaut, biblical lector), p. 274 (1317, for all five biblical lectors within the province), and p. 277 (1333, for all three active biblical lectors). The province of Toulouse was separated from Provence precisely in 1306. These local archives have been preserved thanks to the historical interests of Bernard Gui.

<sup>11</sup> A. Pelzer, “Guillaume de Leus (de Levibus), frère prêcheur de Toulouse,” in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern Gewidmet*, A. Lang, J. Leckner, and M. Schmaus, eds. (Münster 1935), vol. 2, pp. 1065-79. The papal bull giving a cardinal the power to promote him is published in *CUP* II, no. 674, p. 137 (6 January 1309). The provincial chapter (Douais, *Essai*, p. 236) states that “fr. Guillelmus de Leus, magister in theologia, apud Tholosam pervenerit, ibidem incipiat et disputet de quolibet et aliis prout sibi visum fuerit, ut magister.”

<sup>12</sup> *Acta capitulorum ...*, vol. 2, B.M. Reichert ed (Monumenta ordinis fratrum praedicatorum historica, 4) (Rome-Stuttgart 1899), p. 17: “Ordinamus et volumus quod nullus lector sine licencia magistri vel prioris provincialis vel eius vicarii aut diffinitorum de quolibet audeat disputare, nisi ubi fratrum vel secularium viget studium generale.”

<sup>13</sup> E. Panella, “I quodlibeti di Remigio dei Girolami,” in *Insegnamento e riforma nell’Ordine domenicano*, E. Marino, ed. (= *Memorie Domenicane*) (Pistoia 1983), pp. 1-149.

<sup>14</sup> E. Panella, “Nuova cronologia remigiana,” *AFP* 60 (1990), pp. 145-311.

<sup>15</sup> Kaeppli and Dondaine, *Acta capitulorum provincialium*, p. 197 (Arezzo, 1315). The fact that Guidi spoke against Aquinas is not the main cause of scandal, but rather that he “superbe et arroganter multa dixit, quod etiam inauditum est, determinando in cathedra contra determinationem ipsius sui lectoris.” This usurpation of the main chair had been explicitly prohibited by an earlier capitular definition, *ibid.*, p. 68 (Aquila, 1284)

years later, we find an impressive series of provincial *quodlibeta*, produced by three theologians who had not receive any university degree. It is beyond dispute that these texts all belong to the literary genre. They are referred to by their authors as *questiones de quolibet*, and are often described in the same way in the manuscripts that contain them. They all possess the distinctive features of the quodlibetal dispute, addressing a variety of topics in questions organised afterwards into a thematic ordering. We are, therefore, dealing with genuine non-university *quodlibeta*.

### *Three Franciscans Disputing without a Licence*

Let us first consider the case of Vital du Four. It is only through a misinterpretation of the sources that he is sometimes presented as having taught in Montpellier after having received a Parisian degree.<sup>16</sup> As a matter of fact, the note in a Vatican manuscript referring to these 1295-96 classes was added years after the events. It explains that, while Jacopo da Fabriano was a student there, Jean de la Fontaine (*Johannes de Fonte*) reported (*recollegit*) the course on the fourth book of the *Sentences* read (*lectus*) by Vital, who himself had reported it (*recollectus*) from the Parisian lectures given by Jacques du Quesnoy.<sup>17</sup> This note was added on the first folio of the volume after 1312, probably when Jacopo gave it away to the next possessor of the book, at a time when Vital had already become a cardinal. Therefore, the expression “*magister frater Vitalis*” in such a note should not be given much weight. It refers to the status Vital had acquired long after the years of these classes. He had indeed been studying in Paris earlier on, but in the lectorate program, not the doctoral one.<sup>18</sup> A more precise memory of his lectorate in Montpellier appears in the canonisation process of Louis of Anjou in 1308. The Dominican Béraud du Puy remembers that Louis, on his way from Catalonia in 1295, took part in a dispute held by Vital, “*tunc ibi lector et nunc magister in theologia et minister in Aquitania.*”<sup>19</sup> Indeed,

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<sup>16</sup> This error, started by P. Glorieux, is still repeated by J. Brumberg-Chaumont, in *Dictionnaire du Moyen Age* (Paris 2002), p. 1462. The best accounts of Vital’s biography are given by F. Delorme in *Vital du Four, Quodlibeta tria* (Spicilegium Pontificii Athenaei Antoniani, 5) (Rome 1947), pp. vi-xxx, and H. Dedieu, “Les ministres provinciaux d’Aquitaine des origines à la division de l’Ordre. XIIIe siècle-1717,” *AFH* 76 (1983), pp. 178-80.

<sup>17</sup> “Iste quartus sententiarum fuit recollectus Parisius per magistrum fratrem Vitalem de Furno, qui postea fuit cardinalis, sub magistro fratre Iacobo de Carceto. Et postea per eundem fratrem Vitalem fuit lectus in monte pessulano, tempore quo frater Iacobus de Fabriano ibi erat studens quem frater Iohannes de Fonte recollegit sub eodem fratre Vitale”; BAV, Vat. lat. 1095, f. 1r, first quoted by V. Doucet, “Les neufs Quodlibets de Raymond Rigauld, d’après le ms Padoue Anton. 426,” *La France Franciscaine* 19 (1936), p. 235.

<sup>18</sup> The distinction between these programs has often been emphasised by W.J. Courtenay, most importantly in “The Instructional Programme of the Mendicant Convents at Paris in the Early Fourteenth Century,” in *The Medieval Church: Universities, Heresy and the Religious Life. Essays in Honour of Gordon Leff*, P. Biller and B. Robson, eds. (Woodbridge 1999), pp. 77-92.

<sup>19</sup> *Processus Canonizationis et Legendae variae sancti Ludovici O.F.M. episcopi tolosani* (Analecta Franciscana, 7) (Quaracchi 1941), p. 118: “Frater Beraudus de Anicio de ordine predicatorum, lector Massilie... vidit dominum

in a 1297 document from the University of Toulouse, where the mendicant *studia* were serving as a theology faculty without conferring degrees, Vital is still described as being the Franciscan *lector* there, which implies that he was not a master yet.<sup>20</sup> In a letter written before December 1302, he presents himself in the same fashion.<sup>21</sup> It is quite possible that he was awarded the degree shortly before being appointed provincial minister in 1307. And since the evidence for him being regent master at Paris before that date is more than scarce, to say the least, it may be reasonable to assume that the degree was conferred at the request of a fellow Gascon, Pope Clement V, as happened a few years later with Guillaume de Leus or with Arnaud Royard in 1314, himself again a Franciscan lector in Toulouse.<sup>22</sup> The three *Quodlibeta* we possess by Vital are all prior to that date. According to Ferdinand Delorme's reconstruction of the chronology of his scholastic works, the first one was produced in Montpellier around 1296, and the two others in Toulouse, around 1297-1300.<sup>23</sup>

The second case under discussion is easier to deal with. The life and activities of Petrus de Trabibus left no traces other than a few mentions of his name in manuscripts containing his commentary on the *Sentences* and a handful of references to that text.<sup>24</sup> If he was Italian, which is likely, his vernacular name may have been Piero delle Travi. The surest thing we know about that discreet figure of Franciscan theology stems from a manuscript produced in the Florentine convent of Santa Croce and now preserved in the nearby Biblioteca Nazionale Centrale, under the shelfmark Conventi Soppressi, D. 6. 359. This volume was copied for the use of Fr. Andrea de' Mozzi, son of a rich banker and nephew of the local bishop, who acted there as a *lector* in the years 1302-04 before taking up the charge of provincial inquisitor. Next to a first version of Trabibus' lectures on the second and third books of the *Sentences* comes a series of disputed

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Ludovicum quando veniebat de Cathaulonia in scolis fratrum minorum de Monte Pessulano, respondentem de una questione fr. Vitali, tunc ibi lectori et nunc magistro in theologia et ministro in Aquitania, et valde bene se habebat dictus dominus Ludovicus in responsionibus secundum etatem suam."

<sup>20</sup> H. Gilles, "Documents inédits pour servir à l'histoire de l'université de Toulouse au XIIIe siècle," *Cahiers de Fanjeaux* 5 (1970), p. 294-315 (see p. 300), repr. in idem, *Université de Toulouse et enseignement du droit, XIIIe-XVIe siècles* (Toulouse 1992), see p. 56: "Vitalis, lectoris Minorum Tholose." The university was very eager to ensure that theology masters would be appointed in these *studia*; the documentation is acutely attentive to these different statuses.

<sup>21</sup> Raymond de Fronsac, *Sol Ortus*, ed. F. Ehrle, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 3 (1887), p. 16: "dominus frater Vitalis, nunc dei gratia tituli sancti Martini in Montibus presbiter cardinalis, tunc lector Tholose." Raymond is here quoting, in 1318, from a letter co-issued by Vital, after 1299, while Giovanni da Murrovalle was still minister general and not yet cardinal.

<sup>22</sup> *CUP* II, no. 710, pp. 170-1. Thus, in this Toulouse connection, only Bertand de la Tour and Gerard Odonis would have become masters of theology at Paris through the classic university procedures (Peter Auriol received his licence at papal bequest). On the first named, see now P. Nold, "Bertrand de la Tour, OMin. Life and Works," *AFH* 94 (2001), pp. 275-323. Already in 1288, Giovanni da Murrovalle had received his licence in Paris at the request of Pope Nicholas IV: *CUP* II, nos. 550-1, pp. 22-3.

<sup>23</sup> Vital du Four, *Quodlibeta tria*, ed. F. Delorme (Rome 1947). Delorme provides no justification for the dating of the Toulouse *Quodlibeta*. Their "pre-Scotus" taste and "anti-Olivi" orientation may be the only reasons he had in mind.

<sup>24</sup> For the latest discussion on him, see my article, "Le poète et le théologien: une rencontre dans le *studium* de Santa Croce," *Picenum Seraphicum* 19 (2000), pp. 87-134, and H.A. Huning, "Die Stellung des Petrus de Trabibus zur Philosophie nach dem zweiten Prolog zum ersten Buch seines Sentenzenkommentars. Ms 154, Bibl. Communale, Assisi," *Franziskanische Studien* 46 (1964), pp. 213-23.

questions and two *Quodlibeta*.<sup>25</sup> From some clues scattered throughout these texts, we ascertain that they offer the transcription of lectures given in Florence. Furthermore, a question of the second *Quodlibet* provides us with the precise date of the event. Discussing the ways of proving to the Jews that the Messiah has already come, Trabibus employs Psalm 39, reading it as the announcement of Christ's advent and of the abolition of the Old Testament sacrifices. In such a case, he adds, the Jews have stood for 1296 years without offering a proper sacrifice to God.<sup>26</sup> There can be little doubt that the calculation involved coincides with the current year of the Incarnation. The first *Quodlibet* may have been produced earlier during the same academic year – at Advent 1295 – or during the previous one – Lent 1295. Whatever the case, the material gathered in that codex constitutes the best sample of the activities of a Franciscan *studium generale* in that period. Nothing indicates that Trabibus ever graduated from Paris. On the contrary, the self-image provided in the prologue of the *ordinatio* he later composed from his *Sentences* lectures fits in well with a humble Franciscan teacher who never reached such heights. He has been teaching “many years,” he writes, “holding the office of lector in solemn places,”<sup>27</sup> by which he probably only means the various Italian *studia generalia* such as Bologna or Padua where he may have been assigned after his time in Florence.

The main inspiration at work in his texts derives from someone who himself was not a Paris doctor either. Just like Vital du Four, Petrus Johannis Olivi had only been a student at the Parisian convent for an initial period of four years, following what William Courtenay has labelled the “lectorate program.” It is likely that Trabibus himself followed the same path before teaching in Florence. Within the order, this achievement was already an important title to glory, and often the starting point for a career leading to higher administrative offices. At the time of the Council of Vienne, Ubertino da Casale drew a vivid picture of the corruption of Franciscan ideals. He insisted on the damage caused by the close association of ambition and studies. Being sent as a student to Paris was desirable, not for the sake of knowledge, but as a way to gain power upon return to the local convents and provinces.<sup>28</sup> Indeed, in the late thirteenth and early fourteenth century, names that can be associated with teaching functions quickly reappear in connection with administrative positions, such as custodian, provincial minister or inquisitor – Andrea de' Mozzi whom we met earlier being an excellent example, and by no means an

<sup>25</sup> Firenze, BN Centrale, Conv. Sopp. D. 6. 359. The *Quodlibeta* are on ff. 107ra-118vb. A description of the codex is in F. Del Punta and C. Luna, *Aegidii Romani opera omnia, I. Catalogo dei manoscritti (96-151), 1/2\* Italia (Firenze, Padova, Venezia)* (Florence 1989), pp. 89-111, and further elements in Piron, “Le poète et le théologien.”

<sup>26</sup> Peter of Trabibus, *Quodl.* II, q. 4, Firenze D. 6. 359, f. 114va: “... cum ipsi <Iudei> steterint 1296 annis sine sacrificiis, concedant nostrum sacrificium esse illud quo Deus petit honorari.”

<sup>27</sup> Text edited by A. Huning, “Die Stellung,” p. 229.

<sup>28</sup> Ubertino da Casale, “Sanctitas vestra,” ed. F. Ehrle, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 3 (1887), p. 73: “Et omnes dissensiones quasi, que sunt in provinciis multis ordinis, sunt propter ambicionem promocionis ad studia, ut sint lectores et prelati et aliis dominantur... postquam habent nomen, quod fuerint lectores, et de Parysius redeunt, parum curant postea de studio, sed sive legant sive non, in provinciis Ytalie et eciam alibi, ut plurimum soli lectores Parysienses dominantur.”

isolated one. The number of university graduates within the order was extremely limited. As a striking example, the *Chronica XXIV generalium ordinis minorum* marvels at the fact that eight *magistri* were present at the General Chapter of 1307, out of 990 friars.<sup>29</sup> In comparison with the teaching needs of the order, the scarcity of doctors in theology can help explain how such *lectores Parisienses*, as Ubertino calls them, could feel they were as important as genuine masters. They would even usurp the title occasionally, as we see Gil de Zamora do in his self-presentation.<sup>30</sup> Therefore, it is no surprise if they would sometimes try and emulate their Parisian counterparts, turning their provincial *studium* into a small scale theology faculty.

In the case of Peter John Olivi, many other factors have to be taken into account. The criteria for promotion to higher studies were not only dependent on intellectual dexterity and inventiveness. Supporters and foes mattered as much, as well as what can best be termed “political” orientations on key issues of Franciscan identity.<sup>31</sup> For Olivi, the winds blew alternatively in different directions, but not constantly enough to let him reach the final stages of a university career. After an initial period of formation, ca. 1266-71, he may have stayed a little longer at Paris, serving as an arts teacher for his younger Franciscan fellows, lecturing on Aristotle’s *Physics*.<sup>32</sup> During the mid-1270s, back in Languedoc, he ran into some trouble. This misfortune, not well documented, involved some public correction inflicted by the minister general of the order, Jerome of Ascoli, on a visitation of the province, probably in the second part of 1277, but apparently without important consequences.<sup>33</sup> Thanks to support from his provincial minister, Bermond d’Anduze, Olivi reached the position of *lector biblicus* at the Montpellier *studium* in the autumn of 1279. For three years, he produced there an impressive series of biblical commentaries (on Matthew, Isaiah, Job, John and Genesis) as well as many disputed questions. The next step would have been a glorious return to Paris as a *baccalaureus*. Instead, only some of his writings were sent there, to be censured in 1283 by a commission of seven Franciscan graduates – probably all those who were present at the convent at that time.

David Burr usually refers to the rival who caused his downfall as “brother Ar.,” following the way in which Olivi himself designates him. The best candidate was no more than a name, “Arnaud Gaillard,” mentioned 35 years later in an account of the Languedocian troubles as having been an opponent of Olivi. While this identification now appears to be beyond doubt, I was wrong in writing that nothing else was known about this character,<sup>34</sup> since the same name

<sup>29</sup> *Chronica XXIV generalium ordinis minorum* (Analecta Franciscana, 3) (Quaracchi 1897), p. 455.

<sup>30</sup> Fray Juan Gil de Zamora O.F.M., *De preconis Hispanie*, ed. M. de Castro y Castro (Madrid 1955), pp. lxxvii-lxxviii.

<sup>31</sup> Again, W.J. Courtenay, “The Instructional Programme,” contains important reflections on the ties between promotion to studies and the internal politics of the order.

<sup>32</sup> I propounded such a hypothesis in “The Formation of Olivi’s Intellectual Project: ‘Petrus Ioannis Olivi and the Philosophers’ Thirty Years Later,” *Oliviana* 1 (2003) (<http://www.oliviana.org/document6.html>).

<sup>33</sup> Cf. my “Petrus Joannis Olivi. Epistola ad fratrem R.,” *AFH* 91 (1998), pp. 41-2.

<sup>34</sup> Piron, “Petrus Joannis Olivi,” p. 37. Arnaud Gaillard is mentioned by Raymond de Fronsac, *Sol ortus*, ed. Ehrle cit.,

appears twice in a famous collection of university sermons.<sup>35</sup> This indication is extremely helpful. It implies that Arnaud must have been a university bachelor.<sup>36</sup> The chronology of Olivi's writings enables us to discern two moments of intense polemics between the two of them, on various issues, ca. 1276-78 and ca. 1281-82.<sup>37</sup> The gap between these dates could very well fit in with a second sojourn of Arnaud in Paris, this time within the "doctoral program." This promotion surely gave him the higher ground in their global conflict, once he came back to Montpellier, being now a *baccalaureus formatus*, waiting for his time to incept as a regent master in Paris (which he apparently never did). The sequel of the events that followed has been told many times.<sup>38</sup> After a denunciation by Arnaud, Olivi had to incur the censure of a list of propositions and was deprived of any possibility of defending his views, from April 1283 to May 1285. Two years later, Matthew of Aquasparta, newly elected minister general, again entrusted him with a teaching position, in Florence. After two more years, another friendly general, Raymond Geoffroy, brought him back to Montpellier where he spent three more years. He was again asked to defend and excuse his views on Franciscan poverty at the General Chapter of 1292, which sent him to Narbonne, a lesser *studium* where he continued to teach until his death in March 1298. It is quite reasonable to assume that the same 1292 General Chapter appointed Vital to Montpellier, as a replacement.

All of Olivi's *Quodlibeta* were produced during the final decade of his career. Before discussing their chronology and contents, the format under which they been preserved should be first addressed. On the one hand, a series of five *Quodlibeta* has been properly edited no less than three times, in the first place by the author himself, and most recently by Stefano Defraia.<sup>39</sup> In the years 1294-95, while in Narbonne, Olivi produced a revised version of the major part of his works, organizing his *Quaestiones disputatae* into a *Summa*, of which only the second book

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p. 16: "frater Petrus Johannis litigia suscitavit contra fratrem Arnaldum Galhardi et plurimos alios bonos fratres qui eius dicta erronea impugnabant."

<sup>35</sup> Oxford, Merton College, 237, f. 35ra: *Sermo de die cinerum Arnaldi Galiard*, and f. 66va: *Sermo ad vincula beati Petri fratris Arnaldi Galiard*. These indications were first recorded by P. Glorieux, "Sermons universitaires parisiens de 1267-68," *RTAM* 16 (1949), pp. 54, 59. The dates given by Glorieux are not to be accepted, and one of the sermons he attributed to Arnaud Gaillard turned out to belong to Ranulph of Houblonnière. I am most grateful to Louis-Jacques Bataillon for his help on this matter. A further study on Arnaud Gaillard is under preparation.

<sup>36</sup> As one can gather from N. Bériou, *L'avènement des maîtres de la parole. La prédication à Paris au XIIIe siècle* (Paris 1998), vol. 2, annexes 11-13, mendicant sermons in Paris were delivered either by bachelors and masters or by local senior friars, who sometimes received a *licentia praedicandi* without a degree. Anyone from outside the province of France appearing in these collections, such as Arnaud, can be presumed to be a university graduate.

<sup>37</sup> Olivi's *Tractatus de usu paupere*, ed. D. Burr (Florence 1992), was written ca. 1281-82, as a reaction to a dispute held in Montpellier shortly before by Arnaud, attacking Olivi's writings on the *usus pauper* issue. An earlier phase of their debate is enlightened by Olivi's discussion of divine knowledge, as I have shown in "La liberté divine et la destruction des idées chez Olivi," in *Pierre de Jean Olivi (1248-1298). Pensée scolastique, dissidence spirituelle et société. Actes du colloque de Narbonne*, A. Boureau and S. Piron, eds. (Paris 1999), pp. 71-89.

<sup>38</sup> See D. Burr, *The Persecution of Peter Olivi* (Philadelphia 1976).

<sup>39</sup> Petri Iohannis Olivi, *Quodlibeta quinque, ad fidem codicum nunc primum edita cum introductione historico-critica*, ed. S. Defraia (Grottaferrata 2002).

is extant in full.<sup>40</sup> A striking feature of this effort is the constitution of tables of contents, in which the author gives, in the first person, some explanations about the respective value of various texts.<sup>41</sup> No complete manuscript witness of such an *ordinatio* of the *Quodlibeta* survives. What we have, instead, is a version printed in Venice by Lazaro Soardi in 1505, in a volume that also contains the bulk of Olivi's polemical and apologetical texts.<sup>42</sup> At the end of this book, Soardi does indeed publish a *tabula questionum* that he describes as extracted from the *cohordinatio questionum ab ipsomet P. Joanne facta*. This phrasing implies that Soardi took this index out of the general tables compiled by Olivi for his complete works. The codex containing these tables was then probably distinct from the manuscript containing the five *Quodlibeta* printed by Soardi, which would have circulated without those tables. Therefore, while we cannot ascertain that the actual text of the quodlibetal questions printed in Venice corresponds to Olivi's final edition, there is little doubt that this Narbonne edition consisted of those five series. Stefano Defraia has recently produced a fine critical edition of these texts, collating Soardi's edition with their remnants present in a few manuscripts. He suggests that the source of the Venetian edition may have derived from an item kept in Candia (today's Heraklion). The observant Franciscan convent there became, shortly before 1448, the shelter of the largest collection of Olivian manuscripts ever recorded in a medieval library. It contained, among other things, a volume catalogued as a *liber sine tabulis de quolibet Petri Iohannis*.<sup>43</sup>

This Cretan treasure played an important part in the dissemination of Olivi's texts in the late fifteenth-century Veneto. As is well known, the Feltre convent attracted some of those riches. In a manuscript copied there and now preserved in Padua (Biblioteca Universitaria 2094), among many Olivian rarities, Victorin Doucet discovered fifteen questions pertaining to other quodlibetal series.<sup>44</sup> "Other" is their more exact name, since the manuscript marginalia present them as being extracted from "other" *Quodlibeta: in alio primo quolibet, in alio secundo quolibet* or *in alio quolibet*. These indications show that the excerptor had in front of him at least two and perhaps three other quodlibetal series. According to the numbering of the

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<sup>40</sup> It is contained in BAV, Vat. lat. 1116, edited by B. Jansen as *Quaestiones in secundum librum Sententiarum* (Quaracchi 1922-26), 3 vols. Despite the title, this work should not be confused with a *Sentences* commentary, as is too often the case. The correct denomination was first established by V. Doucet, "De operibus manuscriptis fr. Petri Iohannis Olivi in bibliotheca universitatis Patavinae asservatis," *AFH* 28 (1935), pp. 410-13.

<sup>41</sup> See my "Les œuvres perdues d'Olivi: essai de reconstitution," *AFH* 91 (1998), pp. 359-61.

<sup>42</sup> *Quodlibeta Petri Joannes Provenzalis doctoris sollemnissimi ordinum minorum*, ed L. Soardi (Venice 1505). On this clandestine edition and its correct dating, see D.E. Rhodes, "The *Quodlibeta* of Petrus Joannes Olivi," *Papers of the Bibliographical Society of America* 50 (1956), pp. 85-7.

<sup>43</sup> G. Hofmann, "La biblioteca scientifica del monastero di San Francesco a Candia nel medio evo," *Orientalia Christiana Periodica* 8 (1942), pp. 315-61. No less than twenty manuscripts can be identified as containing works by Olivi, with the full name of the author often indicated. Item 230 reads: *Item liber sine tabulis de quolibet Petri Iohannis. Incipit: Queritur utrum*. Another piece, number 247, is described as: *Item liber sine tabulis de quolibet. Incipit: Circa venditionem*. This item is more exactly a copy of the *De Contractibus*.

<sup>44</sup> V. Doucet, "De operibus," pp. 188-93. These are item numbers 16, 18, 19, 20, 27, 28, 32, 33, 34, 37, 46a, 46b, 46c, 55, 56 in Padova, Biblioteca Universitaria, 2094.

questions – which he copied carefully – we can understand that these series were thematically organised under more than one rubric. It is very unfortunate that Stefano Defraia has not taken these questions into account in his edition, out of an excessive prudence towards texts transmitted in only one copy. Unwillingly, he has nevertheless added another piece to the puzzle. His precise description of an hitherto unnoticed Feltre manuscript, now in Padua (Biblioteca Universitaria 1909), shows an unidentified question, copied amidst questions of moral theology extracted from Olivi's commentary on the *Sentences* or *Quodlibeta*, that sounds very much like a sixteenth item of the “other” *Quodlibeta*.<sup>45</sup>

In order to reconstruct the chronology of Olivi's *Quodlibeta*, these “other” series offer the best starting point. The fact that they were left out of the “edition” of the group of five probably means that they were produced afterwards. This hypothesis is confirmed by textual evidence. A question of the “second other” *quodlibet* does indeed refer to the treatise *De contractibus*, written ca. 1293. More precisely, it points to a specific paragraph that was added by the author at the time of the final edition of that text, soon after March 1295.<sup>46</sup> It is a reasonable conjecture that Olivi conducted the revision of most of his works during the year 1294-95. This implies that the “other” *Quodlibeta* would have been produced between that period and his death in March 1298. Out of the five “edited” series, the last two appear to have originated in quodlibetal disputes held at Narbonne, after the General Chapter of 1292 that assigned Olivi there. A good indication is provided by a reference, in an example, to the bishop of Narbonne.<sup>47</sup> Other contextual elements that will be discussed below can confirm a dating of those series IV and V to the academic years 1292-94. Although the evidence is not as clear, a number of clues point toward a dating of the first three series in Montpellier during the years 1289-92.<sup>48</sup> The most telling one is the fact that Vital du Four employed a question of Olivi's first *Quodlibet* in his *De rerum principio*, a patchwork of contemporary metaphysics composed in Montpellier ca. 1293.<sup>49</sup>

<sup>45</sup> “Vtrum sacerdos sibi sufficiens possit recipere pecuniam per sacramentorum administrationem,” Padova, Biblioteca Universitaria, 1909, f. 213r, described by S. Defraia, in *Quodlibeta quinque*, p. 62\*, as item number 11.

<sup>46</sup> “Queritur utrum clerici possint facere testamentum de rebus ecclesiasticis,” *Aliud Quodlibet* II, q. 1, Padova, Biblioteca Universitaria, 2094, f. 140v: “Et ideo qui talia legant pauperibus ad ditandum notabiliter, non sine periculo anime sue hoc faciunt, nec illi sine periculo consimili illa recipiunt, et tenentur ad restitutionem, ut alibi ostensum est.” This points to the third part of the treatise, *De restitutionibus*, primum notabile, septima regula, ed. G. Todeschini (Rome 1980), p. 98. On this dating, see my paper “Marchands et confesseurs. Le *Traité des contrats* d'Olivi dans son contexte (Narbonne, fin XIIIe-début XIVe siècle),” in *L'Argent au Moyen Age. XXVIIIe Congrès de la SHMESP (Clermont-Ferrand, 1997)* (Paris 1998), pp. 290-2.

<sup>47</sup> Peter John Olivi, *Quodl.* IV, q. 20, ed. Defraia cit., p. 268: “Nam si quis dicat: Hoc lego B. episcopo Narbonensi, perinde est ac si diceretur: lego hoc B. si est episcopus Narbonensis.” The fact that the name of the archbishop was then Gilles (Aycelin) is of no importance. Such an example would have been out of place in Montpellier, situated under the jurisdiction of the bishop of Maguelonne.

<sup>48</sup> S. Defraia, in *Quodlibeta quinque*, p. XIII-XIV, 125\*-6\*, agrees with my previous conjectures.

<sup>49</sup> Cf. A. Maier, “Zur handschriftlichen Überlieferung der *Quodlibeta* des Petrus Johannis Olivi,” *RTAM* 14 (1947), reprint in eadem, *Ausgehendes Mittelalters* II (Rome 1967), pp. 211-13, and eadem, “Die Subjektivierung der Zeit in der Scholastischen Philosophie,” *Philosophia naturalis* 3 (1951), p. 367. It should be noted most of the Olivian

A recapitulation of the results obtained so far shows a fairly high density of quodlibetal disputations happening in a limited number of places during the last decade of the thirteenth century. The Montpellier, Toulouse and Florence convents were all functioning as *studia generalia* within the order, whereas Narbonne was only hosting what Courtenay calls a “custodial school” serving students from within the province. This suggests that the capacity for holding such disputes may have been attached more to the person than to the place. One can also remark that Olivi was the senior of the three characters under consideration. He may well have inspired the other two to follow his ways, one being his disciple and the other his opponent, albeit a lightweight adversary in his view.<sup>50</sup> Since nothing is known of the intellectual life within the Montpellier *studium* during the years 1283-89, it would be excessive to claim he inaugurated the practice. The newly elected minister general Raymond Geoffroy, who appointed him there, himself had a long teaching career in Provence and was a Paris *baccalaureus* by the time of his election.<sup>51</sup> It is not unlikely that he personally gave his protégé the authorisation, or even the recommendation, to dispute *de quolibet*. Whatever the case, this step was consistent with Olivi’s career. After having been a *lector biblicus*, then a *lector Sententiarum* in two different *studia generalia*, he had amply fulfilled the requirements to act as a regent master. In this respect, it should be noted that both Vital du Four and Peter of Trabibus were reading the *Sentences* in a *studium generale* at the time of their *quodlibeta*.

### *Contemporary Parisian Masters*

In order to discuss what makes these non-university contributions original, it is necessary to survey briefly the contemporary Parisian productions. During this period, Ricardus de Mediavilla was the only true master of *quodlibeta* within the Franciscan Order. Before addressing his intellectual contribution, the thorny issue of his identity can be synthesized in a few words. Franz Pelster showed long ago that he was an Englishman, being sometimes referred to as *Ricardus Anglicus* or *de Anglia*, his vernacular name certainly being *Richard de Menneville*. He may have been related to a noble of Norman origin who married the widow of a

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philosophical questions found in various Borghese manuscripts that Anneliese Maier labeled as quodlibetal do not belong to that genre. Most of them are disputed questions produced before 1282, which Olivi left out of the final edition of his *Summa*. On this, see my “Les oeuvres perdues,” pp. 368-9.

<sup>50</sup> Olivi’s rebuttal of Vital’s attack – in *Quaestiones in secundum librum Sententiarum*, ed. B. Jansen (Quaracchi 1926), vol. II, pp. 136-98 – is full of many sarcastic remarks, such as: “in hoc loquitur ut ignorans etiam communia principia ab omnibus communiter concessa,” p. 166; “videtur mihi quod iste non intelligit mea dicta nec sua,” p. 173; or “Non dico autem hoc, quasi vim faciens in istis, sed quia displicent mihi verba ventosa,” p. 181. On these polemics, see V. Mauro, “La disputata *de anima* tra Vitale du Four e Pietro di Giovanni Olivi,” *Studi Medievali* 38 (1997), pp. 89-139.

<sup>51</sup> According to a document published by F. Delorme, “Generalium ministrorum ordinis Fratrum Minorum,” *AFH* 2 (1909), p. 440.

Northumbrian baron.<sup>52</sup> These results should not have been forgotten in the face of Richard's continental career that took him, after a regency at Paris in the years 1284-87, to Naples' *studium generale* where he was briefly active as a lector before being elected, in 1295, as minister for the province of France.<sup>53</sup> The question that really matters does not regard so much his origins as the context of his education, which may well have been more French than English. This would allow us to reconcile the previous data with other indications that present him as *Ricardus Normannus*, belonging to the Lorraine custody, and show him using Amiens as a geographical example.<sup>54</sup> Nothing in his works betrays an Oxford background, and his personal tendencies place him in sharp contrast with Pecham and Marston, for instance.

The importance of his contribution can be stated quite simply. He provided an updated version of Franciscan theology, incorporating into it many Thomistic elements. On the one hand, he strongly advocated themes that had become by then constituent of the Franciscan theological identity, such as the plurality of forms in the composition of the human being, against Aquinas and Giles of Rome. But on the other hand, he dropped the Bonaventurian notion of a special divine illumination required to certify the human knowledge of universal concepts. The three-year length of his Parisian regency (1284-87), during which he disputed *de quolibet* once a year, is due, in part, to the premature death of bachelors like Arnaud Gaillard who might have otherwise become regent master soon after him.<sup>55</sup> In the only general monograph dedicated to him, Edgar Hocedez pointed to the various debates in which Richard was engaging with Henry of Ghent, Godfrey of Fontaines and Giles of Rome. The spectrum of these polemics ranged from speculative theology (whether God can have a practical intellect) to economics (on the validity

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<sup>52</sup> F. Pelster, "Die Herkunft des Richard von Mediavilla," *Philosophisches Jahrbuch* 39 (1926), pp. 172-8; idem, "Das Heimatland des Richard von Mediavilla," *Scholastik* 13 (1938), pp. 399-406. More recently, Louis-Jacques Bataillon has found another reference to his name as "de Menevyl" (in "Les nouvelles éditions critiques d'Henri de Gand et de Gilles de Rome," *Revue des Sciences Philosophiques et Théologiques* 78 [1994], p. 425, n. 2) and Chris Schabel has found Peter Auriol calling him once "Ricardus Anglicus" (in "Auriol's Rubrics: Citations of University Theologians in Peter Auriol's *Scriptum in Primum Librum Sententiarum*," in *Philosophical Debates at the University of Paris in the First Quarter of the Fourteenth Century*, T. Kobusch et al., eds. (Leiden, forthcoming)).

<sup>53</sup> The only general overview is still E. Hocedez, *Richard de Middleton, sa vie, ses oeuvres, sa doctrine* (Spicilegium sacrum Lovaniense, 7) (Louvain-Paris 1925). Also important is R. Zavalloni, *Richard de Mediavilla et la controverse sur la pluralité des formes. Textes inédits et études critiques* (Louvain 1951). His presence in Naples is known through his association with the young Louis of Anjou, to whom he was assigned as "magister ac socius," *Processus canonizationis*, p. 14. Being a master of theology, Richard did not serve as a full-time preceptor to the young prince. Their relation should rather be seen as falling within his activities as a *lector* in the local *studium generale*.

<sup>54</sup> P. Glorieux, "Richard de Mediavilla. Sa patrie, ses dernières années," *La France Franciscaine* 19 (1936), pp. 97-113. His belonging to the Lorraine custody may only be an extrapolation from the fact that his election as provincial minister took place during a chapter held in Metz.

<sup>55</sup> The notion that Arnaud Gaillard died quickly after his polemics against Olivi is purely hypothetical, relying on the fact that nothing is heard about him in later years and that Olivi refers to him as "bone memorie" ca. 1295. Another explanation could be that both opponents were punished for their excessive quarrels. In the previous generation, Franciscan bachelors who show no sign of having ever incepted include a *Guillelmus de Millat* (or de *Nilach*), who was reading the *Sentences* in 1265, and a *frater Renier*; cf. R.E. Lerner, "A Collection of Sermons Given in Paris c. 1267 including a New Text by Saint Bonaventure on the Life of Saint Francis," *Speculum* 49 (1974), pp. 473-4. The event of early death of bachelors, often aged around 35 to 40, has to be taken into account for a more subtle perception of the university demography.

of the rent-buying contract).<sup>56</sup> The mid-1280s were probably one of the most intense periods of quodlibetal disputations in Paris. This is due to the simultaneous presence of four masters of the first rank, plus lesser ones such as Servais of Mont-Saint-Eloi or Nicholas du Pressoir. It was not rare for the same question to be addressed by many of them, one after the other, creating a thread of discussion going on from one session to the next. Richard showed himself perfectly suited for the job. The title he earned of *Doctor Solidus* reflects both a prudent frame of mind and the didactic clarity of his expression. As much as his *Sentences* commentary, his *Quodlibeta* enjoyed a wide circulation. Preserved in thirty manuscripts spread across Europe, from Valencia to Krakow, Richard's *Quodlibeta* were the most popular of all Franciscan collections. They also had the honor of being printed in Venice by Lazaro Soardi, in a much wider circulated edition than Olivi's.<sup>57</sup>

Among these manuscripts, one of them, now kept in Berlin, deserves a brief discussion. Its first section, containing Richard's *Quaestiones disputatae* and his *Quodlibeta*, was copied very soon after their final draft was completed. Henryk Anzulewicz, who discovered and analysed the codex, showed that the date of this copy cannot be later than October 1290. The colophon of this witness raises some perplexities, since it proclaims: *Explicit quodlibet fratris conradi de Ermestede*. So far, nothing is known of a friar named Konrad von Arnstadt, although an easy guess would be that he was by then a teacher or a student at Erfurt. It is difficult to conceive that Konrad could have pretended to be the author of Richard's *Quodlibeta*; rather the genitive must indicate that he was either the copyist or the possessor of the volume. The second section of the manuscript, copied by a different hand but not long afterwards and probably in the same place, contains a large number of anonymous questions by some Friars Minor who are heavily influenced by Henry of Ghent. They apparently belong to preparatory notes for a *Sentences* commentary, and may not contain quodlibetal questions.<sup>58</sup>

Another author who falls into the scope of this survey, and who is himself present in the Berlin collection, is Petrus de Falco. When first unearthing his works, Palémon Glorieux initially confused him with Guillaume de Falgar (or Falegar), a Franciscan master from the

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<sup>56</sup> Hocedez, *Richard de Middleton*, pp. 95-97 and 395-419. A. Boureau, *Théologie, science et censure au XIIIe siècle. Le cas de Jean Peckham* (Paris 1999), is making good use of many such debates in these years.

<sup>57</sup> *Autorati theologi Ricardi de Media Villa Minoritane familie ornamenti Tria recognita reconcinata[ue] Quodlibeta*, Imp. Venetiis per Lazarum Soardum, 1509. Another edition is *Quodlibeta Doctoris eximij Ricardi de Mediavilla Ordinis Minorum, quaestiones octuaginta continentia*, Brixiae, apud Vincentium Sabbium, 1591 (reprint Frankfurt am Main 1963). In both cases, the *Quodlibeta* are often bound with contemporary editions of Richard's *Sentences* commentary, and thus not always identified in library catalogues.

<sup>58</sup> See H. Anzulewicz, "Um den Kodex Ms. lat. 456 der Staatsbibliothek Preußischer Kulturbesitz zu Berlin: I: Richard von Mediavilla," *Franziskanische Studien* 74 (1992), pp. 19-43, and idem, "Eine weitere Überlieferung der *Collectio errorum in Anglia et Parisius condemnatorum* im Ms. lat. 456 der Staatsbibliothek Preußischer Kulturbesitz zu Berlin," *Franziskanische Studien* 74 (1992), pp. 375-399. I am most grateful to Dr. Anzulewicz for sharing his impressions on this codex with me.

Toulouse area, regent in Paris ca. 1280, who apparently left no *quodlibet*.<sup>59</sup> After the two of them were clearly distinguished, Peter has still been considered a Friar Minor, owing to the fact that he shares “Franciscan” views, that he uses a Bonaventurian vocabulary, and that his disputed and quodlibetal questions circulated in manuscripts of Franciscan origin, often next to Richard of Menneville’s works, and sometimes even attributed to Richard.<sup>60</sup> Nevertheless, no positive evidence has been adduced to prove his identity, and some arguments may be raised to the contrary. Two questions, from each of his *Quodlibeta*, deal with issues that would usually prompt friars to discuss the Franciscan rule. Nothing of the sort happens here, Anselm being the only authority quoted on the theme of religious perfection.<sup>61</sup> This argument *e silentio* may not be conclusive, but it is fair to say that at least some doubt remains, while another negative argument could be adduced to the contrary: so far, no other religious order appears to have claimed him as a member. Whatever the case, the date proposed by Glorieux for his regency (1280-82) has to be revised, since it was only grounded on data concerning Falgar. Alexandre-Jean Gondras, who edited both Peter’s *Quodlibeta* and disputed questions, retained without serious discussion a date of “around 1280.” In an earlier and lesser known study, André Théry had taken a different position, suggesting that one of Peter’s questions echoes Henry of Ghent in his *Quodlibet* VIII (1284), and proposing that he must come after Richard rather than before him. I am inclined to follow these suggestions.

Three more Franciscan masters appear in a long collection of 170 quodlibetal questions, predominantly of moral character, from various second rank authors, composed for the use of Nicholas of Bar-le-Duc, who was bishop of Mâcon in the years 1286-1310. The three are respectively described as “fr. minor,” “frater iohannes de ordine minorum” and “frater S. minor.” In his ingenious reconstruction of this collection, Palémon Glorieux assumed that these questions had been gathered in strictly chronological order, over a period of nearly twenty years.<sup>62</sup> While it would be beyond the scope of the present paper to discuss this hypothesis in detail, a timid voice of caution can yet be raised. In his extensive exploration of medieval university life, Glorieux was often misled by his desire to assign precise dates, without sufficient criticism, to the documents he was using. This was especially the case with collections of university sermons, which he liked to think of as representing a full liturgical

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<sup>59</sup> A. Heysse, “Fr. Pierre de Falco ne peut être identifié avec Guillaume de Falegar, O.F.M.,” *AFH* 33 (1940), pp. 241-67. See also Dedieu, “Les ministres provinciaux,” pp. 168-71. On Falgar, see A.-J. Gondras, “Guillaume de Falegar. Oeuvres inédites,” *AHDLMA* 39 (1972), pp. 185-228.

<sup>60</sup> A. Théry, “De vita et operibus Petri de Falco,” *Sophia* 8 (1940), pp. 28-45; A.-J. Gondras, “Pierre de Falco. Quaestiones disputatae de Quodlibet,” *AHDLMA*, 33 (1966), pp. 105-236; Petrus de Falco, *Quaestiones disputatae ordinariae*, ed. A.-J. Gondras (Louvain-Paris 1968), 3 vols.

<sup>61</sup> Peter de Falco, *Quodl.* I, q. 16 “Utrum religiosus faciens contra quodlibet contentorum in regula sua peccet mortaliter,” ed. Gondras, pp. 166-7; *Quodl.* II, q. 16: “Utrum consilia evangelica, ad quae se obligant viri religiosi, sint de perfectione vitae humanae secundum statu viae,” pp. 230-3.

<sup>62</sup> P. Glorieux, “Notices sur quelques théologiens de Paris de la fin du XIIIe siècle,” *AHDLMA* 3 (1928), pp. 201-38.

year.<sup>63</sup> We may be facing another case of chronological fallacy here. Only a few items can be dated by way of other sources, most clearly in the case of the three Dominican masters (Bernard of Trilia,<sup>64</sup> Raymond Guilha, and Oliver of Tréguier). For the remaining authors, the hypothesis of a continuous chronological order for this collection itself provided the crucial biographical element for shedding some light on the university careers of otherwise little known characters. The sequence of the three Dominicans already falsifies the hypothesis, since we now know for sure that Raymond was regent master in Paris from March 1293 to April 1295, five years later than what Glorieux expected, and later than Oliver, who appears after him in the collection.<sup>65</sup> Thus, while the identification of names is probably correct in every case, and while the final set of questions by André of Mont-Saint-Eloi was certainly added at a later date (after 1302), the dates provided by Glorieux for each and every author should not be taken at face value. In the case of the secular master Nicholas du Pressoir, this would create the most implausible notion of a fourth *Quodlibet*, held ca. 1293 by the same person, twenty years later than his first three.<sup>66</sup> The same difficulty appears with “fr. S. minor.” If he has to be identified with Simon of Lens, the only Franciscan master with such an initial that we know of in those years, the date of his *Quodlibet* should be closer to 1282, when he acted for the first time as a master of theology, than to 1294, the result of Glorieux’s calculation.<sup>67</sup> On the other hand, the date proposed for “fr. Johannes” corresponds well with the time of John of Murro’s regency (1289-90) and there is no reason to reject this identification. The rejection of the principle on which Glorieux based his chronology would mean that we are now deprived of any external clue as to the identification of the anonymous Friar Minor quoted near the beginning of the collection.

### *Nine Difficult Cases*

The next set of Franciscan *quodlibeta* is troublesome for other reasons. Ferdinand Delorme discovered in a Todi manuscript (Biblioteca comunale 98) a collection of nine quodlibetal series, ascribed to Raymond Rigaud, who was active as a master in Paris ca. 1287-89. Shortly afterwards, Victorin Doucet found the same nine series in a Padua manuscript (Biblioteca

<sup>63</sup> For a critique of this view, see L.-J. Bataillon, “Guillaume de la Mare. Note sur sa régence parisienne et sa prédication,” *AFH* 98 (2005), pp. 367-422 (esp. pp. 368-74).

<sup>64</sup> *En passant*, the edition of the seventh question attributed to Bernard, *Utrum sit licitum emere pensiones annuas*, in F. Veraja, *Le origini della controversia sul contratto di censo nel XIII secolo* (Rome 1960), p. 205, is incomplete. It represents only the first paragraph of the question. The text goes on for more than a page (Paris, BNF, lat. 15850, ff. 13vb-14ra) in which Bernard defends the lawfulness of such contracts.

<sup>65</sup> See T. Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi* III (Rome 1980), pp. 200, 280.

<sup>66</sup> Nevertheless, it should be remembered that another source indicates that Nicholas was still active and holding quodlibetal disputes as late as 1286; see *CUP* II, p. 13.

<sup>67</sup> The title of the third question in this collection should be corrected to *Utrum homo audiens missam possit dicere horas*, and not *Utrum homo audiens missam possit audire musicam* as Glorieux has it.

Antoniana 426), in a different order, and ascribed this time to *magister Jacobus de Esculo*.<sup>68</sup> As Doucet showed, this manuscript has the correct ordering (which will be quoted here), the Todi collection mistakenly placing the series VI and IX at the beginning of the manuscript. The ascription to the Franciscan master James of Ascoli is clearly mistaken, since these questions are undoubtedly pre-Scotist. This error could understandably be a later development of a note that would have initially referred to, Doucet argues, another *magister Jacobus*, namely Jacques du Quesnoy, regent in Paris ca. 1290-92. An argument in his favor depends on the way in which Vital du Four, who is said to have studied under Quesnoy in Paris, uses these works. The prologue of Vital's first *Quodlibet* is nothing but an abbreviation of the prologue of *Quodlibet* VII, while Vital's initial question there copies question 4 of the same *Quodlibet* VII.<sup>69</sup> In two questions of his second *Quodlibet*, Vital again makes use of questions present in *Quodlibeta* II and III of the Padua-Todi series,<sup>70</sup> and yet another question of his third *Quodlibet* displays the same type of dependence.<sup>71</sup> Another clue is provided by reference to troubles caused by university *licentiae docendi* granted without the regular examination. This, as Doucet showed, points to scandals that arose while Berthaud of Saint-Denis was university chancellor, in the years 1290-92, in a period that coincides with the dates of Quesnoy's regency.<sup>72</sup> On the other hand, it should be remembered that Vital probably encountered Raymond Rigaud during his initial studies in Aquitaine, at the Toulouse *studium*, and certainly heard him lecturing during his four years of study in Paris, ca. 1288-92. Another argument in his favor may derive from the Todi manuscript, which bears an overt ascription to Raymond and also contains some material by Vital, while another codex given in the early fourteenth century to the same conventual library in Todi (now Todi, Biblioteca comunale 95) is the main record of Vital's scholastic

<sup>68</sup> F. Delorme, "Quodlibets et questions disputées de Raymond Rigaut, maître Franciscain de Paris, d'après le ms. 98 de la Bibl. Comm. de Todi," in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern gewidmet*, A. Lang, J. Leckner, and M. Schmaus, eds. (Münster 1935), vol. 2, pp. 826-41; V. Doucet, "Les neuf Quodlibets de Raymond Rigaud d'après le ms Padoue Anton. 426," *La France Franciscaine* 19 (1936), pp. 226-39.

<sup>69</sup> See, Vital du Four, *Quodlibeta*, ed. Delorme cit., pp. 1-4. Furthermore, an item in the Todi manuscript does not belong to the quodlibetal series but is a *principium*, which Vital uses as a prologue to his *lectura* on *IV Sent.*, which itself was based on Jacques's lectures (see Doucet, "Les neuf Quodlibets de Raymond Rigaud," pp. 232-3).

<sup>70</sup> Vital's *Quodl.* II, q. 6, depends on *Quodl.* II, q. 40, *Utrum ferens intentionem suam supra dimidiam hostiam tantum, consecret*, Padova, Biblioteca Antoniana 426, f. 7vb (the question is also treated by Richard in his *Sentences* commentary, by Servais of Mont-Saint-Eloi in *Quodl.* q. 38, and by Olivi in *Quodl.* I, q. 14, with no textual dependence); Vital's *Quodl.* II q. 10, *Utrum puer non baptizatus prope puteum inventus, morti propinquus debeat in puteum projici si aliter non possit baptizari* depends on *Quodl.* III, q. 38, *Utrum parvulum non baptizatum quis baptizando debeat proicere in puteum, supposita extrema mortis necessitate et alterius remedii impossibilitate*, Padova 426, f. 12ra-rb. The answer to this harrowing question is of course no, not least because, in such a case, *baptizando non baptizatur sed suffocatur*.

<sup>71</sup> Vital, *Quodl.* III, q. 14, pp. 196-7, coincides with *Quodl.* VI, Padova 426, f. 22rb. The same problem is dealt by Olivi, *Quodl.* I, q. 12, ed. Defraia cit., pp. 37-9. The question deals with the case of an infidel converted to Christianity, to whom the pope provides an instructor, thought to be a good Christian, but who in fact teaches heretical doctrines. I did not manage to identify an historical basis for this case, and cannot even ascertain whether the question reflects a true story or is constructed as a complex theoretical case.

<sup>72</sup> *Quodl.* IX, qq. 16-17, ed. by Doucet, pp. 237-9.

writings.<sup>73</sup>

Further research would be needed to decide which of the two masters is the author of those nine series. It does not seem likely that they would eventually have to be distributed between the two of them. All nine *Quodlibeta* display elements of similarity, in literary composition and in frame of mind, and even show some repetitions of identical argumentations. This strongly suggests that they belong to a single Franciscan theologian. Their quantity creates another problem. It was not normal in Paris to dispute *de quolibet* twice a year – Thomas Aquinas being an exception in that respect. Such a rhythm would be required for us to squeeze all nine series within a span of a minimum four and a half years. The more customary practice of holding *quodlibeta* only once a year would allow us to spread them over at least nine years. The truth is probably halfway between these two extremes. The final *Quodlibet* was not disputed later than 1292; *Quodlibet* II, as we will see shortly, must have taken place after Lent 1286. If the series are presented in chronological order, which is likely, their author must then have disputed twice a year *de quolibet* on at least two or three occasions. Be it five or seven years, the next difficulty is to establish whether or not he was continuously regent in the Franciscan chair at Paris for such a long period. Although this would be most exceptional, the notion cannot be excluded on principle. It has to be disproven by positive arguments. Let us note that only some questions in the final two *Quodlibeta*, VIII and IX, explicitly refer to a university background.<sup>74</sup> This could mean that some of the previous series were produced in another setting. That would be earlier than all three examples of “provincial” *Quodlibeta* discussed so far. We know that Jacques du Quesnoy, a native of the province of France, was still present in Paris in 1303, but nothing is known of his earlier teaching.<sup>75</sup> Raymond, from Toulouse, probably taught for some time in his home town before and after his regency in Paris, which is usually dated around the years 1287-89.<sup>76</sup> If he is to be credited with the authorship of all nine series, that would imply that he came back to Paris at some point, for a second regency, and that some of the intermediary *Quodlibeta* were produced in Toulouse.

<sup>73</sup> As Neslihan Şenocak kindly pointed to me, Todi 98, fol. 77v contains a note describing the remaining items contained in the volume: *Incipiunt questiones disputate a magistro R. Rigaldi cum quibusdam questionibus disputatis a fratre Vitali de furno*. This note was written before Vital was made a master, and probably in Toulouse where Raymond had long taught. Its weight reinforces the ascription of the nine *quodlibeta* to Raymond.

<sup>74</sup> On top of the previous questions, see *Quodl.* VIII, q. 31, *Utrum magistri pro scholaribus suis possint facere collectam*, and q. 32, *Utrum aliquis magister ut cedat lectionibus possit ab aliis pecuniam accipere, vel alii possint dare sine peccato*, Padova 426, f. 30ra. *Quodl.* I, q. 19, *Utrum lector vel simplex frater transgrediendo, ceteris paribus, magis peccet*, Padova 426, f. 2vb, does not provide any clue as to the setting of the question.

<sup>75</sup> Jacques du Quesnoy’s place of origin is a village in Vermandois, today Parvillers-Le Quesnoy, département Somme. Although a subject of Philip the Fair, he refused to sign the appeal against Boniface VIII in 1303. His teaching is only known indirectly, through critiques by Godfrey of Fontaines (*Quodl.* X, q. 13) and others, and the *Sentences* commentary reported by Vital du Four; cf. Doucet, “Les neuf Quodlibets de Raymond Rigauld.”

<sup>76</sup> Raymond was provincial minister of Aquitaine a first time in 1279 and again in 1295, but died soon after this second election; cf. Dedieu, “Les ministres,” pp. 164-6. The fact that *Quodl.* VI, q. 34, deals with a similar case as does Olivi in Montpellier in 1290 could provide a further indication: a date around 1290 in Toulouse would fit in well with the chronological indications we have so far.

Whoever the author is, this neglected document sheds some interesting light on Franciscan education in the late thirteenth century. The numerous questions contained in these nine long series are all quite unsophisticated and briefly dealt with. In a negative way, they testify to a lack of first-rank thinkers occupying the Franciscan chair in Paris between Richard of Menneville and William of Ware.<sup>77</sup> But in another sense, they offer positive evidence for an important development. The most interesting aspect of these texts is that they display the first pervasive acculturation of a French Franciscan to the Aristotelian corpus and its commentaries. One of the most telling examples is provided by *Quodlibet* VI, q. 14: “Whether our intellect is active or passive?” Hardly a decade earlier, this question could have fueled explosive polemics. Here, the problem is quietly solved by explaining Averroes’ commentary on the *De anima*.<sup>78</sup> In the same way, some moral questions directly touch upon minute details of Aristotle’s *Ethics*.<sup>79</sup> The number of questions dealing with natural philosophy, which could as well have been discussed within the arts faculty, is also unusually striking,<sup>80</sup> as well as the problems linked to the practice of magic.<sup>81</sup> They probably reveal less the master’s tastes for such topics than the interest of his students.

Therefore, despite their limited doctrinal interest, these series have an important historical value. They provide an answer to a discontinuity unexplained so far. What happened to the mainstream of Franciscan theology between the “Aquinas moment” in the 1270s (grouping under this heading a wide range of reactions to Thomas Aquinas, from total rejection to partial acceptance) and John Duns Scotus? The answer can be stated in a very straightforward manner. Long after everyone else, the Friars Minor finally went through a first-hand assimilation of Aristotle’s natural and moral philosophy. While they may have already existed in Paris and Oxford since the late 1260s, Franciscan *philosophica studia* are referred to for the first time in

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<sup>77</sup> Wadding ascribes some *Quodlibeta* to him, but only his *Sentences* commentary has survived; cf. R.L. Friedman, “The *Sentences* Commentary, 1250-1320. General Trends, the Impact of the Religious Orders, and the Test Case of Predestination,” in *Mediaeval Commentaries on the Sentences of Peter Lombard*, G.R. Evans, ed. (Leiden 2002), vol. 1, pp. 63-5.

<sup>78</sup> *Quodl.* VI, q. 14: *Utrum intellectus noster sit passivus vel activus*: “... Respondeo dicendum quod licet prima divisio potentiarum sit per activam et passivam, tamen sicut insinuat Commentator in principio tertii *de anima*, potentie aliquae sunt active, aliquae passive, aliquae utraque, et talem credo intellectum...”; Padova 426, f. 20ra-b.

<sup>79</sup> *Quodl.* IV, q. 8: *Utrum incontinens et intemperatus agat per electionem*, Padova 426, f. 12vb, explains the difference between incontinence and intemperance in Aristotle; *Quodl.* V, q. 15: *Utrum vir debeat regere uxorem principatu politico vel despotico*, Padova 426, f. 16va; *Quodl.* VI, qq. 17-19: *Utrum complacentia visus sit causa amoris, Utrum perfecta amicitia possit esse ad plures*, and *Utrum senectus impediatur amicitiam*, Padova 426, f.20va-b, are mere discussions on the eighth book of the *Ethics*.

<sup>80</sup> *Quodl.* VI, qq. 15-16: *Utrum nobilis generet nobilem* and *Utrum nobilitas intendatur ex successione*, Padova 426, f. 20rb-va.

<sup>81</sup> *Quodl.* IV, q. 14: *Utrum omnis operatio artis magice prohibeatur primo precepto prime tabule*, Padova 426, f. 13rb-va; *Quodl.* V, q. 7: *Utrum demones virtute verborum, lapidum vel herbarum possint fugari vel ad aliquid agendum compelli*, Padova 426, f. 15vb, repeated almost literally in *Quodl.* VIII, q. 11: *Utrum intelligentia flecti vel cogi possit per aliquid vel ab agente corporali, puta verbis, lapidibus vel herbis*. Few quodlibetal questions deal directly with such practices, like Henry of Ghent, *Quodl.* VIII, q. 35, *Utrum aliquis lapis posset sua virtute fugare demones*, or Robert Walsingham, *Quodl.* I, q. 22: *Utrum aliquis possit sine peccato appetere scire artes magicas*.

the 1279 general statutes.<sup>82</sup> By 1292, the General Chapter would insist that all provinces should organize such classes for their youth.<sup>83</sup> Various testimonies in provincial chapters tend to show that, during the last two decades of the thirteenth century, such philosophy courses were indeed organized at the custodial level.<sup>84</sup> Scotus' immediate success can best be understood in such a perspective. He offered his brethren the first comprehensive set of tools to master this conceptual framework and to integrate it into an up-to-date theological construction.

### *Debates on the Olivi Case*

In the meantime, Peter John Olivi was certainly considered the most innovative and provocative Franciscan thinker, as the continuous critical interest in his works throughout the period demonstrates. A common feature of quodlibetal disputes is their polemical orientation. This element is also present in the collections under discussion, where it often takes the particular form of internal Franciscan polemics. Richard of Menneville was a member of the commission that censured Olivi in 1283. Taking over the Franciscan chair at Paris within a year, Richard might have expected that some students would take the opportunity of a public disputation to interrogate him on that issue. Richard's first *Quodlibet* indeed contains a question that has a very distinctive Olivian tone. Despite the clumsiness of its formulation, it clearly relates to an article of the *Littera septem sigillorum* drawn up against Olivi the previous year. The question asks "whether a relation is really identical to the term in which it is founded."<sup>85</sup> Richard has an easy job explaining that a relation by definition depends on both of its terms, and thus cannot be identical to only one of them. The exact phrase that often appears in Olivi is rather that "a relation *does not add* anything different in reality to the term in which it is immediately founded."<sup>86</sup> It does require the existence of both of its terms, but it is ontologically neutral for

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<sup>82</sup> M. Bihl, "Statuta generalia ordinis edita in capitulis generalibus celebratis Narbonae an. 1260, Assisii an. 1279 atque Parisiis an. 1292," *AFH* 34 (1941), p. 76.

<sup>83</sup> F. Ehrle, "Die ältesten Redactionen der Generalconstitutionen des Franziskanerordens," *Archivum für Literatur und Kirchengeschichte des Mittelalters* 6 (1892), p. 64: "Item vult generale capitulum quod ministri in suis provinciis ordinent studia in artibus pro iuvenibus provincie instruendi." B. Roest, *A History of Franciscan Education (c. 1210-1517)* (Leiden 2000), pp. 137-46, deals more generally with the friars' philosophical culture but does not provide a clear picture of the emergence of these *studia philosophica*.

<sup>84</sup> F. Delorme, "Constitutiones provinciae Provincia (saec. XIII-XIV)," *AFH* 14 (1921), pp. 423-4; Michael Bihl, "Statuta provincialia provinciarum Aquitaniae et Franciae (saec. XIII-XIV)," *AFH* 7 (1914), p. 481. The composition of the famous Aristotelian florilegium *Parvi Flores*, by *Johannes de Fonte* (Jean de la Fontaine in French), Franciscan lector in Montpellier in the first decade of the fourteenth century, is another good sign of the generalization of these new philosophical studies.

<sup>85</sup> Richard of Menneville, *Quodl.* I, q. 9: *Utrum relatio realiter idem sit cum suo fundamento* (ed. Brescia 1591), pp. 14-15. Compare with G. Fussenegger, "Littera septem sigillorum contra doctrinam Petri Ioannis Olivi edita," *AFH* 47 (1954), p. 52, art. 16: "Item, dicere quod predicamenta non distinguuntur realiter est contra Philosophum, et maxime de relatione et quantitate est periculosum."

<sup>86</sup> Peter John Olivi, *Quaestiones*, ed. Jansen cit., vol. II, q. 57, p. 346: "Quidam autem nihilominus respondent

both of them. Anyhow, Richard was soon to face more directly the radical destruction of superfluous entities which is at the heart of Olivi's philosophical project. In his second *Quodlibet* a parallel question was asked in a more precise manner, this time concerning the category of quantity.<sup>87</sup> The opinion recited by Olivi, and considered by his censors as being "against the Philosopher and dangerous," was that the quantity of an extended substance merely signifies the position of its extended parts, but does not relate to something different in reality from the substance itself. The answer that Richard provided was of great importance in the history of philosophy. His attempt to demonstrate that the quantity is *realiter differens* from the substance, mostly on theological grounds, is probably the main source through which William of Ockham became aware of the Olivian position, which he made his own in his own peculiar argumentation.<sup>88</sup>

During his third and final *Quodlibet*, Richard had to answer two more questions connected with Olivi's censure. One can be seen as a theological consequence of the previous position. The 1283 commission had considered it false to say that "character does not posit more in the soul than the dedication does in a church." Now, someone was asking Richard whether he thought that character posited something *absolute* in the soul, or that it was no more than a relation.<sup>89</sup> His justification of the censure was here firmer than the position he took on another contested issue. In a question on divine knowledge, Olivi had used some strong words against William de la Mare's corrections of Thomas Aquinas on how the divine eternity is present to contingent futures. Siding for once with the Dominican master, Olivi considered William's notion that contingent futures could only be present to God in a causal way as "heretical." His Franciscan examiners did not approve; in the margin of a manuscript copied for the use of the commission, one of them remarked that the attack against William was "stupid." The fifth article of the *Littera* pointed to this irreverent development, stating that "it is false to say that non-beings are present to God in His proper nature and essence, otherwise than through their

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obiectioni huic dicendo quod relatio nihil realiter differens addit ad id in quo immediate fundatur"; q. 54, p. 260: "non videtur quod relatio aliquid reale addat ad illud super quod immediate fundatur." On this issue, see A. Boureau, "Le concept de relation chez Pierre de Jean Olivi," in *Pierre de Jean Olivi*, Boureau and Piron, eds., pp. 41-55.

<sup>87</sup> Richard of Menneville, *Quodl.* II, q. 14 (ed. Brescia 1591), pp. 50-3: *Utrum quantitas dicat rem aliquam ultra substantiam, cuius est quantitas, loquendo de re absoluta*. The main expression of Olivi's view of this issue is to be found within the *Impugnatio XXXVII articulorum*, art. 32, in *Quodlibeta*, ed. Soardi, ff. 49vb-53ra.

<sup>88</sup> See William of Ockham, *Quodlibeta septem*, ed. J.C. Wey, (St. Bonaventure, NY, 1980), *Quodl.* IV, qq. 19-28, pp. 395-445; idem, *Summa logice*, eds. P. Boehner and Gedeon Gal (St. Bonaventure, NY, 1974), cap. 44-8. Cf. D. Burr, "Quantity and Eucharistic Presence: The Debate from Olivi through to Ockham," *Collectanea Franciscana* 44 (1974), pp. 5-44, and idem, *Eucharistic Presence and Conversion in Late Thirteenth Century Franciscan Thought* (Transactions of the American Philosophical Society, 74) (Philadelphia 1984).

<sup>89</sup> Fussenegger, "Littera," art. 21: "Item, dicere quod character nihil plus ponit in anima quam dedicatio in ecclesia, falsum est." Richard of Menneville, *Quodl.* III, q. 15 (ed. Brescia 1591), pp. 108-9: *Utrum character dicat aliquid absolutum in anima*. His answer begins with a presentation of Olivi's position: "Ad istam questionem dicunt <quidam> quod character est relatio tantum qua ordinatur anima ad hoc ut sit Dei templum, sicut consecratio ecclesiae non est aliud quam quedam ordinatio, ad hoc, ut sit templum."

cause, and that calling this position heretical is erroneous.”<sup>90</sup> When asked whether futures are really present to eternity, Richard had to undertake a sort of mine-clearance exercise. Inasmuch as eternity coexists with our present, he explained, future beings cannot be really present to eternity for this would imply that they are also present to our present; this is the way in which one should understand the words of some great masters who deny such a co-presence. Once the authority of William has been safeguarded, the rest of the question goes on to offer a view that is much closer to Aquinas and Olivi.<sup>91</sup>

These four questions show that there were in Paris, if not sympathizers, at least persons interested in understanding the reasons for this censure, at a time (Spring 1285) when Olivi was himself writing a long apology, justifying his views and humbly begging the seven-man commission for an explanation of his errors,<sup>92</sup> or during the following years, when he was waiting in vain for an answer. The same types of interrogation recur in the earlier series of the Todi-Padua collection, which were either produced during the same interval or immediately afterwards, when Olivi had been reinstated in a teaching position by Matthew of Aquasparta. The second *Quodlibet* has a question on quantity. The answer is clearly dependent on Richard’s exposition of the debate.<sup>93</sup> The author first presents an *opinio inopinabilis*, according to which the quantity would not add anything to the substance, and contrasts it with the *positio vera probata ab antiquo*. The same dependance is even more obvious in the tenth question of the same series, asking “if the relation is really identical to the term in which it is founded.”<sup>94</sup> The answer is, again, an easy rejection of such a proposition. These two questions strongly suggest that this *Quodlibet* must be later than Richard’s second *Quodlibet*, which would allow Advent 1286 or Lent 1287 as the earliest possibilities.

More interestingly, on the occasion of his first *Quodlibet*, the same master was also questioned about Olivi’s view on Franciscan poverty. It is quite unfortunate that we will never know precisely what he taught. As a later question on poverty shows, he felt bound on that issue

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<sup>90</sup> William de la Mare, *Correctorium fratris Thomae*, ed. in P. Glorieux, *Les premières polémiques thomistes. Le Correctorium Corruptorii ‘Quare’* (Kain 1927), art. 3, pp. 18-20. BAV, Borgh. 322, f. 159rb in marg.: “hic loquitur stulte contra fratrum Guillelmum de Mara.” G. Fussenegger, “Littera,” p. 51: “Item dicere quod res que non sunt, sint presentes Deo in sui propria natura et essentia, et aliter quam per ydeam vel per suam causam, est falsum; et dicere quod sit hereticum, est erroneum.” On this issue, see S. Piron, “La liberté divine et la destruction des idées chez Olivi,” in *Pierre de Jean Olivi*, pp. 71-89.

<sup>91</sup> Richard of Menneville, *Quodl.* III, q. 1 (ed. Brescia 1591), pp. 84-6: *Utrum futura sint realiter presentia eternitati*. Cf. “si consideremus <sc. eternitatem> in quantum totum coexistit nostro presenti vel in quantum nostrum presens coexistit ei; sic dico quod futura non sunt realiter presentia eternitati quia ex hoc sequeretur quod futura essent realiter presentia in nostro presenti. Et sic debet intelligi verba quorundam magnorum qui negant futura esse realiter praesentia aeternitati.”

<sup>92</sup> “Responsio fratris Petri Ioannis ad aliqua dicta per quosdam magistros parisienses de suis quaestionibus excerpta,” ed. D. Laberge in “Fr. Petri Iohannis Olivi, O.F.M., tria scripta sui ipsius apologetica annorum 1283 et 1285,” *AFH* 28 (1935), pp. 130-55, 374-407.

<sup>93</sup> *Quodl.* II, q. 5: “Utrum substantia sit id ipsum re quod quantitas,” Padova 426, f. 4ra-b

<sup>94</sup> *Quodl.* II, q. 7: “Utrum relatio sit suum fundamentum realiter,” Padova 426, f. 4rb. The answer is parallel to, but not identical with, that of Richard.

by the bull *Exiit qui seminat* to the point of refusing to say anything on the matter except literally quoting the papal constitution.<sup>95</sup> This prudent attitude stems, in the first place, from deference toward a document which had prohibited, on pain of excommunication, any further debate on the issues it was defining. But the question of *usus pauper*, precisely, was not defined by the bull. The bone of contention between the groups that had already crystallized in Languedoc ca. 1281-82, around Olivi on the one side and Arnaud Gaillard on the other, was to decide whether the notion was implied or denied by *Exiit qui seminat*. The answer the first *Quodlibet* provides does not engage in the discussion for yet another reason: it displays a total misunderstanding of the question that the audience submitted. Both manuscripts agree on the phrasing of the question, which reproduces almost literally the title of Olivi's ninth question *De perfectione evangelica* and corresponds to the heart of the debate: "Is the poor use included in the vow of poverty?"<sup>96</sup> Instead, the answer is given to an almost absurd question, which would have been "whether poor use is *excluded* by the vow." It would have been a higher and more difficult problem, writes the unidentified master, to decide whether someone, by his vow of poverty, is obliged to poor use; instead, one can easily show that, according to *Exiit qui seminat*, the vow of poverty excludes every type of possession, except the simple fact of use that is indispensable to human life.<sup>97</sup> The misunderstanding is so gross that one may wonder whether it was not a tactical move, to avoid engaging in a thorny discussion.

The polemics of Vital du Four are of a different type. They also happened at a time when Olivi's censure had been temporarily lifted (from 1287 to 1299, no charge was retained against him). Following Arnaud Gaillard's footsteps a decade later, Vital's attacks on many different issues were not grounded in a list of condemned propositions, but on an actual and detailed reading of the controversial texts. Both of his Toulouse *Quodlibeta*, which are preserved in a more elaborate fashion than the earlier Montpellier one, contain such discussions. In *Quodlibet* II, Vital opposes two important and connected theological topics, on the mediating role of superior angels in the transmission of substantial glory, and on the natural superiority of Christ's human soul over the angels.<sup>98</sup> Olivi treated the first theme in a long disputed question that

<sup>95</sup> *Quodl.* IV, q. 20: "Utrum habere in communi diminuat de perfectione religionis," Padova 426, f. 14ra: "Nichil ergo circa hoc dico, sentio, determino nisi quod ad literam dicit dicta constitutio."

<sup>96</sup> Petrus Ioannis Olivi, *De usu paupere. The Quaestio and the Tractatus*, ed. D. Burr (Florence-Perth 1992).

<sup>97</sup> *Quodl.* I, q. 24: "Utrum paupertatis votum includat pauperem usum," f. 3ra-b: "<questio> non querit utrum aliquis ex voto paupertatis teneatur ad usum pauperem, que esset questio altior et difficilior, sed querit utrum votum paupertatis per quod excluditur omnis modus proprietatis excludat etiam usum quemcumque pauperem. Ad hoc autem intendit Summus pontifex in declaratione regule beati francisci per hec verba: 'nam cum in rebus temporalibus sit considerare precipuum proprietatem, possessionem, usufructum, ius utendi et simplicem facti usum, ultimo tamquam necessario egeat, licet primi carere possit vita mortalium, nullam prorsus potest esse professio que a se usum necessarie sustentacionis excludat.' Contrarium autem huius ex certa scientia determinantes in scolis seu predicantis sunt excommunicati, nec per aliquem nisi per romanum pontificem possunt absolvi."

<sup>98</sup> Vital du Four, *Quodl.* II, q. 2, ed. Delorme cit., pp. 45-62, and q. 12, p. 84. The latter question, "Utrum anima Christi et Virginis gloriosae praevalent et magis sint Deo acceptae quam tota alia curia coelestis simul," may also

served as a prologue to his commentary on the Celestial Hierarchy, where he openly took a position contrary to “all modern doctors.”<sup>99</sup> Vital presents this view with a tone of respect, as being “fortified by many reasons and similitudes,” and promises to return to the issue (which he never did) to offer a fuller discussion. His third *Quodlibet* contains two more attacks that coincide this time with the censure, objecting to Olivi’s attempt to deny the famous Augustinian *rationes seminales* any real productive function in the generation of forms.<sup>100</sup>

During this final decade of the thirteenth century, Olivi was not only the subject of attacks. Although the evidence is scarce, he was on his way to becoming an original but also authorized voice in the spectrum of Franciscan theology. This is for instance the way in which the anonymous author of some preparatory notes to a commentary on the first book of the *Sentences* used him, along with Aquinas, Bonaventure, Giles of Rome and some others.<sup>101</sup> It is not necessary to restate here how much Peter of Trabibus was indebted to Olivi. This is due in large part to the fact that he attended Olivi’s lectures on the *Sentences* in Florence in 1287-89 and made an abundant use of it in his own commentary. The *Quodlibeta* testify that Trabibus also paid attention to Olivi’s later output. In a question on the profit of merchants, in his second *Quodlibet*, he employed both Henry of Ghent’s notion that merchants deserve a salary for the utility of their contribution to the common good, and an argument of Olivi’s *De contractibus*, written two or three years earlier, on the variety of human opinions on the just price of goods, which requires that it fluctuate within an appropriate range.<sup>102</sup>

### *The Interest of Being away from Paris*

To conclude this survey, the main question raised by the material presented so far should finally be addressed: was there anything specific to these quodlibetal disputes held by Franciscan teachers in provincial *studia*? The answer has to be modest for, as we have seen in the case of the Rigaud-Le Quesnoy series, it is impossible to distinguish at first glance whether a *quodlibet* was disputed in a university setting or elsewhere. Furthermore, these disputes were obviously modelled on the Parisian practice and display many similarities. The main lesson that we can

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contain a discussion of a lost work by Olivi on the same issue; cf. “Les oeuvres perdues,” pp. 370-1.

<sup>99</sup> Petrus Johannis Olivi, *Quaestio de angelicis influentiis*, ed. F. Delorme, in Bonaventura, *Collationes in Hexaemeron et Bonaventuriana quaedam selecta* (Quaracchi 1934), pp. 363-412.

<sup>100</sup> Vital du Four, *Quodl.* III, qq. 5-6, ed. Delorme cit., pp. 135-62.

<sup>101</sup> Firenze, Biblioteca Medicea Laurenziana, Conv. Sopp. 123, ff. 71vb-81vb, described in Del Punta and Luna, *Aegidii Romani Opera Omnia, I. Catalogo dei manoscritti (96-151), 1/2\* Italia*, pp. 50-69. This manuscript was in the possession of the Florentine Carmelites in the early fifteenth century, but there is no evidence about the origin and religious order of its author.

<sup>102</sup> Peter of Trabibus, *Quodl.*, II, q. 20, Firenze, BN Centrale, Conv. Sopp. D. 6. 359, f. 117va: “Utrum licitum sit rem vendere carius quam sit empti.”

draw from these documents has an historical character: from 1280 to 1300 and beyond, Montpellier, Toulouse and (to a lesser extent) Florence have to be considered important centers on the intellectual map of Europe. The practice of *quodlibeta* and the preservation of these types of disputations in the first place reflect the vitality of the intellectual life in those Franciscan *studia*. Leaving aside the idiosyncratic peculiarities of each author, two structural differences can be identified. In contrast with the situation implied by the Parisian *quodlibeta*, a Franciscan lector did not face university colleagues and their students. The small group of pupils (not more than a dozen) following his classes in the *studium generale* made up the main part of the learned audience that was most likely to raise questions during a *quodlibet*. This is why some of these disputations show strong signs of connection with the teaching delivered throughout the year. In the case of Peter of Trabibus, we are fortunate to possess both the daily lectures on the *Sentences* and the *Quodlibet* disputed probably near the end of the academic year. On two occasions, Trabibus refers to what he had said during the year.<sup>103</sup> This was not a way to escape a difficulty, but rather the sign that those questions were seeking further explanation on issues already touched upon by the teacher.

The other distinctive element of these disputes derives from the fact that they attracted persons exterior to the convent. Though a university *quodlibet* may have been open to outsiders, it would still retain mainly an academic character. In some cases at least, the types of sessions examined here appear to have been important local events. The reprobation of Umberto Guidi in 1315 offers the most telling expression of this fact. The young bachelor had created a scandal made even more serious since it was public and happened “in front of a multitude of friars and other literate men, seculars, clerics and members of other religious orders” – this circumstance being emphasised twice by the provincial chapter.<sup>104</sup> In other words, his extravagant attitude was perceived as damaging to the public image of the convent. The audience is interestingly described as belonging to three categories. In the place of the fellow university masters, a public *quodlibet* would draw lecturers from the other religious houses present in the city. Thus, the competitive aspect of the quodlibetal disputation was not totally lost, although it was reduced to a smaller scale. Members of the secular clergy, whatever their level of education was, would have been attracted by a rare occasion of public debate on theological issues.<sup>105</sup> But the first

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<sup>103</sup> Peter of Trabibus, *Quodl.* I, q. 8, Firenze D. 6. 359, f. 108ra: “respondeo dicendum quod sicut fuit dictum hoc anno super secundum Sententiarum, magna est silva opinionum de istis speciebus...”; *Quodl.* I, q. 30, f. 111rb: “sicut dixi hoc anno de donis et virtutibus...”

<sup>104</sup> Kaeppli and Dondaine, *Acta capitulorum*, p. 197: “dum disputaretur de Quolibet in conspectu multitudinis fratrum, secularium, clericorum et aliorum religiosorum... coram multis sic congregata multitudine fratrum et aliorum litteratorum virorum secularium, clericorum et aliorum religiosorum.”

<sup>105</sup> The attendance of large crowds on such occasions, with both mendicant and secular teachers of theology, is amply attested in the ‘Quodlibetal revival’ of the mid-15th century in Germany and the Low Countries. See Meier, “Les disputes quodlibétiques en dehors des universités,” and texts in L. Baudry, ed., *La querelle des futurs contingents (Louvain 1465-1475)* (Paris 1950), e.g. pp. 76, 293-4, 388.

category mentioned by the chapter is educated lay people.<sup>106</sup> Their attendance would make these public disputations important events of civic life. As Ruedi Imbach has rightly reminded us, the historiography of medieval thought has too easily forgotten its exclusive focus on clerical culture, leaving out of the picture the presence of lay people whose contribution was far from insignificant.<sup>107</sup> These local quodlibetal disputes were some of the few moments in which a lay audience could be directly confronted with scholasticism. Such occasions are probably among those Dante referred to when he recalled his presence *ne le scuole de li religiosi e a le disputationi de li filosofanti*.<sup>108</sup> The time of his first theological and philosophical education (1294-95) coincides with the activity of Peter of Trabibus in Santa Croce. It is quite likely that the young poet attended Trabibus' first *Quodlibet* in the spring of 1295. More adventurously, I have suggested that he may even have raised a question in which he would have expressed the dilemma he was facing because of the dual orientation of his learned endeavours.<sup>109</sup> In the same fashion, a *quodlibet* in Montpellier during the 1290s might have attracted students and masters from the Faculty of Medicine, at a time when Arnau de Vilanova was teaching there.<sup>110</sup> In order to recall the amazing density of lay intellectuals active in this area who had a strong interest in theological debate, we should remember that Ramon Lull was also about. More than the University of Paris, which proved quite hostile to them, the mendicant *studia* would have been a friendlier setting for an encounter between people of different cultural backgrounds.

Both of these general characteristics are reflected in Olivi's *Quodlibeta*. The first three, disputed in Montpellier, contain a number of philosophical and theological questions addressing problems that he had dealt with years before. It seems as though he was asked by his students to provide a synthesis or to complement these earlier writings.<sup>111</sup> The most original developments are some sets of questions, described as *quaestiones textuales*, that address exegetical problems from the Old Testament. This type of question, especially when dealing with the ambiguous moral attitudes of biblical characters, sometimes appears in quodlibetal disputations,<sup>112</sup> but never as insistently as in Olivi. This reflects the fact that his teaching activities, at the time, focused mostly on biblical commentaries. Three of these questions appear in the first *Quodlibet*, and eight of them make up half of the second *Quodlibet*. A further collection of eleven such questions had a separate circulation. Francesc Eiximenis had a copy in his personal library, and

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<sup>106</sup> I understand "secularis" in contrast to both "clericus" and "religiosus."

<sup>107</sup> R. Imbach, *Dante, la philosophie et les laïcs* (Fribourg-Paris 1996).

<sup>108</sup> *Convivio* II, XII, 7.

<sup>109</sup> Piron, "Le poète et le théologien." The question asks "utrum scientia litterarum humanarum vel bonitas intellectus conferat ad sanctitatem anime" (edited at the end of the paper).

<sup>110</sup> A full study of Arnau's relation to Olivi is still lacking, but it is beyond doubt that they came in contact during this period.

<sup>111</sup> For instance, Olivi's *Quodl.* I, qq. 6-7, return to the privation of free will dealt with in *Summa* II, q. 59. *Quodl.* III, q. 2, again asks if the relation adds anything *realiter differens* to its terms.

<sup>112</sup> For instance, in Gerard of Abbeville, *Quodl.* XVII, qq. 3-5.

another one was present in Candia.<sup>113</sup> Only one of these questions is preserved in manuscript, in a codex copied for Bernardino of Siena.<sup>114</sup> Fortunately, Lazaro Soardi chose to publish the whole lot immediately after the five *Quodlibeta*. The probability is fairly high that this series was conceived as another quodlibetal session, entirely devoted to such problems. This happened, in all likelihood, during the same academic year (1291-92) as the third *Quodlibet*, which is, in turn, totally devoid of such topics. In a negative way, the Narbonne collections confirm this correlation between the students' interests or the teacher's agenda and the themes touched on during the *Quodlibeta*. Not only do the biblical problems disappear, but metaphysical questioning is forgotten as well. In this "custodial school," providing a lower level of education, the focus is exclusively on practical issues.

Therefore, their main interest lies more in the social context that we can perceive through the themes proposed to the lector. Questions connected with trade and finance play an important part. Some were already raised in Montpellier. The recurrence of such questions must have been the initial stimulation that led Olivi to compose, in 1293, a more systematic treatise on these matters, where his previous quodlibetal questions are put to use and are quoted explicitly twice; in turn, a later *Quodlibet* refers to the treatise *De contractibus*. Despite the difference in literary genre, the Franciscan teacher was in both cases answering a social demand to provide guidance for consciences in cases related to commercial and financial activities. This field, in which Olivi's answers were especially successful, did not exhaust the curiosity, or sometimes the anxiety, of his audience. The questions submitted also frequently dealt with themes related to warfare, oaths, secrets and lies, sexuality or observing the Sunday rest. On three occasions, the case of entering religious life despite a promise to marry was placed under discussion. The number of problems foreign to Franciscan life indicates that the audience included people from outside the convent. Most of them were probably clergymen, as one can see via the frequency of themes concerning the practice of priestly functions, such as the holding of prebends and the possession of ecclesiastical goods, confession, baptism, the celebration of Mass, or administering the Eucharist.<sup>115</sup>

Nevertheless, some questions suggest the attendance of lay people who may even have taken the opportunity to ask the theologian publicly for advice. On at least in one occasion, it can be shown that a question was directly connected to a local political issue. In July 1294, the

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<sup>113</sup> D. Williman, *Bibliothèques ecclésiastiques au temps de la papauté d'Avignon*, vol. I. 2. *Inventaires de prélats et de clercs non français* (Paris 1980) p. 297, who does not identify the item described as "De textualibus disputationibus." Hofmann, "La biblioteca," p. 348, no 197: "Item liber de textualibus questionibus sacre scripture sine tabulis. Incipit: De textualibus."

<sup>114</sup> Defraia, in Olivi, *Quodlibeta*, p. 16\*.

<sup>115</sup> A confirmation of this is provided by the fact that Olivi wrote, probably in those years, a treatise *De missa*, especially intended for "the instruction of the simple priests." See S. Recchia, "Opera 'sancti' Petri Joannis Olivi ab admiratore transcripta. Il codice 1444 della Biblioteca Oliveriana di Pesaro," *AFH* 91 (1998), p. 476, and Piron, "Les œuvres perdues," p. 394.

Consuls of Narbonne decided that the weights and measures used within the city should henceforth be controlled against their own standard. Then, at Olivi's fifth *Quodlibet*, which may have taken place within months after this decision, someone asked "whether one sins mortally if he uses weights and measures introduced in the whole city, not by the superior but by the plebeians."<sup>116</sup> Olivi's brief answer may seem disappointing at first sight, since he does not engage directly in the political discussion. But the principle he states – there can be no fraud if the change of measures is made public and if everyone uses them honestly – entails an approbation of the consular policies. No matter which authority enforces it, civil justice requires the use of common standards. More generally, in those years, the consuls actively intervened in different fields of civil management, which both the archbishop and the viscount had deserted. The basic presuppositions of Olivi's economic writings followed the same trend, assuming that civil communities have the power and duty to set their own rules of civil justice.<sup>117</sup> This short quodlibetal question, with its very limited doctrinal importance, epitomizes more clearly than any other document the significance of such *quodlibeta*. In a mid-sized town where the mendicant convents were the main sources of intellectual discussion, the lecturers were invested with some sort of moral responsibility towards the urban community in which they lived. When, by chance, this duty fell upon one of the most acute minds of his time, the situation could result in an unusually rich social reflection.

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<sup>116</sup> Peter John Olivi, *Quodl.* V, q. 12, ed. Defraia cit., p. 326: "An scienter utens corruptis ponderibus vel mensuris, non per superiorem, sed per plebeios in tota urbe communiter introductis, peccet mortaliter."

<sup>117</sup> For a more detailed discussion of this, see my paper, "Perfection évangélique et moralité civile. Pierre de Jean Olivi et l'éthique économique franciscaine," in *Ideologia del credito fra Tre e Quattrocento: dall'Astesano ad Angelo da Chivasso*, B. Molina and G. Scarcia, eds. (Asti 2001), pp. 103-43.