

Bonagratia of Bergamo A Tract on the Poverty of Christ and the Apostles

Translated from:

Livarius Oliger (1929). 'Fr. Bonagratia de Bergamo et eius Tractatus de Christi et apostolorum paupertate'. *Archivum franciscanum historicum* 22, 292–335, 487–511.
Note: All references to other medieval texts come from Oliger, but I have generally double-checked the legal citations (departures and corrections are marked by a '(!)'). I have make explicit the divisions Bonagratia announces (not always clearly) in the course of his text; in this task, I found Oliger's *schema argumentationis* (pp. 321–22) helpful. Finally, Oliger's additions are marked by '[square brackets]' while my own are indicated by '[double brackets]'.¹

⟨EXPLANATION OF THE MEANING OF THE QUESTION⟩

In the question where it is asked whether it is heretical to assert that Christ and the apostles did not have anything in common, the title and meaning of the question must first be explained.

⟨*It is not asked about Christ as God, but as a Man*⟩

For it is not asked about Christ in so far as he is God—for, *the earth and its fullness is the Lord's*, as in *Extra, de decimis, c. tua nobis*,² § *verum*, and 8 di., *quo iure*.³ And John the Evangelist said it, as pope Leo explains in a sermon on the circumcision of the Lord: [*He came*] *among his own*, he said, *and they did not receive him*; and he says again through the prophet: *If I am hungry*,⁴ *I shall not tell you, for the world and its fulness are mine*. Nor is this question to be understood about Christ as he was a child or young man.

⟨*Nor about the apostles before they were called by Christ*⟩

Nor [is to be understood] about the apostles before they were called by Christ and sent to preach: for before [that time] they were not yet apostles. In fact,

1. Thanks to Brian Hamilton-Vise for catching several typos in the text. 2. X 3.30.24 3. D. 8 c. 1. 4. Reading 'esuriero' for exuriero.

an apostle is understood to have been sent. But [the question] is understood about Christ for that time and from that time when he began to preach publicly, and to invite men to despise the world and to penitence, and to call the apostles, who were the first and principal members of the mystical body of the catholic Church, to the state of perfection—as it is maintained in Mt. 4 that he called *Peter and his brother Andrew and James and his brother John*. To whom he also said *Come after me* etc. And [the question is understood] about the apostles for and from that time when Christ made them apostles and sent them to preach, and gave them the form of perfection, saying in Mt. 10, *Do not possess gold or silver*; Lk. 10, *Do not carry a sack or a bag*; and Lk. 9, *Take nothing on the road*; and Mk. 6, *He commanded them to take nothing on the road*

And the said question cannot be understood about the apostles in so far as they were established as prelates of the Church Militant and had the care of souls entrusted to them; for a prelacy and care of this sort was not given or entrusted to them before the death of Christ, but after his death and resurrection, as it is expressly held in 50 dist., c. *considerandum*⁵ in the text and the gloss to the word *proposuit*, and *Extra, de electione, c. significasti*,⁶ and noted in distinction 21, /324/ c. *in novo*⁷ in the ordinary gloss. But it is understood about the apostles for the time when they were with Christ and sent by him to be preachers, and the form of preaching was—as it has been said—imposed upon them in order to root out the cupidity and avarice of the age. And therefore, significantly, it is said copulatively and conjunctively in the title, ‘It is asked whether to assert that Christ *and* the apostles’...

⟨‘To have something’ can be understood in three ways⟩

Again, it ought to be noted for the sake of an understanding of the question that, as it pertains to the question, ‘having something’ can be understood in three ways.

⟨1. ‘To have’ by right of lordship or quasi lordship⟩

In the first way, [it means] to get a hold of something by right of lordship, quasi-lordship, or ownership: ff. *de verborum sig.*, l. *habere duobus modis dicitur*;⁸ ff. *de verborum obligatione*, l. *stipulatio ista*, § *habere dupliciter accipitur* etc.⁹ And in this way a thing is properly said to be of the goods of an individual

5. D. 50 c. 53. 6. X 1.6.4 7. D. 21 c. 2. 8. Dig. 50.16.188. 9. Dig. 45.1.38.9.

person or of some college, since an exception is given if one possesses it, or an action is given if he loses it: ff. *de aquirend. re. do.*, l. *rem in bonis*.¹⁰

(2. Taken broadly: 'to have something' *de facto*, or for simple use, without a right of lordship or ownership)

In the second way someone is said 'to have' taking it in a broad sense: When someone holds something *de facto*, or for simple use of fact, claiming for one's self nor having no right of lordship or ownership to the thing. And in this way a slave and a religious are said to have clothes and the other things which they use. And then the fact is first demonstrated through having: ff. *de peculio*, l. *nec servus*;¹¹ as it pertains to civil law, slaves are not considered people: ff. *de regulis iuris*, l. *quod actinet*.¹² And the same is true for religious, who, as it pertains to civil law, are considered dead: *C. de episcopis et clericis*, l. *Deo nobis* § 1 at the end, and in the gloss to the word *legitime*, at the end of the gloss.¹³ And in the Authenticum, *de nuptiis*, § *distrahuntur*,¹⁴ where it is said that 'the slave' or religious 'is not said to possess the clothes which he has' and 'which he always uses': ff. *de peculio*, *id vestimentum*.¹⁵ 'For a monk is called a slave': 54 d., c. *multos*.¹⁶ And similarly, 12 /325/ q. 1 c. *dilectissimis*,¹⁷ in the gloss to the word, *De hiis que possidebant*, he says 'that is, they held (*detinebant*), just as a slave is said to possess: ff. *de aquiren. pos.*, l. *quod si servus*',¹⁸ in the beginning and the end. And that the verb 'they had' is taken for simple use of fact for the religious is proven in the decretal *Exiit qui seminat*, *de verborum significatione*, included in the *Liber sextus*.¹⁹ And it is also in the decretal that begins *Exivi de paradiso*, included in the *Clementines*.²⁰ In these decretals it is said that the Friars Minor can have nothing, neither individually nor in common. And yet it is said in these same decretals that the friars may have one tunic, etc.—through which it is clear that the verb 'they may have' necessarily refers to simple use of fact.

10. Dig. 41.1.52. An *exceptio* in Roman law was a specific type of legal defense that did not deny a plaintiff's suit in principle, but alleged (essentially) extenuating circumstances that gave the defendant an 'exception' to the suit as pressed. 11. Dig. 15.1.41. 12. Dig. 50.17.23. 13. Gl. ad Cod. 1.3(6).54(44).4, s.v. 'legitime'. 14. Nov. 22.4 (= Coll. 4.1.4)(!). 15. Dig. 15.1.25. 16. D. 54 c. 23. 17. C. 12 q. 1 c. 2. 18. Dig. 41.1.63.3. 19. VI 5.12.3. 20. Clem. 5.11.1.

(3. 'To have' management or stewardship, which excludes lordship, ownership, and possession, properly so-called)

In the third way someone is said to have things, when he has management (*administrationem*) of them, just as a prelate has management or stewardship of ecclesiastical things. So sometimes a religious, established as a steward or executor in order to distribute and share (*eroganda*) some goods with the poor, or when someone has for himself things entrusted or deposited through another. And he does not then have lordship or ownership over these things; nor does he properly have possession, although sometimes, since 'to possess' is taken in a broad way for a detention of fact, prelates and trustees are said to possess (as it is said). Hence Augustine, and it is included in 23 q. 7 c. *quod autem*,²¹ speaking about the things of the Church, says 'they are not ours but belong to the poor, whose responsibility we hold; let us not claim ownership by a damnable usurpation'. And the same is said in the final *capitulum* of 12 q. 1;²² and *Extra, de dona.*, second *capitulum*;²³ and 12 q. 2 c. *sine exceptione*,²⁴ with similar [passages]. Just as a manager or an executor and trustee are said to have the things entrusted or deposited with them, so 'to have' is here said in a broad sense for 'detention': ff. *de verborum obligatione*, l. *stipulatio ista*, § *habere dupliciter dicitur*,²⁵ etc.

(The question therefore concerns the first meaning of 'to have something')

It is agreed from the aforesaid, moreover, that the present question cannot be understood about the last two modes of having. [1] First, because even if 'detaining something de facto' or 'using things by a use of simple fact' or 'managing things or exercising stewardship (*dispensare*)', or 'holding them through the mode of guardianship or a trust' can belong to many as individuals, it still cannot belong to a college or a corporation. Indeed, although in the things that are of right, or what /326/ concern the right of inheritance, a college and a corporation obtain the place of a person: ff. *de fideiussoribus*, l. *mortuo*,²⁶ and at the end;²⁷ [ff.] *de stipul. servorum* in the beginning.²⁸ Yet, in the things that are of fact, or in which the action (*factum*) of a person is required, or where, without a certain person, something cannot be done, a college does not obtain the place of a person: ff. *de aquiren. re. do.* l. *hereditas*.²⁹

21. C. 23 q. 7 c. 3. 22. C. 12 q. 1 c. 28. 23. X 3.24.2. 24. C. 12 q. 2 c. 52. 25. Dig. 45.1.38.9. 26. Dig. 46.1.22(!). 27. Dig. 46.1.73. 28. Dig. 45.3.1 pr. 29. Dig. 41.1.34.

[2] Second, because the proposed question does not ask absolutely whether it is heretical to assert that Christ and the apostles did not have anything; but [it asked] with a determination, namely in common. Indeed, to have a right in common is properly understood as it is distinguished from having an individual (*in speciali*) right. However, a use of fact of usable things, even if it be common, as the earlier *capitulum Dilectissimis* alleged, it still cannot be said that it is had by some people in common. It would be fatuous more than heretical to assert that the apostles had not had a use of things necessary for human life because—as the decretal *Exiit*, in § *Porro* often says—‘absolutely no profession that excludes from itself a use of necessary sustenance can exist’.³⁰ And for this reason the words of the aforesaid question, when it is said that Christ and the apostles did not have anything in common, these words ought to be understood according to that sense which is more suitable for the question or the matter about which it is being treated: ff. *de regulis iuris*, l. *quotiens idem sermo*.³¹ And just as ‘to have’ is taken in its proper and full signification, which is to have, in effect (*cum effectu*), something in common with respect to ownership or lordship, or a right of suing or defending, as in the earlier alleged laws₂: ff. *de verborum obligatione*, l. *stipulatio* § *habere*,³² and l. *bonorum*, § *in bonis*.³³ And [ff.] *de aquiren. re. do.* l. *rem in bonis*.³⁴ And thus ‘he who has a [legal] action, is seen to have the thing’: ff. *de regulis iuris*, *qui actionem*.³⁵ Thus, neither an action nor an exception for reclaiming or defending things belongs to him, he is not said to have the thing properly and perfectly according to civil laws₂.

Moreover, since, by the act (*facto*) of the Lord Pope, namely by the suspension of the sentence of excommunication advanced in the decretal *Exiit qui seminat*³⁶ against those speaking and writing against those things (or one of them) which are contained in that same decretal, that from the things said in consistory about the intention of that same Lord Pope, who proposed that /327/ question, it is clear namely that it was his intention to ask: Whether it is heretical to assert that Christ and the apostles do not having anything in common through the mode of lordship and ownership or right. And the intention of the proposer is to be regarded, *Extra, de preben.*, c. *ultim.*,³⁷ and ff. *de verborum significatione*, l. *nepos Proculo*,³⁸ and 22, q. *ultim.*, c. *humane*,³⁹ and the understanding of the words is to be taken from the reasons for speaking: *Extra, de verbo. signi.*, c. *intelligentia*,⁴⁰ it follows that the words of the said question must be received under that understanding.

30. VI 5.12.3, § *Porro*. 31. Dig. 50.17.67. 32. Dig. 50.16.188. 33. Dig. 50.16.49. 34. Dig. 41.1.52. 35. Dig. 50.17.15. 36. VI 5.12.3. 37. X 3.5.38. 38. Dig. 50.16.125. 39. C. 22 q. 5 c. 11. 40. X 5.40.6.

⟨THEREFORE, IT IS NOT HERETICAL TO ASSERT THAT CHRIST AND THE APOSTLES
HAD NOTHING IN COMMON OR INDIVIDUALLY⟩

From these premises, I respond to that same question with respect to the article of that question, [1] that it is not heretical to assert that Christ and the apostles did not have anything in common, but that it is catholic and faithful; [2] that it is to be firmly believed, confessed, held, and asserted with the Holy Roman Catholic Church that Christ and the apostles did not have anything in common or individually; and [3] that it is heretical to assert pertinaciously that Christ and the apostles had anything individually or in common. This is clearly proven by the reasons and laws₂ written below.

⟨An argument in favour of the assertion⟩

The first reason is taken thus: It is certain that to assert, hold, and confess what the Holy Roman Catholic Church asserts, defines, and thinks about the teaching and life of Christ and the apostles is not heretical but catholic; and that to assert the contrary pertinaciously is heretical. The major proposition is proven in 24 q. 1 c. *hec est fides*,⁴¹ and 5 *alienus est*,⁴² and c. *omnis qui recedit*,⁴³ and c. *quoniam vetusto*,⁴⁴ and 20 di., c. *de libellis*, at the end,⁴⁵ and 81 di. c. *si qui sunt prebiteri*, at the end.⁴⁶ And *Extra, de hereticis, c. firmissime*.⁴⁷ And it is noted more fully in [his] *Summa* of the same title.⁴⁸ And *Extra, de summa trin.*, first *capitulum*,⁴⁹ and c. *dampnamus*,⁵⁰ with /328/ similiar [references]. And these are confirmed: For the Roman Church has ‘never strayed’ (*erravit*), nor could it stray, ‘from the path of apostolic tradition’ of truth: 24 q. 1 c. *a recta ergo fide*,⁵¹ c. *pudenda*, at the end,⁵² and in the mentioned c. *hec est fides*, at the end.⁵³ For Christ in Luke 22 said to Peter in the persona of the Church: *I have asked for you, Peter, that your faith not fail*. This prayer is agreed to be heard in Hebrews 5.

Lk. 22:32
cf. Heb. 5:7

And he who understands scripture differently than what the Roman Church teaches, which is guided by the Holy Spirit (and no one receives the Holy Spirit outside of the Church: 24 q. 3 c. *audivimus*), ‘can be called a heretic’⁵⁴—even if he be in the Church physically: 24 q. 3 c. *heresis*.⁵⁵ In fact, in these things the determination and definition of the Roman Church is of greater authority than

41. C. 24 q. 1 c. 14. 42. Rather, C. 24 q. 1 c. 19. 43. C. 24 q. 1 c. 24. 44. C. 24 q. 1 c. 25. 45. D. 20 c. 1. 46. D. 81 c. 15. 47. X 5.7.3. 48. Cf., e.g., Hostiensis, *Summa aurea* ad X 5.7, n. 1 (1963, col. 1529). 49. X 1.1.1. 50. X 1.1.2. 51. C. 24 q. 1 c. 9. The quotation comes from this citation. Bonagratia obviously means ‘stray from the path’ in the sense of ‘err’, but ‘err from the path’ is unidiomatic. 52. C. 24 q. 1 c. 33. 53. C. 21 q. 1 c. 14. 54. C. 24 q. 1 c. 4. 55. C. 24 q. 1 c. 27.

that of any one individual. Hence Augustine says near the beginning of *Contra epistolam Fundamenti*, ‘I would not believe the Gospel if the authority of the Church had not moved me to it’.⁵⁶ In fact, I grant that had the Roman Church erred in the faith, or said a false thing, it follows that no authority would remain in the Gospel: 9 di., c. *si ad scripturas*.⁵⁷

But since the Roman Church clearly and expressly said, defines, asserts, and teaches that Christ and the apostles did not have anything in common; and, to the contrary, it published ‘a sentence of excommunication’ against those teaching publicly and ‘from certain knowledge, making writings or books [...] from which they cannot be absolved except by the Roman pontiff’.⁵⁸ Therefore the proposition is held.

⟨Proof from the Approval of the Rule of St Francis⟩

The minor is proved from many things. First, because nearly all Roman Pontiffs who have lived since the time of blessed Francis, both from the counsel and college of the lords cardinals who lived at that time, and even in the general councils that were held afterwards, approved and confirmed the *Rule* and life of blessed Francis—which is /329/ to observe the Holy Gospel in the highest poverty, namely by not having anything individually nor in common; and to observe the rule and evangelical life taught and observed by Christ—just as it is clear in the approbations and confirmations of the *Rule* and life of blessed Francis and in other ordinations made concerning the state of the Friars Minor through lords of happy memory, Innocent III, Honorius III, Gregory IX, Innocent IV, Alexander IV, Clement IV, and Gregory X in the Council of Lyons. And [it is clear] from the canonizations of saints Francis, Antony, and Logodovic, who vowed, held, and observed a life and poverty of this kind as the life taught by Christ and his apostles. It is clearly gathered from the many constitutions and statutes made by the Roman Church on these matters that this state of the highest poverty is that which Christ himself held, observed, and miraculously confirmed, since he marked blessed Francis himself as his special follower with the stigmata of his sacred wounds. In these things it is strictly commanded and recommended to all Christian faithful that these very sacred stigmata—as truly impressed and shown on Saint Francis in a miraculous way—be venerated by the same Church.

And if it is said that it does not follow for this reason: [1] that the Roman

56. Augustine, *Contra epistolam Manichaei quam vocant Fundamenti* 1.5.6. 57. D. 9 c. 7. 58. VI 5.12.3 (truncated).

Church approved and confirmed the *Rule* and life of blessed Francis, [2] that [the Church] canonized him and other saints of the same Order, [3] that, on this account, Christ did not have anything in common or individually, nor [4] that Christ taught a life and rule of this sort. I respond that, in fact, it does follow. For, since the definition of the *Rule*, approved through those same Roman pontiffs and general councils (as has been said), is such: ‘The *Rule* and life of Friars Minor is this: namely to observe the Holy Gospel of our Lord Jesus Christ by living in obedience, without anything of one’s own, and in chastity.’⁵⁹ And below: ‘Let the brothers appropriate nothing to themselves, neither a house, nor a place, nor anything else.’⁶⁰ And in the end it is said: ‘Let us observe the Holy Gospel of our Lord Jesus Christ that we have firmly promised.’⁶¹ And it is declared most expressly through the lords Gregory IX (and Innocent IV and Alexander IV), who /330/ testifies that he knew the ‘intention’ of blessed Francis ‘when he granted the Rule’,⁶² that an expropriation of this kind, which Saint Francis promised and vowed by promising the Gospel, ‘by living without anything of his own’, ought to be observed individually and in common; and in the same *Rule* such an expropriation is called ‘the loftiness of the highest poverty’.⁶³ And when someone promises this highest poverty, he is understood to promise what has the principal grade of height such that nothing higher can be found or discovered: ff. *de verborum obligatione*, l. *ubi autem non apparet*, in the response.⁶⁴ And Christ taught poverty in the Gospels as the rule and measure, and a rule and measure cannot be exceeded by anyone whose rule is Christ himself or his teaching. For if he were to exceed the rule of the Gospel or Christ, it would be his rule rather than the contrary. It follows that if blessed Francis vowed and promised the Gospel by living without anything of his own individually or in common, then that was such the teaching and rule of the Gospel, and, consequently, that Christ did not have anything individually nor in common. For Christ did first what he taught.

Moreover, at least without some doubt it follows from the mentioned confirmations and canonizations of the saints that to assert that Christ and the apostles did not have anything in common, is not heretical, since it is most clear from the sayings and deeds of the saints and their legends that these saints vowed, promised, and observed the expropriation individually and in common like the expropriation taught and observed by Christ and the apostles, and that the same saints asserted this. But they would not have been saints, nor ought the Church have canonized them, if it were heretical to assert that Christ and

59. *Regula bullata* (= *The Later Rule*) 1.1. 60. *Regula bullata* 6.1. 61. *Regula bullata* 12.3. 62. *Quo elongati*. 63. *Regula bullata* 6.4. 64. Dig. 45.1.75.

the apostles did not have anything individually or in common. Rather, if it were heretical, the Church would have erred in canonizing them—which is erroneous to say. Therefore, the proposition is held on the basis of the aforesaid.

⟨Proof from Exiit qui seminat (and subsequent bulls)⟩

Secondly, the proposition is most clearly and openly proven through the solemn decretal, which begins *Exiit qui seminat*, of Nicholas III /331/ of good memory published on the *Rule* and life of the Friars Minor; which was, afterwards, approved and confirmed by lord pope Boniface VIII, who commanded and made sure that the decretal *Exiit* be inserted in the *Liber sextus* under the title, ‘On the signification of words’,⁶⁵ and that it be inviolably observed by everyone. And it was approved and confirmed by lord pope, Clement V, in the constitution or declaration on the *Rule*, at the general council of Vienne, and included in the *Liber septimus* under the title, ‘On the signification of words’, and it begins, *Exivi de paradiso*.⁶⁶ It was even confirmed and approved through other constitutions published by the most holy father, lord John XXII on the *Rule* and state of the Friars Minor—especially from that constitution, which begins *Quorundam exigit*.⁶⁷ Indeed, in this decretal given by lord Nicholas III, and approved through the universal Church in a general council (as it was said), which begins *Exiit qui seminat* etc., in § *Porro*, these words are said:⁶⁸

Next, *since* that very *Rule* expressly contains that the brothers are to appropriate nothing for themselves—neither house, nor place, nor anything else; and *since* it was declared by the same predecessor Gregory IX and several others that this ought to be observed both individually and in common (which an irrational cleverness perverted by means of venomous detractions as too strict an abdication); *we say*, so that the reputation of perfection of those same brothers not be destroyed by the ignorant words of such people, that the abdication of the ownership of all things for God’s sake, both individually and in common, is meritorious and holy—which even Christ, showing the way of perfection, taught by word and confirmed by example, and which the first founders of the Church Militant distributed (*derivarunt*), as they had drank from the source,

65. VI 5.12.3. 66. Clem. 5.11.1. 67. Subsequently included in the *Extravagantes Iohannis XXII*. 68. VI 5.12.3.

among those wishing to live perfectly in the path (*alveos*) of their teaching and life.⁶⁹

From these words it is clearly agreed that Christ and the apostles did not have ownership or lordship of anything, individually or in common, and that they distributed such an abdication of all things, both individually and in common, among those wishing to live perfectly in the path of [their] teaching and life. Elsewhere in the same decretal he openly demonstrates that a profession of this rule and life was taught and confirmed by Christ and the apostles, for, near the beginning of this decretal it is said thus:

These ones are the professors of this holy *Rule*, which /332/ is founded in evangelical eloquence, reinforced by the example of the life of Christ, strengthened by the words and actions of the founders of the Church Militant, his apostles. Among God and the Fathers, this is the pure and unblemished religion, which descends from the father of the lights, through his son, given by means of examples and words to the apostles, and finally inspired by the Holy Spirit to blessed Francis and his followers. This is a *religio* for which, as Paul witnesses, no one henceforth ought to be molested, which Christ confirmed by the stigmata of his passion, wishing that the institutor [of this *religio*] be noticeably impressed with the signs of his passion.⁷⁰

⟨EXIIT ANSWERS THREE COMMON OBJECTIONS⟩

Finally, three principal objections, which were able to be made by some against this conclusion, are responded to in that same decretal.⁷¹

⟨Obj. 1. Christ sometimes had a purse⟩

The first is this: Someone might be able to say to the lord pope: You concluded by determining that the ‘abdication of all things individually and in common is meritorious and holy’, and you adduced for a principal reason of this kind

69. Emphasis added to make the logic of the claim clear. 70. VI 5.12.3. 71. Bonagratia seems to have only answered two main objections. Oliger suggested (1929, 322) that it this is probably because it was solved in the course of answering the other two. If one had to hazard a guess, the problem of consumables seems a likely candidate. However, it also seems possible, in light of the complicated structure of his text, that he simply forgot about it.

of conclusion that Christ and his aposles taught this by word and example: for they did not have anything of their own, neither individually nor in common. And you say that a profession of the mentioned *Rule*, 'is founded in evangelical eloquence, strengthened by the example of Christ's life, and confirmed by the words and deeds of his apostles'. But this conclusion seems obviated by the fact that *sometimes it is said that Christ had a purse*, in which money *and those things were carried which were sent* for victual, and by which rations were bought. Thus, cf. Jn. 12:6 it seems that an abdication and profession of this sort was not taught in word nor confirmed by example by Christ and his apostles; rather his deeds, which cf. Jn. 4:8; 13: 29 you should imitate, went in the opposite direction.

To which it is responded by means of that same decretal, § *Porro*, in these words:

And let not anyone think to oppose these men because it is sometimes said that Christ had a purse. For Christ himself, whose works are perfect, so practised the way of perfection in his acts that, periodically condescending to the imperfections of the weak in order to extol the way of perfection, and not condemn the weak paths of the imperfect, thus he accepted the personas of the weak in the purse, thus assuming the weak parts of human flesh in several others, just as evangelical history witnesses, *so that*⁷² he condescended not only in flesh but even in mind to the weak. For he so assumed human nature that, existing perfect in his works, made humble among ours, he remained exalted in his own works. And, /333/ he is so induced to certain acts conforming to our imperfection out of consideration for the highest charity that he is not made to ben from the rectitude of the highest perfection. Indeed, Christ performed and taught works of perfection, and he performed weak works, as is clear in the periodic flights and the purse. But, in either case he exists perfectly perfect in order to show to the perfect and imperfect that he, who had come to save both, who, in the end, wished to die for both, is the way of salvation.

These words are found there.

72. 'So that' (*quod*) is an interpolation of Bonagratia's.

⟨*Three (further) conclusions from Exiit*⟩

Three conclusions are drawn from the aforesaid determination and definition of the Church.

⟨1. The apostles vowed an abdication of all things⟩

First, that the apostles vowed an abdication of this sort, of all things, both individually and in common. It is proved thus: According to the definition of the decretal, one ought to concede that such an abdication of all things, ‘both individually and in common’, existed among the apostles in accordance with the reason and most potent condition of that abdication—of which sort we posit had existed under blessed Francis. This is clear, since that very same decretal expressly says that the apostles ‘drank’ from Christ the abdication which blessed Francis had, ‘and passed it out to others’. Moreover, it is agreed that in the abdication of all things individually and in common, which blessed Francis did, one contract (*conditio*) was a more potent vow and promise of that abdication. This is confirmed, for a more potent contract of abdication of temporal things is not understood according to the exterior act, which is to leave behind or abdicate, de facto, temporal things, but it is principally understood according to the interior act, which is to not want to have temporal things and to want to lack them for God’s sake. And abdication is considered meritorious principally from that act. Moreover, to abdicate temporal things and to want to lack them in such a way that there be licitly in one’s own power a wishing for and an ability to have temporal things when it is pleasing is of another type (*alterius rationis*) than to abdicate on account of a vow and promise in such a way that it is never licit to have them, nor to want to have them. For that which is done by vow is of greater merit than that which is done by a simple plan. Therefore, if the apostles had that abdication that blessed Francis had, as the decretal suggests, and blessed Francis had the abdication by vow, it follows that the apostles had that abdication by vow. Otherwise the apostles would not have handed down that abdication to blessed Francis, or to those who wished to live perfectly. Nor would blessed Francis have had such an abdication by vow, derived from the apostles—the opposite of which the decretal asserts.

Moreover, that the apostles had that abdication by vow, and that such an abdication is of greater merit than to abdicate out of a simple plan is proven by Augustine in his book *On Miraculous Things of Scripture* at the end /334/ of the third book, where speaking about the word that Peter said to the paralyzed man,

he speaks in this way: ‘On the excuse of alms’, he says,⁷³ ‘and by the profession of poverty, he said to the paralyzed man: *Rise and walk*, observing the precept of the master, who says: *Do not possess gold or silver*’, etc. Note that he said ‘by the profession of poverty’. For the apostles knew that what are done by vow are of greater merit than what are done by a simple plan or by one’s own will.

And Augustine, in book 17 *On the City of God*, c. 10, speaks so about the apostles: Those powerful men said, he says,

Behold! we have sent all away and have followed you; this vow, they vowed most powerfully. But whence came this vow to them, unless it from he of whom it is said ‘giving a vow to those who vow’? For one cannot vow to the Lord, unless what he has vowed be accepted by him.

This, Augustine. Likewise, the gloss on that [verse], *vow and return to the Lord, your God*, he says that vowing is counselled. And in *Extra, de voto et vo. re.*, c. *Magne*: [on] that [verse] where it is said, *vow and return*, ‘the first refers to counsel, the second to empire’.⁷⁴ But sacred scripture never gives counsel except out of the greater good. Therefore, better is the good that comes from a vow than that without a vow; which is confirmed, for good added to good is a better good than only the one good. But a vow is the good for which (*unde*) it is counselled; therefore it is better and more meritorious to do good from a vow than without a vow. Hence Augustine on that verse of the Psalms, *James vowed a vow to God*, he says, ‘we can more freely offer God’ than swear an oath, which is to promise most strongly.⁷⁵ And the same Augustine says towards the end of his *Letter to Armentarius* (who had made a vow of continence): ‘If you break faith with God—God forbid!—you will be as much more wretched as you would be happier if you keep it’.⁷⁶ Hence it follows that an evil deed is worse which is done against a vow than that which is not done against a vow. So an operation of good is better with a vow than without a vow. And Anselm also proves this beautifully in his *Book on Similitudes*,⁷⁷ proposing the example of the ‘two men having two’ /335/ similiar ‘tress, of which one man gives his tree and its fruit’ to his lord eagerly, but ‘the other’ only ‘gives his lord the fruit’, and retains for himself the lordship and ownership of the tree. And he says that

73. Augustine, *De mirabilibus scripturae* 3.16 (PL 35.200). 74. X 3.34.7. 75. Augustine, *Enn. in Ps.* 131.2.3 (PL 37.1717). Olier noted that the same citation may be found in Bonaventure’s *Apologia pauperum* 3.12 (8.247b). 76. Augustine, *Epp.* 127.7 (PL 33.487). 77. Anselm, *De similitudinibus*, c. 84 (PL 159.655f.); also cited by Bonaventure, *Apologia pauperum* 3.12 (8.247b).

the gift of the one is fuller, more pleasing, and more perfect. Therefore, the said conclusion is true, namely, that the apostles had the said expropriation of all things individually and in common, under a vow, and this is proven from the definition of the said decretal and other authorities. /335→487/

⟨2. Christ and the apostles never had lordship or ownership of anything after they assumed the state of perfection and evangelical poverty⟩

The second conclusion that is drawn from the definition of the decretal is [1] that Christ and the apostles, after they assumed the state of perfection and evangelical poverty, never had ownership or lordship of some temporal thing (nor did they possess anything as lords and property-holders); and [2] that the purse which they are said to have had periodically by condescending to the weak, they had only as dispensators and administrators to the poor, not as property-holders and lords.

⟨Proof by the meaning of the words of *Exiit*⟩

This is proven by the words of the decretal and many other authorities. This is proven from the words and intended meaning (*intellectu*) of the said decretal. For the principal and principally intended (*intencta*) conclusion in the said definition of the decretal is ‘that abdication of all things, both individually and in common’, which blessed Francis vowed, ‘is meritorious and holy; which Christ and the apostles taught by word and confirmed by example, and distributed among those who wished to live perfectly’. He then removed from that conclusion, or excluded the objection or insistence that is made about the purse, saying: ‘Nor let anyone think to object to these points that it is said that Christ periodically had had a purse’, etc. The exclusion of the objection or the solution to the insistence [that Christ had a purse], moreover, does not infringe upon the principal conclusion in any way, as it is proven in *Extra, de transl. epi. [vel clerici]*, in c. *Inter corporalia*,⁷⁸ where the principal conclusion is posited that an elected and confirmed individual cannot forsake his church ‘without a licence of the Roman Pontiff’.⁷⁹ For ‘after the election and canonical confirmation among the people who elect and the conjoining of the elect there is a spiritual contract’. Solved next is the insistence that is opposed against the conclusion about the ‘canon in which it is read about the elect’ that ‘if he should hold an empty

78. X 1.7.2. 79. The quotations come from the decretal just cited. The title Bonagratia is referring to is called *On the translation of the bishop*; he seems to want to point out that this canon has to do with clerics as well—or he simply misremembered the title.

church through negligence beyond six months, do not let him also receive the gift of consecration there or elsewhere. Rather, let him yield to the judgment of his metropolitan.’ /488/ And he says that this objection or insistance does not infringe upon the said conclusion since, by that ‘which is said in that very canon, “empty church” is not understood as “not having a spouse”, although as far as some are concerned it remain destitute of the solace of, as it were, a man’. Hence, that very conclusion persists in its strength.

So also against the proposition. Although it is sometimes said that ‘Christ had a purse’, by this the conclusion about the abdication of all temporal things individually and in common is not weakened, but persists in its strength. This is confirmed through that which added after, when it is said there that ‘one is so induced to acts [conforming] to our imperfection that he is not deflected (*curvatur*) from the rectitude of the highest perfection’; one would have, however, turned away (*curvasset*) from the rectitude of the highest perfection if he had sought after lordship and ownership in temporal things, because a perfect man seeks nothing beyond the necessary in temporal things, as Augustine says, and which is placed in the gloss to the last chapter of Philip, § *you sent them unto my use*. And through what is said in the very same decretal: that if he had the purse in the way he sometimes fled, namely ‘condescending to the imperfections of the weak’, and since, always ‘existing perfectly perfect, he showed himself as the way of salvation for the perfect and the imperfect’.

In order to understand these words, it must be noticed that, just as two acts must be considered ‘in the flight of the weak’, so two acts are considered: namely the exterior act (i.e., retreat from the persecutors), and the interior act which is fear, so it is with the purse of the weak, or among those that two acts are considered. One is exterior, namely the carrying of the purse and the matter of dispensing or managing (*contractare*). There is another interior act, namely wishing have them in individual lordship or in lordship common to their special and shared-in college; and to posses or manage them by the right of this sort of lordship. And so it is clear that Jesus does not condescend to the weak in the flight so far as concerns the interior act (namely fear); for he knew, as the Evangelist says, that when he fled, that *his hour has not yet come*, and because his opponent taught, saying: *Do not fear those who kill the body*, etc. For had he feared, then he would have been imperfect, for *perfect charity sends all fear out of doors*. But he only condescended in the flight as far as the exterior act is concerned, namely by withdrawing from the persecutors. So, too, in the purse it ought to be said that although Christ condescended to the weak according to the exterior act in the entrusted purse, and these other things which need to be

managed and dispensed, /489/ which he restored there; not, nevertheless, as far as concerns the wishing to appropriate to himself or the college of the apostles, either by appropriating the lordship of the purse or the lordship of what is carried in the it. For this was not unfitting for their power or goodness because, by natural and divine law, ‘the use’ of all things that sustain (*spectantium ad*) human life ‘ought to be common to all men; and through iniquity it happened one said “this is mine”, “this is yours”, as it is held in 12 q. 1 c. *dilectissimis*,⁸⁰ and at the beginning of 8 dist., c. *quo iure*.⁸¹ And Christ himself came [1] to teach most perfectly a contempt for all terrestrial things, [2] to teach the most tranquil life [a] so that all means of solicitude for temporal things be cut away for those who wish to follow him perfectly, and [b] so that the state of innocence be renewed.⁸² According to Seneca, even, men would live most tranquilly, if only ‘these two words’, namely ‘mine and yours’, ‘were removed’ from society (*de medio*).⁸³ If indeed Christ had appropriated lordships and possessions of temporal things to himself or his particular college of the apostles, it would follow that he had not taught most perfectly a contempt for terrestrial things nor a most tranquil life; nor would he have cut away from his apostles, disciples, [and] special followers all potential for the anxious care [for temporal things]; nor would have renewed in himself the state of innocence. Moreover, if Christ had had lordship and ownership of the purse and of what was carried in the it, the decretal would not have said, nor could it have said, ‘and let not anyone think to oppose these things because it is said that Christ sometimes had a purse’, for an exception that is true by a rule as far as the exception is concerned vitiates or falsifies that rule, and, consequently, opposes and resists that rule in this matter, ff. *de regul. iur.*, l. 1,⁸⁴ and ff. *de regula cato.*, l. 1 in the text and the gloss.⁸⁵

Moreover, as it was proved [above](#), the apostles held that expropriation both individually and in common. Hence, at no time afterwards were they capable of any lordship or ownership. Because a vow of this kind of expropriation—which is to neither hold nor want lordship individually or common—is negative, it obliges always and for all time. And had they appropriated anything for themselves, personally or in common, after speaking the vow, they would have sinned mortally, *Extra, de statu monach.*, c. *monachi*, § *qui vero*,⁸⁶ and c. *super quodam*.⁸⁷

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80. C. 12 q. 1 c. 2. 81. D. 8 c. 1. 82. This seems the best way to resolve a rather convoluted sentence. 83. Seneca, *De moribus [= Proverbia Senecae]* n. 98: *Quietissimam vitam agerent homines in terris, si duo haec verba e natura rerum tollerentur: meum et tuum* 84. Dig. 50.17.1. 85. Dig. 34.7.1. 86. X 3.35.2. 87. X 3.35.4.

And thus it clear, first, that, by definition and the words of the decretal, Christ and the apostles had nothing in the purse nor individual or common lordship in any other things.

⟨Proof by the authority of the saints⟩

This is also proven through the authority of the saints. Hence on that verse in Matthew 17, *go to the sea*, the Gloss says: ‘The Lord was of such great poverty Mt. 17:26 that he did not have the means to pay the tribute. Judas, in fact, had everything in the purse, but he thought it wicked to convert the things of the poor to his own uses—giving this very [action] as an example to us.’ And Chrysostom, in his seventy-first homily on John, on that verse of John 13, *so that he might give something to the needy*, Jn. 13:29 speaks so: ‘How’, he said, ‘does he carry’ a pouch ‘who orders [the apostles] to carry neither a satchel nor a staff nor money?’ And, responding, he added: ‘for helping the needy, so you learn’ how much a poor crucifix of this kind is very necessary for the acquisition of a great deal of perfection (*perfectionis multam facere procurationem*), ‘for’ he did ‘many things’ dispensing this for our instruction.⁸⁸ Chrysostom said these things. And Augustine, in his sixtieth homily on John—and included in 12 q. 1, c. *habebat*—speaks so: ‘The Lord had a purse, and, conserving the offerings from the faithful, he allotted them for his own needs and the needs of other needy people; at that time the form of ecclesiastical money was first instituted.’⁸⁹ These words are found there. But the form of ecclesiastical money was instituted in the purse, which Prosper puts in his book *On the Contemplative Life*, speaking so: Holy men, ‘knowing that nothing else is a thing of the Church except the vows of the faithful, the price of sinners, and the patrimony of the poor, did not claim those things as their own for their own uses, but they gave them to the poor as recommended.’⁹⁰ And Augustine says the same thing in the authority alleged above on the article of the question, [and] placed in 23 q. 7 c. *quod autem*,⁹¹ and in the other laws₂, alleged there. From these and many other authorities and laws₂, which are omitted for the sake of brevity, it is very clear that Christ and the apostles did not have lordship or ownership of the purse, which was offered by the faithful, but only the stewardship administration, and procuration for their needs and the needs of the other needy people.

But that /491/ he had a purse from time to time for stewardship, condescending to the imperfections of the weak, as the decretal expressly asserts, Augustine speaks so on Psalm 103, *Bless my soul to the Lord*, on the words *producing hay* Ps. 103:14

88. Bonagratia paraphrases Chrysostom, *Homilia in Io.* 62.5 (PL 35.1803). 89. C. 12 q. 1 c. 17.

*for the mules:*⁹² ‘The Lord had a purse for the uses of those who were with him’, both his men and the religious women in attendance, who ministered to him from their own resources (*substantia*), taking up more of the persona of those weak. For he foresaw that there would be many people seeking those things. For there would be Paul, sometimes seeking no such thing and giving everything to the provincials⁹³—who would even choose to die for Christ. ‘But because there were many weak people who would seek those things, he took up the persona of the weak even more.’ Yet ‘Christ’ acted ‘more sublimely because he acted more mercifully.’ These things are said there. Likewise, the same Augustine speaks so [in his] *On the Work of Monks* a little bit after the beginning:⁹⁴ ‘When the angels could minister to him, the Lord, compassionate towards the weak after the fashion of his mercy, had a purse in which the money was put that had been offered by the good faithful, and which was necessary for their nourishment; he entrusted this purse to Judas.’ These words are found there. It is most patently clear from them that neither Christ nor the apostles had a purse except as it relates to stewardship and administration for condescending to the weak—and not as it relates to lordship and ownership. And they are called weak who require such things out of fear for hardship and who appropriate them for themselves as their own. Although he condescended to them as far as the exterior act is concerned—by having, namely, a purse and dispensing just as men do who have such things, they nevertheless did not condescend as far as the interior act—namely, to the love and appropriation of those things—, for this was not congruent to their power and goodness, as was shown above.

But that Christ and the apostles, after they had assumed the state of perfection and poverty, never otherwise possessed things for themselves individually or in common through the mode of ownership and lordship is clear from the words of the Gospel and from the words of the saints explaining them. For Matthew 10 speaks so after the nomination of the apostles, giving them the way of perfection: *Do not possess gold, nor silver, nor money in your belts, nor a staff on the journey* etc. Explaining this, Rabanus speaks so on the original:⁹⁵ ‘You have freely received; give freely. For if they preached in such a way that they did receive a reward, /492/ the possession of gold, silver, and coins is superfluous. For had they had gold and silver, they would seem to preach not so much for the salvation of souls, but for profit.’ And he therefore added: ‘He nearly⁹⁶ cut

90. Rather, Julianus Pomerius, *De vita contemplativa* 2.9 (PL 59.451). 91. C. 23 q. 7 c. 2. 92. Augustine, *Ennarrationes in Psalmos* 3.11 (PL 37.1367–68). 93. Cf. Acts 20:34; 1 Cor. 4:12; 2 Thes. 3:8. 94. Augustine, *De opere monachorum* 5 (PL 40.552). 95. Rabanus Maurus, *Comment. in Matth.* 10.9 (PL 107.892). 96. Reading ‘propemodum’ with the text of the PL.

away [all] necessities so that the apostles', doctors of the true religion, 'who taught that all things are governed by the providence of God, showed that they thought nothing of tomorrow.' And a little later: It was said⁹⁷ to the apostles that, freed from care (*securi*), they not possess nor 'carry the things necessary for this life, neither great nor small.' Rabanus said this.

Chrysostom on the same verse, *do not possess* etc., speaks so:⁹⁸ 'He recommended many things through these words. First indeed, he made the apostles not suspect. Second, he stripped them of all anxious care so that they devote their whole vocation to the sermon. Third he taught them his own virtue. Indeed he said these things to them afterwards: *When I sent you without satchel and bag did you lack for anything?*' And after:⁹⁹ 'Doctors were about to be sent through the whole world, through this he established them angels from men (if I may so say), freeing them from all anxious care for this life.' And below: 'Notice how he who stripped them of all things gave them all things, permitting those who had nothing to enter into the homes of those who were taught to abide. But if the disciples, living abroad in foreign lands and going off among unknown peoples, ought to seek nothing beyond their daily bread, how much more ought this be for those who live at home?' Chrysostom said these things.

And Bede on that verse of Mark 6, *He commanded them to take nothing on the road*, says:¹⁰⁰ 'A preacher's faith in God ought to be so great that although he does not make provision for wages for the present life, he nonetheless knows with utmost certainty that they will not be lacking to him.' And below: 'He said those things to the apostles so that, freed from care, they would not possess [anything], nor carry with them the necessities of this life (neither great nor small); for this reason he set down "nor a staff", showing that all things were due by the faithful to their ministers who sought nothing superfluous.' Bede said these things.

Likewise, Ambrose speaking about the apostles in the Epistle to the Corinthians says:¹⁰¹ 'As far as it relates to the present life, they seem to be poor in material goods (*rebus*), but they gave their believers spiritual riches bountifully; needy on earth, rich in heaven, like people *having nothing, and possessing all things*. For this was most glorious in the apostles: that, without the anxious concern to possess, they possessed not only those things which were in their

97. Reading 'loquebatur' for 'loquebantur'. 98. Chrysostom, *Super Matth. homil. 32* (alias 33), n. 4 (PG 57.382). 99. Chrysostom, *Super Matth. homil. 32* (alias 33), n. 4 (PG 57.383–84 [cum lacuna]). 100. Bede, *Expositio in Marc.*, 2.2 (PL 92.186). 101. Ambrosiaster(!), *Comment in 2 Cor. 6:10* (PL 17.301A–B(!)).

possession /493/ but even the very lords of those things.¹⁰² Ambrose said these things.

And Jerome says to Ageruchiam:¹⁰³ ‘The apostles, strangers throughout the world, had no money in their purse, no staff on the road, no sandals upon their feet.’ And Jerome [said] the same to Demetriades:¹⁰⁴ ‘It is a characteristic of the pinnacle of apostolic and perfect virtue to sell all things and distribute them among the poor, and thus fly light and unhindered with Christ to heavenly things.’ Jerome said these things.

Lkewise in the first book of *Ecclesiastical History*¹⁰⁵ it is read that, after the ascension of Christ, when the holy king Abagarus ‘commanded’ from saint Thadeus the apostle ‘that he give him gold and silver, he did not accept, saying: “If we have left our things, how might we accept anothers?”’ And Chrysostom speaks thus *On the Praises of Paul*:¹⁰⁶ ‘Paul did not possess money. In fact he testifies to this, saying: *Even up to this hour, he said, we hunger and thirst, and we are naked.* And why do I say money, since he often didn’t even have the needed food, nor clothing with which he might garb himself?’¹⁰⁷

1 Cor. 4:11

From these and many other authorities, which are omitted for the sake of brevity, it is clear that the apostles were poor in the greatest and highest poverty; one which, as it was said, cannot be made higher, which is to have nothing individually or in common. Otherwise Jerome would surely have said a false thing when he said to Exuperantius:¹⁰⁸ ‘No one was more poor than the apostles, and no one has left so much behind for the Lord.’

⟨Proof by reason⟩

It would also be certain that, if they could have appropriated lordship and possession of things to their own college in common, they consequently could have also possessed gold and silver in common. And if /494/ they could have

102. Bonagratia’s quotation is a little off, particularly in the last clause. A comparison with the text of the PL solves the problem. I have translated Bonagratia’s text according to the intention of the text of the PL. **103.** Jerome, *Ep.* 123.15 (PL 22.1075); cf. Bonaventure, *Apologia* 10.6 (8.306a). **104.** Jerome, *Ep.* 730.14 (PL 22.1118). **105.** Eusebius, *Ecclesiastical History* 1.13 (PG 13.60); cf. Bonaventure, *Apologia* 7.33 (8.306a). **106.** *De laudibus S. Pauli*, homil. 4 (PG 13.60); cf. Bonaventure, *QPE* 2.19 (5.138b); and *Apologia* 7.34 (8.283b–84a). **107.** One manuscript adds the following: And on that verse of Matthew 12[.1], *And Christ went through [the corn] on the sabbath, but his disciples being hungry, began to pluck the ears and eat* Christ, where Chrysostom says on Matthew 12: ‘Marvel that the disciples, because they were so restrained and had no care for temporal things but held everything in contempt; and they were assaulted by continual hunger, and they never noticed it.’ Chrysostom said these things. And that they were assaulted by continual hunger was [done] out of the greatest poverty. **108.** *Ep.* 145 (PL 22.1192).

received and possessed this in their common college, then the aforesaid saints would have spoken in vain that Christ forbade them to possess those things so that they not appear to be preaching for profit. Since it could thus be thought that they preached and made complaints (*questam*) for the sake of acquiring riches for their college (just like for the profit of an individual person), in vain would they have said that Christ removed the apostles from all solicitude of this life for this profit, since it could be the source (*materia*) of solicitude for the acquisition of these things by an individual college, just the same as for an individual person. And ‘do not take anything on the road’ and ‘do not carry a sack, nor a staff, nor money in your belt.’ and, consequently, that they not accept ‘gold, silver, or money’ would have been forbidden them irrationally. Indeed, it should have instead been granted to them that they accept and carry such things for the purpose of preserving, possessing, and holding them by means of a common lordship. cf. Mk. 6:8
cf. Mt. 10:9

Moreover, were they able to have lordships and possessions in common, then the abdication of the apostles would not be distinguished from the abdication that the crowd who followed them made, nor from the abdication of monks, who hold lordships and possessions in common. Yet the saints make this distinction. Thus the gloss of Bede on that verse of Acts, *the multitude of believers*, etc., speaks so:¹⁰⁹ ‘He determined the orders of doctors and auditors. For the multitude, having spurned all things, was joined together by the bond of charity; but the apostles, shining with virtue, spread the mysteries of Christ.’ These words are found there. Hence it is clear that the community of things was the crowd’s, not the apostles’. Nor does what follows immediately—the value was placed before their feet—oppose this. So Jermones says to Demetriades:¹¹⁰ ‘When the blood of our Lord Jesus Christ became inflamed, and faith aroused in the believers in the Acts of the Apostles, they sold all their possessions and laid their value at the feet of the apostles in order to show that money was to be trampled under foot, and it was divided up to each one according to their need.’ This form, moreover, was given to the monastic or cenobitic life. Hence the gloss of Bede placed above the *the multitude of believers*, etc., says: ‘Those who live so that /495/ all things are common for them in the Lord, are called cenobites; which is a happier life the more future ages imitate that state, where¹¹¹ all things are common.’ These words are there. Or: surely those who were converted placed the value before the feet of the apostles precisely so that they converted themselves and their things for apostolic stewardship (*dispensationem*), just as Ambrose teaches in Acts 4:32
cf. Acts 4:34–35
Acts 4:32

¹⁰⁹. The gloss is actually to Acts 4:33. ¹¹⁰. Ep. 130.14 (PL 22.1118). ¹¹¹. Reading *ubi* for *ibi*.

the opinion [alleged above](#) on the Epistle to the Corinthians. Still, they preferred to entrust this stewardship of things to others, just as it is subsequently read in *Acts 6:2* *Acts: It is not fair that we leave the word of God and serve tables.* Indeed, they said this so that ministers would flee [the desire for] distinction, not because they would possess anything through it, as is clear in the authorities alleged above.

From these points, it is agreed that the holy doctors of the Church distinguish between the abdication and poverty of the apostles and that of the monks who were converted through them. This distinction would be nothing, indeed, if the apostles were allowed to have gold, silver, and possessions in common. And for that reason the precept given to the apostles about not possessing gold, silver, or money ought to be understood, insofar as it can stand for its subjects (*supposita*), distributively and even collectively, forbidding possession of this kind not only to each individual, but even to the whole college of the apostles. And for this reason, Peter said in the place of all the apostles: *Behold we have left everything*, etc. And he who says ‘everything’, excludes nothing: *Extra, de malo. et obe., c. sollicite*,¹¹² and ff. *de auro et argento legato*, l. *Plautius*.¹¹³ And so, he excluded everything, both individually and in common.

⟨That Christ both observed this poverty himself and commanded the apostles to observe it⟩

That Christ observed this form of poverty in himself, which he ordered to be observed by the apostles, is proven by the authorities written below.¹¹⁴

Mt. 10:9–10 For Chrysostom says in his twenty-second homily on Matthew:¹¹⁵ ‘*Do not possess*’, he says, ‘*gold or silver, or a sack on the road.* Indeed, because he shows this through his works, he introduces an even more valid law-giving (*legumlationem*), which comes (*est*) from the words. How easily is a speech made acceptable, which has been previously certified in one’s own works? Where, then, does he show it through works? Listen to him saying, *But the Son of Man has not a place to lay his head.* Nor did it suffice in this for him alone, but he gave this deed¹¹⁶ to his disciples.’ /496/ These words are Chrysostom’s. Likewise the Gloss on *Mt. 8:20; Lk. 9:58* that verse of Matthew, *Foxes have holes*, etc., says this: ‘Why do you wish to *Mt. 8:20*

112. X 2.2.2. 113. Dig. 34.2.8. 114. This appears to be another argument against Christ and apostles ever having regained the property rights they renounced; it is divided into the usual categories: proof by authority followed by proof by reason. 115. PG 57.304. Oligier noted that Bonagratia took these and the following references from Bonaventure’s *Apologia pauperum* 7.6 (BOO 8.273a f.) 116. The text reads *appodicen* from the Greek ἀπόδειξις, which means, literally, ‘a showing forth’ by word or deed.

follow me for worldly profit (*lucra seculi*), even though I am so poor that I do not have a hovel of my own.’

But¹¹⁷ if perhaps someone says that Christ had a common, not personal hospice, he opposes that claim of Chrysostom in a sermon about the betrayal¹¹⁸ of Judas, where he says:¹¹⁹ ‘Let those whom the pomp of precious marble pleases recognize that Christ, Lord of all, did not have a place where he might lay his head. And for this reason his disciples asked him and said, *Where do you wish that we prepare for you to eat the paschal lamb?*’ But if Christ had had a common hospice, his disciples would not have asked this. Nor would he have lacked a place where he might lay his head and eat the paschal lamb. Likewise Anselm in his book *On the Sacraments* says this:¹²⁰ ‘Christ was so poor that, coming into the world, he was born not in his own home but another’s; once born, he was placed in a manger for brute animals due to the poverty of the place; and living in the world, he had no place to lay his head; and dying, he had not the means to hide his nakedness; and dead, he had not the means to be dressed, neither tomb nor place where his dead body might be put.’ These words are Anselm’s. And Bede on that verse of Mark, *with all things looked over*, etc., speaks so on the original [words]:¹²¹ ‘It must be understood that the Lord was of such poverty that in that greatest of cities he found no hospice or house, but he lived on a tiny farm with Lazarus and his sisters.’ It is agreed therefore [that] he lacked not only a hospice but even the money to rent one, until he left the city compelled by necessity. Mt. 26.17

This is also proven by reason. For the son of God assumed human nature for this: to repair the human race, which /497/ had been cut off from the state of innocence through sin. But he would not have perfectly and fittingly repaired it if he had not assumed an innocent nature; therefore, he assumed such a nature. Hence Augustine on John, *Behold the lamb of God*:¹²² ‘If a lamb’, therefore Jn. 1:29 ‘innocent.’ And if he assumed an innocent nature, he assumed it according to every perfection of the soul that one had had in the state of innocence. But in the state of innocence men lived without distinct lordships, as is clear in 8 dist., c. 1 etc.¹²³ And so, if Christ maintained the state of innocence, he did not have

117. The following words (to the quotation of Anselm) come, with a few minor variations, from the *Apologia pauperum* 7.6 (BOO 8.273b–74a!). **118.** Reading *proditione* for *proditione*; cf. BOO 8.274a. **119.** Chrysostom, *Homilia* 1.4 (PG 49.378); cited in Bonaventure, *Apologia pauperum* (BOO 8.274a). **120.** Anselm, *De sacramentorum diversitate* 3 (PL 158.554); cited in Bonaventure, *Apologia pauperum* 7.6 (BOO 8.274a). **121.** Bede, *In Marcum* 3 (PL 92.244); cited in Bonaventure, *Apologia pauperum* 7.8 (BOO 8.274b); the conclusion also comes from Bonaventure, though he accidentally omitted the *quod*. **122.** Augustine, *In Ioannem* 4.10 (PL 35.1410): ‘If a lamb, innocent; and John was a lamb’. **123.** D. 8 c. 1.

distinct lordship of anything individually or in common, but only simple use of fact of things.

From all these and many other authorities and reasons—which I omit in order to avoid prolixity; and they are included more fully in order in a book of brother John Pecham¹²⁴ and in the *Apologia* of brother Bonaventure, bishop of Albano—it is manifestly clear that Christ and the apostles did not have anything individually or in common. And that the Roman Church, which cannot err in the teaching of Christ and the apostles, defined most correctly by saying that Christ and the apostles taught and observed by example this sort of abdication of all things both individually and common. And if someone were to understand or explain the said authorities of sacred scripture or saints differently than the Church—which is ruled by the Holy Spirit—understands or explains, he ought to be considered a heretic, as in the previously alleged c. *heresis* in 23 q. 3.¹²⁵ Moreover, if one of the holy doctors of the Church were to think, speak, or explain differently one ought rather to stand with the authority and definition of the Church than the authority of that one holy doctor: 23 q. 1 c. *hec est fides*,¹²⁶ and in the [previously alleged](#) opinion of Augustine *Contra epistolam Fundamenti*.

⟨3. That Christ did not normally have a purse, but only occasionally, namely when condescending to the poor⟩

The third conclusion that is elicited from the said determination [*Exiit*] is that Christ did not regularly have a purse, but only now and then or in [one] case,¹²⁷ namely for condescending to the weak, which is demonstrated from the words of the decretal when it says: ‘that he sometimes had a purse’; and afterwards when it adds ‘that Christ practiced the way of perfection in his acts’ in such a way ‘that he now and then condescended to the imperfections of the weak’; and below ‘just as is clear in the flight and the purse’. It is demonstrated from these words the opinion or understanding taken from those very words that Christ did not regularly have a purse /498/, but [only] in that one case. He instead gave a rule or law₂ to his apostles about not having a purse, as it was proved above, [and] which was a rule he himself always, as it were, observed

¹²⁴. This is the so-called *Tractatus pauperis*, which was been edited during the course of the last century. See Wyngaert 1925 (cc. 1–6); Delorme 1932 (cc. 7–9); Kingsford, Little, and Tocco 1910 (cc. 10 & 16); Delorme 1944 (cc. 11–14); Delorme 1925 (c. 15). ¹²⁵. C. 23 q. 3 c. 27. ¹²⁶. C. 23 q. 1 c. 14. ¹²⁷. One could translate *in casu* by ‘accidentally’ or ‘by chance’, but Bonagrata means that Christ had the purse for the one situation of condescending to the poor, not that he just so happened to have the purse while he was condescending to the poor.

in his own person. But he had one now and then; that is, he had one in certain cases, just as he sometimes fled followers, but he mostly did not flee them, but opposed himself to them; and he gave them a law₂ about not fearing persecutors and those *who kill the body*, just as it was said above. Hence the gloss on that verse of Matthew 26 that Christ taught by a triune prayer to overcome a triple fear, namely the fear of death, the fear of cheapness, and the fear of sorrow.¹²⁸ Just as the law says that what is said to be conceded in [certain] cases (because it is conceded in some cases but regularly prohibited: where there is a posited rule whereby it is said that ‘it must be done by a new judgment’),¹²⁹ so that the work be removed that ‘was done after the lawsuit was contested’, it is removed in that [one] case, namely ‘if that which preceded cannot be removed without it’:¹³⁰ ff. *de aqua pluv. arcen.*, l. *Ateius*, at the end,¹³¹ and l. *sequenti* which begins *Set interdum*.¹³² And according to Papia ‘sometimes’ (*interdum*) only means as much as ‘now and then’ (*aliquando*).¹³³

It ought to be noted that in the Gospel or in some part of the New Testament nothing more is held or read about the purse except what is read in John 12 about Judas, who betrayed Christ: *He was a thief, and having the purse, he carried the things that were put in it*, and in John 13 when it is said that Christ said to Judas, *What you’re about to do, do quickly ...some thought that Judas had the purse because he said to him: ‘buy those things of which we have need for the feast-day’, or that he should give something to the needy*. And because it is not expressly said in the words of the Gospel that Christ had a purse, although the holy doctors say this from those words, perhaps it is placed in the decretal ‘that he sometimes had [a purse] habuisse’ on the basis of this; and it is understood that Christ had it only in two passages (*duabus vicibus*); it is found, namely, that it was on the sixth day before Easter—that is, in his transit from this world—and on the day of the feast with the passion on the next day at hand.

It is read in the preceding evangelical sequence, however, that the holy women who accompanied the Lord with the disciples ministered to him from their own resources. It is also read that he regularly ate at other peoples’ tables, from other peoples’ food /499/ because he never had a hospice, a table, a candelabrum, or any of those sorts of things. Hence on that verse of Luke 9, Chrysostom says:¹³⁴ ‘Examine how the Lord demonstrated the poverty that he had taught through his works. For He had neither table, nor candelabrum,

128. Cf. *Glossa ad Mt.* 26:44. 129. Dig. 39.3.14.4. 130. Dig. 39.3.15. 131. Dig. 39.3.14.4; i.e., not *Ateius*, but *Antaeus*. 132. Dig. 39.3.15. 133. Papia, *Vocabularium* (Venice, 1485), s.v. ‘interdum’: nonnunquam, aliquotiens. In this paragraph I have accordingly translated the two Latin words differently. 134. Chrysostom, *Homilia in Luc.* 16:19–31 (PG 48.963–1016).

nor house, nor anything else of that sort.’ These words are found there. And Jerome says to Nepotianus:¹³⁵ ‘It is shameful that the attendants of the consuls and soldiers sleep outside before the doors of the priest of the crucified and poor Lord, who was fed by another person’s food. Behold! Christ, made a slave for us, was hosted in other people’s homes and fed with other people’s food.’ Jerome said these things. And Bernard in a sermon on that verse of Luke¹³⁶
Lk. 2:42 ‘When’ Jesus ‘was twelve years of age’, he says that Christ, ‘like one’ in ‘a crowd, begged a poor little offering for a sacrifice’. Concerning the dragma¹³⁷ it is also read not that he paid from the purse but with the coin found in the mouth of the fish, for, as Jerome says about this passage, Christ thought it wicked to convert the money in the purse, which was carried for the poor, to his own use, as it was alleged above. It is also read that, during the week (*ebdomada*) he spent when he preached until the evening in Jerusalem, he looked around to see if someone would receive him as a guest, [but] he could find no one to receive him (*receptionem*). Thus, led by voluntary destitution, he turned to the house of Martha in Bethany, for he did not find a hospice in Jerusalem due to his need, which he easily [could have done] if he had had a purse.

From these points and similar ones, therefore, it is shown clearly that Christ did not regularly have a purse, although from time to time, and rarely, it is said that he had had one, and that he had one ‘sometimes’, just as he ‘sometimes’ fled. But necessity has no law; it only dispensed at the time of the passion about
Lk. 22:35–36 the having of a purse. Hence he says in Luke 22: ‘When I sent you without a bag and a satchel, and sandals, did you lack for anything? And they said to him: Nothing. Therefore he said to them: But now let he who has a sac take it, and similarly a satchel.’ On which words, a gloss of Bede says:¹³⁸ /500/

The same rule of living does not inform the disciples in a time of persecution as at a time of peace. For when the disciples were sent to preach, he commanded that they take nothing on the journey, ordering that he who announces the gospel, should live from the gospel. However, with the danger (*articulo*) of death present, and with the entire people persecuting both pastor and flock,—he taught at that time¹³⁹—a fitting rule, permitting—them to take—things ne-
cf. 1 Cor. 9:6

135. Jerome, *Ep.* 52.11 (PL 22.536); cited by Bonaventure, *Apologia pauperum* 7.6 (BOO 8.274a).

136. Actually, Aelredus Rievallensis, *De puero duodenni* 6, among the works of Bernard (PL 184.853); cited by Bonaventure, *Apologia pauperum* 7.6 (BOO 8.274a), and *De perfectione evangelica* 2.3 (BOO 5.156a–b).

137. A dragma is a Greek silver coin worth about one six thousandth of a talent.

138. An Ordinary gloss, from Bede, *In Lucam* (PL 92.601).

139. The words between the dashes are interpolations of Bonagrata.

cessary for nourishment until the insanity of the persecutors is put to rest, [and] the time of evangelizing returns.

These words are Bede's.

Therefore, because the law sometimes cannot be preserved so far as the exterior act is concerned, or the exterior work, sometimes it is accustomed to pass away (*interimere*) in [some] case[s] and from due cause (*ex causa*). And so Christ consented to have a purse sometimes, from due cause and by dispensation, knowing that not all can always walk on the aforesaid path of strictness (*districitonis*). He thus had a purse sometimes, purely for the needs of others, as it was shown above; sometimes, condescending to the needy, who have a purse for themselves, so that Christ could teach the his servants that it is not a sin to have a purse. Yet Christ himself wished to have nothing in this purse in a lordly or authoritative way; nor did he ever¹⁴⁰ condescend in the interior act—namely by wishing to appropriate for himself lordship or possession in them—but only in the exterior act, as it was clearly shown above.

And this is also clearly agreed from this, that after the metion made by John the Evangelist, Christ himself said: 'For the prince of this world is coming, and he does not have anything against me.' On which words, the Gloss says: 'The Lord does not wish to have what might be lost; he came a poor man, lest he have something that the Devil might take.' It is agreed that all lordship, and all temporal possession, whether exclusive or shared (*sive propria sive participative*) with some particular college can be lost. *Jo. 14:30*

From which words, it follows that, given that it was asked in the proposed question, whether it is heretical to assert that Christ and the apostles did not have anything in common, understanding 'have' for those things that are had for stewardship (*emphdispensandum*), not in a lordly or possessive way, just as Christ sometimes had a purse, as it is said, it is nevertheless not heretical without qualification and definitively to assert that Christ and the apostles did not have anything in common. For a proposition is considered true which is regularly true, even if it is sometimes false. Hence the proposition, this water 'is daily, or accustomed to be drawn regularly' is said to be true even if it is sometimes not being drawn, or is [done so] intermittently: ff. *de aqua codi. et est.* l. 1, § 2 and the following §.¹⁴¹ /501/

¹⁴⁰. Reading *unquam* for *nunquam*; or Bonagratia is using a double negative to mean an emphatic negative. ¹⁴¹. Dig. 43.20.1.2 and 43.20.1.3.

⟨*Obj. 2. An abdication of all things, especially consumables, is not possible*⟩

The second objection, which is sometimes made and is still made against the aforesaid things which are said in the decretal *Exiit*, is this: It seems that this sort of abdication or renunciation of all things, both individually and in common, is not possible, especially as it relates to those things that are consumed by use, such as bread, wine, oil, clothing, and the other things that are consumed by use, since the law says that ‘if a usufruct of wine, oil, or grain is bequeathed, the ownership must be transferred to the legatee’, for use in such things does not seem to be able to be separated from ownership or lordship: ff. *de usufructu earum rerum que usu consumuntur*, l. *si vini*¹⁴² with similar [references]. And for that reason, he who renounces ownership altogether, or lordship of such things, consequently seems to renounce their use. And to this objection, in the oft-cited decretal *Exiit*, in § *Porro*, at the phrase *non autem*, it is responded in these words:¹⁴³

It does not seem to anyone that such an abdication of every kind of ownership introduces a renunciation of the use of things. For, since in temporal things there is to consider especially ownership, possession, usufruct, the right of using, and simple use of fact, and since the life of mortals needs the last one as necessary, although it can lack the first [four], there can be absolutely no profession that excludes from itself the use of what are necessary for subsistence (*usum necessarie sustentationis*). But it is very fitting for that profession, which spontaneously vows to follow the poor Christ in such poverty, to abdicate the lordship of all things and be content with the necessary use of the things granted to it. And it is not proven through this, that the profession seems to have abdicated from itself the ownership of use and the lordship of everything, that it has renounced the simple use of every thing; which use, it is said, does not have the name ‘of right’, but only ‘of fact’, [and] what is only of fact offers, in the using, nothing of right to the users. Rather, a use of necessary things is granted—so far as concerns¹⁴⁴—the sustainment of life—according to—truth of every sort.

It is openly shown in these words that someone can renounce all lordship, ownership, and usufruct of all temporal things, even of what are required for

142. Dig. 7.5.7. 143. *Exiit*, 2.1113. 144. Bonagratia modified this last sentence a little.

the sustainment of life and without which human nature cannot be sustained (among which are chiefly those things which are consumed in use, such as bread, wine, and all victuals), and to abdicate entirely from itself all lordship, ownership, and even usufruct to such things. And nevertheless, through this kind of renunciation, /502/ or any sort of abdication, one does not seem to have renounced a use of simple fact. Therefore, it is false to say that simple use of fact cannot be separated from lordship, ownership, and usufruct, or a right of using. Nor is this provision (*cautum*) found in some law (rather the opposite is found): in a slave, son of the household, or men in religious orders, for example, who have simple use of fact in things that are consumed by use, and yet nor do they have for a moment anything of lordship, ownership, or right to those things.

It is clear in the [case of a] slave. For the slave itself does not have lordship of his peculium, ff. *de peculio*, l. *id vestimentum*,¹⁴⁵ but the ownership and possession always resides in the power of the lord, ff. *de acquiren. possess.*, l. 1, § *Item acquirimus*¹⁴⁶ and l. *quod servus*.¹⁴⁷ And if foodstuffs are bequeathed to slaves, it is doubtlessly a bequest of the lord, not the slaves, as the law says at the end of ff. *de condi. et demonstrati.*, l. *filio famil.*¹⁴⁸

The same is true about these things which the son of a household has [something] *ex peculio profectitio*,¹⁴⁹ whether they be foodstuffs, clothes, money, or other things that are consumed by use. For he has use of fact of these things; and the ownership or lordship of them does not reside in his power, ff. *de acquiren. possess.*, l. *quicquid*,¹⁵⁰ and in the same title, l. [*possessio appellata*], § *Item acquirimus*.¹⁵¹ And ff. *de regulis iuris*, l. *filius familias*. And in the said law, *filio*,¹⁵² with similar ones.

For monks, too, and even religious—to whose rule the abdication of all ownership of every single thing is so adjoined that the high pontiff cannot grant a licence against it, *Extra, de statu monach. c. cum ad monasterium*¹⁵³—it is most clear that in all things, even what are consumed by use, and what are concerned with food and clothing, they have so bare a simple use of fact that they neither have nor can have ownership or lordship of them or in other things for one moment. Nor, therefore, are the clothes that they wear said to be theirs so far as ownership and lordship are concerned, or true possession, as it is proven in 12 q. 1, *non dicatis*,¹⁵⁴ in the text and *Ordinary Gloss*, and in 27 q. 1, c. *monacho*,¹⁵⁵ and

145. Dig. 15.1.25. 146. Dig. 41.2.1.5. 147. Dig. 41.2.24; corrected from Oligier, p. 502 n. 3. 148. Dig. 35.1.42. 149. That is, 'by a peculium that proceeds from someone [else]', which is in fact how all peculium works. 150. Dig. 41.2.4. 151. Dig. 41.2.1.5. 152. Dig. 35.1.42. 153. X 3.35.6. 154. C. 12 q. 1 c. 11. 155. C. 27 q. 1 c. 32.

in *Extra, de statu monachorum, c. monachi, § qui vero*,¹⁵⁶ and *c. super quodam*,¹⁵⁷ with similar ones. /503/ Monks or religious cannot even have usufruct in certain things, as it is held and noted in 19 q. ulti., c. ulti. *si qua mulier*,¹⁵⁸ in the *Glossa ordinaria*.

Moreover, a use of fact of things necessary for the sustainment of nature is from that natural law₁ [1] that ‘began from the origin of rational creatures’: dist. 5, in the beginning,¹⁵⁹ and dist. 35, c. *sexta die*,¹⁶⁰ and [2] which is held everywhere and among everyone by an instinct of nature, not by some constitution, as in the *Decretum*, dist. 1, c. *ius naturale*,¹⁶¹ and [3] which ‘taught all animals’ this use ‘by nature’, Inst., *de iure naturali et gentium et civili*, in the beginning,¹⁶² and ff. *de iustitia et iure*, l. 1, § *ius naturale*.¹⁶³ And for this reason it cannot be removed or changed through the law, nor through renunciation or abdication, nor in any other way, ‘for natural laws₁, which are observed by all equally, endure established by a certain divine providence, always strong and immutable’: dist. 5, in the beginning,¹⁶⁴ and dist. 6 c. 3 § *hiis ita respondetur*,¹⁶⁵ also Inst., *de iure naturali*, l. 1, around the last words *set naturalia*.¹⁶⁶ Property rights (*proprietates*), however, and possessions and lordships of things are from human law₁, dist. 8, *quo iure*; usufruct also, and the right of using are from civil law₁, as in Inst., *de rebus corporalibus et incorporalibus*, throughout the whole title.¹⁶⁷ It is certain that one can renounce every private right, which belongs to someone by human law₁, and can completely abdicate it from one’s self; hence Esau could never return to his right of primogeniture because he renounced it at one point: *Causa* 8, q. 1, c. *quam periculosum*,¹⁶⁸ ff. *de edil. edic.*, l. *queritur*, § *si venditor*,¹⁶⁹ with similar ones.

More to the same point. No one who is indispensably obliged to the precept of natural law₂ to preserve one’s nature (*esse nature*) can renounce those things without which one’s nature is not preserved. But each and every single person of every single condition [who] live, are indispensably obliged by the precept of natural law₂ to preserve his nature; therefore, they cannot renounce these things without which one’s nature is not preserved. But it is clear that one’s nature cannot be preserved in any way /504/ without a use of fact of things necessary

156. X 3.35.2. 157. X 3.35.4. 158. C. 19 q. 3 c. 9. 159. D. 5 d.a.c. 1. 160. D. 35 c. 8; corrected from Oliger, p. 503 n. 3. 161. D. 1 c. 7. 162. Inst. 1.2.1. Bonagratia altered this passage of the *Institutes*, and thereby changed its syntax as well. The original passage is usually read so: ‘Natural law is that which nature teaches all animals.’ However, some medieval commentators noted that *natura* could be read as in the ablative: ‘Natural law is that which teaches all animals by nature.’ 163. Dig. 1.1.1.3. 164. D. 5 d.a.c. 1. 165. D. 6 d.p.c. 3. 166. Inst. 1.2.11. The quoted words come from this passage. 167. Inst. 2.2. 168. C. 12 q. 1 c. 8. 169. Dig. 21.1.14.9.

for human life, such as nourishment and clothing, which are among those things that are consumed by use. Ownership, however, or lordship of things, of nourishment, which is a thing of the law₁, do not preserve one's nature, only use of fact does. Therefore, ownership of this kind can be renounced everywhere and at all times, but use can never be renounced.

It is clear in Genesis 2 that use of things, or of foodstuffs, falls under a precept of the law₂ of nature, where it is read that God gave two precepts to humankind from the beginning of rational creatures, in the state of innocence: one of eating, the second of not eating; the first was affirmative, the second negative. He said: 'You may eat from every tree of paradise, but do not eat from the tree of the knowledge of good and evil.' It is manifestly clear from the aforesaid that the use of foodstuffs, which were consumed through use, are so of the law₁ of nature that their use also falls under a divine precept. However, it is certain that, with the law₁ of nature in force (*stante*), no one can say of anything 'this is mine; that is yours'. Indeed, these two pronouns, 'mine' and 'yours', as blessed Clement says, are due to the iniquity and cupidity of people, and were introduced by human law₁. For 'a common use of all things that are in this world ought to exist for all humankind' by the law₁ of nature and divine law₁, as it is held in 12 q. 1 c. *dilectissimis*,¹⁷⁰ and Augustine—it is placed in dist. 8, c. *quo iure*¹⁷¹—says: 'Remove the laws₁ of emperors', [and] no one can say of anything 'this is mine, that yours'. Therefore, a use of things that are consumed through use does not have 'mine' and 'yours' necessarily adjoined. Consequently, it is very clear that a use of things that are consumed through use can exist without ownership and lordship.

And if someone says that the state of innocence endured too briefly, this does not prove (*solvit*) that use of such things, which are consumed by use, cannot exist forever without ownership or lordship. For the first man could not sin, and so the use of all things was always among all humankind, and at all times and everywhere without ownership and lordship.

Moreover, it is agreed by both canonical and civil law₁ that in a time of extreme necessity all things related to the sustainment of human life are so common to all people of this world that no one can say that some thing is his own that is common to all people in a time of necessity: dist. 47, c. *sicut hii*.¹⁷² This passage, speaking about the time /505/ of necessity, says: 'Let no one call something common one's own'. And below: 'The bread that you hold back belongs to the hungry; the clothing that you shut away belongs to the naked'.

170. C. 12 q. 1 c. 2. 171. D. 8 c. 1. 172. D. 47 c. 8.

Even imperial law₂ says that in a time of necessity foodstuffs are common to all people: ff. ad legem *Rodiam de iactu*, l. 2, § *idem*;¹⁷³ hence at a time of necessity, the one taking away¹⁷⁴ things related to the use of life from the one holding it back against his will does not commit theft or robbery, or some crime, for he did not take away something belonging to another, as it is proven in *de cons.*, dist. 5, c. *discipulos*,¹⁷⁵ where it is said that the disciples of Christ, who plucked the

Mt. 12:7

ears of grain due to the needs of hunger, were innocent. And Christ *called* them *innocent*, as it is held in Matthew 12. For necessity of this kind is not subject to canonical or civil law₂, *Extra, de observantia ieiun.*, c. *sicut*.¹⁷⁶ And *Extra, de consuetudine*, c. *quanto*.¹⁷⁷ And *Extra, de regulis iuris*, c. *quod non est licitum*.¹⁷⁸

cf. Mt. 12:8; Lk. 6:5

It is therefore absurd to say that the son of God, Jesus Christ, is subject to the emperor, who is above all power, as it is written in John: ‘The son of man is lord even of the sabbath’. Rather, he is even above the law₂ of nature, for, as Ambrose says in the *Hexameron*,¹⁷⁹ the nature of things is not different from the will of God; therefore, the Lord, who is not subject to the law₂, and his apostles, whom he lead to imitate him, are not subject to the law₂ of the emperor so far as concerns the use of things. It is also certain that a law₁ can be modified that can be modified through another law₂, by a pact or by the renunciation of some corporation or college as it relates to individuals and the whole group, as it is expressly said and noted in *C. de decretis decurionum* in the gloss placed over the rubric in book ten,¹⁸⁰ and note ff. *de regulis iuris*, l. *nec ex pretorio*,¹⁸¹ where the Gloss says that if some corporation establishes something against law₁ or against law₂, it holds as it pertains to that corporation.

It is clear from the aforesaid, therefore, that the apostles and the Friars Minor could abdicate from themselves lordship and ownership of all things, individually and in common, even of those things that are consumed by use, and that they can retain only a simple use of fact of all things.

But if it is said, ‘then whose lordship was it of those things that the apostles used?’ /506/ it is responded in the same way the aforesaid chapter¹⁸² responds: ‘By what law₁ do you defend those villas?’—where it is said that ‘by divine law₁, the land and its fulness, the whole world and everyone who lives in it is the Lord’s.’ And just as things offered, given, or granted to the poor are said to be in the lordship of God: 12 q. 2 c. *qui abstulerit*;¹⁸³ so it is also said that ‘sacred, religious, and holy things are no’ man’s except God’s. In *Institutes, de rerum*

173. Dig. 14.2.2.2. 174. Reading *auferens* for *auferentes* (to resolve the issue of subject-verb agreement). 175. D. 5 de cons. c. 26. 176. X 3.46.2. 177. X 1.4.4. 178. X 5.41.4. 179. Cf. Ambrose, *Hexameron* 1.6.22 (PL 14.134). 180. Cod. 10.47(46). 181. Dig. 50.17.27. 182. That is, D. 8 c. 1. 183. C. 12 q. 2 c. 6.

*div., nullius*¹⁸⁴ in the text and placed in the Gloss there, it says: ‘they are of no one’s, namely of no man or men, but are God’s’. Or it might be said that just as ‘some things’, which are ‘common by natural law₁ to all’ human beings, just as are ‘the air, the flowing waters, the sea, and its shores’, in *Institutes, de rerum divisio. § 1*,¹⁸⁵ and in the said c. *Dilectissimis*. And things of the Church are not said to be of any individual man¹⁸⁶ or college, but are, as it were, common to the entire body of the faithful, which is the body of Christ: 12 q. 1 c. *res ecclesie*,¹⁸⁷ and the last *capitulum*,¹⁸⁸ and the note by Innocent in *Extra, de causa posses. et proprietatis, c. cum super electione*.¹⁸⁹ So also the lordship and ownership of things, which the apostles used, was of the entire body of the faithful or good men. For by divine law₁ all things belong to good men: 23 q. 7, c. 1.¹⁹⁰ However, it cannot be said that the lordship of those things was appropriated to the apostles’ individually, or to their specific college, since they abdicated the ownership of all things, both individually and in common, as it was proven above.

This is additionally argued so: Christ held that state in so far as he was a man, and the apostles assumed a state of perfection later that was possible to hold, which men had had by the law₁ of nature and by divine law₁, and not what they held on account of iniquity, since Christ, innocent and most perfect, assumed and taught his apostles the most innocent and most perfect life—one than which there never was one more perfect, nor could one be thought. But before sin no one had had lordship of those things that are consumed by use, nor of any other thing. For there was no ‘mine’ and ‘yours’, but use of all things was as common to /507/ humankind as there is a use common to all human beings in air, sunlight, sea, sea-shore, and other similar things.¹⁹¹ And just as no individual person, nor any college can say or does say, ‘this air is mine’, or ‘this sunlight is mine’, so no one said then, ‘this bread is mine’, or ‘these clothes are mine’, for there was no mine and yours, as was said. And this is proven in the previously alleged chapter, *Dilectissimis*. Therefore, Christ and the apostles, who taught most perfectly a contempt for all temporal things, and who never wished to appropriate anything either to themselves or to their college in common, never had lordship or ownership of things that are consumed by use, nor of any other thing; but they used things pertaining to the necessity of life just as men used things in the state of innocence. And so men still use those things that have remained in the common use of all men, such as air, the light of a flame,

184. Inst. 2.1.7. 185. Inst. 2.1 pr. and 2.1.1. 186. Omitting, with MS. P., the awkward *hominum vel.* 187. C. 12 q. 1 c. 26. 188. C. 12 q. 1 c. 28. 189. X 2.12.4. 190. C. 13 q. 7 c. 1. 191. Cf. Inst. 2.1.1.

the sea, and the sea-shore, as was said above.

⟨TWO ABSURD CONSEQUENCES IF CHRIST AND THE APOSTLES HAD LORDSHIP OF
CONSUMABLES⟩

This is confirmed, for if it were conceded that Christ and the apostles had lordship of those things that are consumed by use because use of these things could not be separated from lordship, then two most absurd and heretical things would follow:

⟨1. *Christ and the apostles would have been individual property-holders*⟩

First, that, according to this, Christ and the apostles would all have been individual property-holders because, since each one had the use of the clothing they wore, the bread they ate, and the wine they drank, and similarly regarding the other things they consumed, consequently each one would have lordship individually or particularly, and thus each of them would have been a property-holder. And thus the universal Church would have erred up until these times, which held and holds, taught and teaches, that religious men ‘hold the form of the apostles’, 16 q. 1 c. *ex auctoritate*,¹⁹² so far as concerns the expropriation and abdication of ownership and lordship of all temporal things. And thus, since every true perfection that should be followed can be no other thing except that which is taught by Christ and the apostles by word and example, no one would have held the state of perfection unless he held lordship and ownership of things individually—which would be heretical and insane to say. And, even according to this, all holy men would have erred who held and taught the state of expropriation of all things individually to such an extent that they neither call nor hold clothing, bread, or anything as their own, /508/ as a state of perfection taught by Christ and his apostles.

⟨2. *Christ and the Apostles Would Have Had Individual Lordship of Money*⟩

Second, it would also follow that Christ and the apostles had had lordships, ownership, and possession of money individually. For, because money is numbered among those things that are consumed by use, so it is said in *Institutes, de usufructu, § constituitur*:¹⁹³

192. C. 16 q. 1 c. 24. 193. Inst. 2.4.2(!).

Those things consumed by usufruct do not receive usufruct, such as wine, oil, grain, and clothing, to which money is related. For it is extinguished in a way by that very usufruct by means of a regular exchange.

These words are found there. And in John 4 it is said that *his disciples went away into the city to buy bread*. Through which it seems that they had money to buy [things]. But by this, that they had money, by the same fact they would have had lordship of that same money, as the said opposition argues. Therefore they also possessed it; and they could have licitly possessed gold, silver and money by the law₁ of lordship and ownership—which is against the text of the Gospel: ‘Do not possess gold and silver, nor money in your belts’.

Jn. 4:8

Mt. 10:9

Moreover, if the objection were true, which is made about things consumed by use, it would not do anything for the proposed question, for it would not prove that Christ and the apostles had some lordship in common, but rather that they had it individually. For, just as each one had the use of things necessary for human life individually, as Peter had the use of the clothing that he wore and the bread he ate, and so regarding each one, so even individually because he had lordship of each thing, if use cannot be separated from lordship.

Moreover, the law₂ alleged to the contrary to prove this sort of objection, ff. *de usu fructu earum rerum que usu consumuntur*, l. *si vini*,¹⁹⁴ does not prove (nor do other similar ones) that use of those things consumable by use cannot be separated from lordship and ownership since they do not speak about use of simple fact because they do not have any law₁ attached; but they do speak about usufruct. Hence the decretal *Exiit qui seminat* rightly and deservedly draws a distinction between them, saying that one is to consider in things ownership, possession, usufruct, and simple use of fact as diverse [properties] and of diverse accounts. For simple use of fact ‘offers nothing of right to the users’, and he who has usufruct has a right in the thing (*ius in re*) and useful /509/ possession of that which he has usufruct. Hence the law₂ defines usufruct so, saying: ‘usufruct is a right of using and enjoying someone else’s things, preserving the substance’, ff. *de usufructu* l. 1.¹⁹⁵ And in *Institutes, de usufructu*, in the beginning.¹⁹⁶ And elsewhere it is said that usufruct is a certain incorporeal right, and that it exists only in law₁, like inheritance. And just as inheritance is the very right of inheritance, although ‘corporeal things are contained in inheritance’,¹⁹⁷ so, too, is usufruct a certain incorporeal right of using, ‘although the fruits which are received from the farm’, in which someone has usufruct, ‘are

194. Dig. 7.5.7. 195. Dig. 7.1.1. 196. Inst. 2.4.1. 197. Inst. 2.2.2.

corporeal', as these things are said throughout the whole of *Institutes, de rebus corporalibus et incorporalibus*.¹⁹⁸ These laws₂ also say that those things that are consumed by usufruct, do not properly receive usufruct, as in *Institutes, de usufructu, § constituitur*,¹⁹⁹ and ff. *de usufructu earum rerum, que usu consumuntur*, l. 1 and 2.²⁰⁰ And since usufruct, 'which is a right of using and enjoying things, preserving the substance', does not properly exist in these things because the substance of the thing, which is consumed by that very use, cannot be preserved, for that reason it is improperly said that usufruct of such things is separated or not separated from lordship: for a usufruct, which does not exist, cannot be separated or united: ff. *de usufructu*, l. *Sempronius*;²⁰¹ nor can a usufruct that never began cease to be: ff. *de condit. et demo.*, l. *Titio ususfructus*.²⁰²

Moreover, usufruct does not properly exist in things 'which are consumed by use'; it cannot, therefore, pass away with lordship, nor can it be separated from that which never was. And although usufruct does not properly consist in such things, nevertheless, for the 'sake of utility', the law₂ enacted, by a benign interpretation, that 'quasi usufruct' can be established in these things, as in the mentioned § *constituitur*, and in the said l. 2 in ff. *de usufructu earum rerum que usu consumuntur*.²⁰³ In the law alleged to the contrary it is said:²⁰⁴

If a usufruct of wine, oil, and grain is bequeathed, the ownership must be transferred to the legatee. And a security is desired by this: that whenever /510/ he dies or is put to death, things of the same quality are returned; or, what is more convenient, a surety be given for the things, which have been appraised for a certain sum of money. We understand the same thing regarding all the other things that are consumed by use.

These words are found there. This security takes the place of the thing, and the one who has such a security is considered to have the thing itself in the view of the law₁, ff. *de solutionibus*, l. *qui sic solvit*,²⁰⁵ and ff. *si certum petatur*, l. *sicut*,²⁰⁶ and ff. *de regulis iuris*, l. *is qui actionem*,²⁰⁷ along with similar ones. From which it is also clear that the proposition by which it is said that in those things 'that are consumed by use', usufruct cannot be separated from lordship

198. Specifically, Inst. 2.2.2; the non-italicized words are not part of the rubric. **199.** Inst. 2.4.2. **200.** Dig. 7.5.1 and 7.5.2. **201.** Dig. 33.2.26. **202.** Dig. 35.1.96. Oligier reconstructed this reference from Bonagratia's other, similar Appeal; cf. the text at Gál and Flood 1996, 107. **203.** Dig. 7.5.2. **204.** Dig. 7.5.7. **205.** Dig. 46.3.55. **206.** As noted by Oligier, this is impossible to decipher. The title refers to Cod. 4.2, but there is no *lex* beginning with *sicut*. **207.** Dig. 50.17.15.

or ownership, does not hold truth, whether usufruct be taken truly and properly according to the definition of usufruct, because usufruct in no way exists in such things according to this mode of taking [the term], because the definition is not competent for such things, and consequently neither is the defined, or whether usufruct be taken improperly for quasi usufruct, just as someone is not said in incorporeal things to have possession, but ‘quasi possession’, ff. *de servitut.*, l. ultim.²⁰⁸ For, according to this mode of taking [the term], just as by a benign interpretation, and for the said of utility, it was established through the law₂ that quasi usufruct is preserved in these things, so by the same interpretation, a certain ‘quasi separation’ occurs while he (to whom the usufruct of wine and oil, or money is bequeathed) is said to have quasi usufruct in the things bequeathed and given to him for the purpose of enjoying [them]. And he to whom restitution ought to be made of the same quantity of wine and oil, at the death or death sentence of the fructuary, he seems to have that thing, since he can take legal action (*habeat actionem*), as it just proved through the alleged laws₁. The said law, *si vini*, which says that ‘ownership of the wine and oil ought to be transferred to the legatee’, speaks about he who is capable of ownership. And for that reason, it is otherwise for those people who are not capable of ownership, such as slaves and religious, as it was proven above.

From which it follows and is concluded—according to all laws₁, canon, divine, and civil, and according to the determination of the decretal *Exiit qui seminat*—that ownership and lordship of all usable things, and even of those things that are consumed by use, *can* be separated and abdicated, and completely renounced by the same people, and /511/ a simple use of fact of those things be had by those renouncing such ownership and lordship individually and in common. And also by this, that such a use of fact can be separated from ownership and lordship. And just as a horse has a use of fact of the oats which it eats, and not have any lordship, so a slave and an expropriated religious has a simple use of fact to the bread, wine, clothing, and other things that are consumed by use. And nevertheless, he does not have any lordship of them for a moment, nor any other ownership, nor a right of using, but only simple use of fact, which allots no right in the use, as it is said. Thanks be to God. Amen.

* * *

208. Dig. 8.1.20. Oliger is right to remark that he could find nothing in this title that seemed relevant.

A NOTE ON THE TRANSLATION

I have tried to keep this translation in line with my earlier ones. Bonagratia's text generally offers no great difficulties. Technical terminology is as follows:

<i>dominium</i>	lordship
<i>in speciali</i>	individually
<i>ius</i>	right; law ₁
<i>lex</i>	law ₂
<i>proprietas</i>	ownership
<i>propriarius</i>	property-holder

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