

WALTER CHATTON  
REPORTATIO SUPER SENTENTIAS 3.16.UN  
WHETHER CHRIST MERITED BY LACKING ALL LORDSHIP TO  
TEMPORAL THINGS

*Translated from:*

Joseph C. Wey and Girard J. Etzkorn, eds. (2002–2005). *Walter Chatton: Reportatio super Sententias*. 4 vols. Studies and Texts 141–142, 148–149. Toronto: Pontifical Institute of Mediaeval Studies, pp. 4.139–68.

Note that much of the substance of this article can be found in a longer version edited by Douie 1931–1932, pp. 36–58, 210–40, which attempts to reconcile a shorter and a longer version of the same text (though clearly different from the one translated here). A fuller picture of Chatton’s views on Franciscan poverty depends on Douie’s text. Finally, the arrow-plus-number—e.g., ‘(↖ 6)’—is a reference to a page of this translation (in case you print out the file).

Whether Christ merited by lacking all things, both individually and in common.

- 1 That he was not: for, in many places in the Gospel, it is read that he had a purse. And Augustine says this *On John*,<sup>1</sup> homily 61, that he had a purse for his necessities, and for others.
- 2 Likewise, what is vicious is not to be attributed to a virtuous person. But to renounce the lordship of all things, both individually and in common is vicious, for human nourishment does not last (*continuatur*) without temporal things.<sup>2</sup> Consequently, it is necessary that they be had: either, therefore, through possession—and [[that]] is the proposition; or through a continuous and superfluous concern regarding the acquisition of such things, and this would entail a greater distraction from the service of God than [[the contrary]], etc.
- 3 It is confirmed, for to give alms is virtuous and commendable. But he who does not wish to have lordship in this way nor in that, does not wish to help another, but has the desire to not give help; therefore [etc.]. /140/

---

1. Augustine, *Super Ioan.* 62.5 (CCSL 35.485; PL 35.1803) 2. One might reasonably expect ‘vita humana’ (human life) in place of ‘victus humanus’, as we have here.

4 On the contrary: *Extravagantes*, to 5, ‘Dicimus’,<sup>3</sup> that such an abdication is meritorious and holy.

Lk. 9:1 Likewise, Ambrose on that verse, *When the twelve apostles had been* 5 *called together by Jesus, he gave them the power and authority (potestas) over all demons, and so that they take care of the feeble*, speaks so:<sup>4</sup> ‘How ought he be who evangelizes the needy<sup>5</sup> of God is designated in the evangelical precepts: that, without satchel, without shoes, without bread, without money—that is, not requiring the supports of secular help. To the degree he thinks of them for himself, whereby he requires them less, the more he is able to seek them.’ Ambrose [[said]] these things.

⟨STATUS QUAESTIONIS⟩

On this question, I shall **first** recite one opinion with its proofs. **Second**, I 6 shall give in addition five conclusions which seem more probable for that conclusion. **Third**, I shall explain two terms and respond to the question. **Fourth**, I shall solve the objections which were made to the contrary in the new constitution that begins *Ad conditorem canonum*.<sup>6</sup> **Fifth**, I shall treat the opinion of one doctor. /141/

⟨ART. 2.⟩

⟨The Opinion of Any Friar Minor⟩

Regarding the first, a certain opinion<sup>7</sup> says that Christ had absolutely no 7 lordship, neither individually nor in common, of any temporal things whatsoever. And therefore, it says that it is more praiseworthy to lack in both ways for the sake of God than to lack individually and have [[things]]

3. As the editors note, there does not seem to be a chapter in the *Extravagantes* with such an incipit. 4. Ambrose, *Super Lucam* 6.65 (CCSL 14.196; PL 15.1771C); Ambrose’s text is slightly different. 5. Reading *egenum* for *egnum*. 6. John XXII published two versions of this bull, first (= *Ad conditorem*<sup>1</sup>) on 8 December 1322, then again in an expanded form (= *Ad conditorem*<sup>2</sup>) sometime after 13 January 1323 (though he published this version with the same date as the first). The Latin versions can both be found (e.g.) in Gál and Flood 1996 (= G&F), 83–89, 118–27; the second is also found in the critical edition of the *Extravagantes*, in Tarrant 1983, pp. 228–254. I have translated both versions in parallel (along with the Latin texts): <http://individual.utoronto.ca/jwrobinson/#Translations>. 7. This is, essentially, the common opinion of any Franciscan who wrote about evangelical poverty, though obviously there were differences of emphasis in the details.

in common; and this is speaking about human lordship, for it is certain that he had divine lordship. It is true that he was a prelate, and that he did many acts; but he did not have lordship. It is proved by one unique argument in this way: Christ held to what he taught by word and confirmed by example; but this is of this sort; therefore [[etc.]]

8 The minor is proven in three ways: [1] **first**, through authority; [2] **second**, through a determination of the Church; and [3] **third**, by reasons.

9 First is the authority on the adolescent: *If you wish to be perfect*, etc. in Matthew. Second is this: *Do not be anxious, saying what shall we eat*, etc. Third is this: *Do not possess*, which expresses in a great abundance that nothing is to be had except [[what is]] necessary for nourishment and clothing. Mt. 19: 21  
Mt. 6: 31  
Mt. 10: 9

10 The second way for this is the determination of the Church. For, to this [[point]], there is, first, Innocent III, who confirmed the *Rule* according to the understanding that Saint Francis held and desired. Second, the lord Pope Honorius [[III]]. Third, Gregory IX, plainly [[held]] to that understanding. Fourth, Nicholas III, who published on this *Exiit qui seminat*,<sup>8</sup> /142/ etc.; and there in this way: ‘And it was<sup>9</sup> declared through lord Gregory IX’, etc., where it is clearly plain that this is the determination of both. Fifth, Nicholas IV.<sup>10</sup> Sixth, Boniface VIII, who incorporated the statute *Exiit* into the *ius commune* and dictated that it be believed. Seventh, Benedict [[XI]], in the statute *Inter cunctas*.<sup>11</sup> Eighth, Clement V, and it was placed in the *Clementines*,<sup>12</sup> and incorporated into the *ius commune*. Ninth, the lord Pope John XXII in the constitution, *Quorundam exigit*,<sup>13</sup> where he approved the declarations of both Nicholas III and Clement.

11 The third way is to prove this through some persuasive reasons (*persuasiones*). The first is: such an abdication arises from a will fixed on serving God, etc. Second, because what Christ taught and confirmed by example is meritorious and holy. Likewise, if not, this is because to lack in such a way is nothing but a certain privation. But he proved this about many other things, for example, about virginity, etc.

---

8. VI 5.12.3. Translated in FA:ED, 3.739–764. 9. Reading with *Exiit sitque* for Chatton’s *Quae*; see VI 5.12.3, col. 1112. 10. Presumably, *Religionis favor*, ed. in Sbaralea and Eubel 1983 (= BF), 4.190, no. 360. 11. BF, 5.11–144, no. 20. 12. Clem. 5.11.1. 13. Ed. in Tarrant 1983, pp. 163–81.

⟨Five Arguments⟩

Second, I posit five arguments. [1] First I argue in this fashion: he who 12  
loves God in such a way that he, on account of his love, wishes /143/ to  
be neither an immediate partial lord nor the total lord of some temporal  
thing, then he loves more than he who loves in such a way that, although  
he wishes to renounce all lordship on account of his love for God, he  
nevertheless wishes to be a partial lord.

This is proven, because every whole is greater than its part, for one 13  
loves so intensely that he wishes both by the strength of that love, and the  
one so much as the other. But such a person is of this kind, because he  
neither wishes to be the total lord because he wishes to lack a thing of his  
own (*proprio*), nor a partial lord because he wishes to have in common.  
I say this because a community having lordship is all people having  
together, and this is each private person of the community having partial  
lordship.

[2] Secondly, as follows: it is meritorious and holy for one person to 14  
not have total, exclusive lordship; therefore, this is praiseworthy for one  
community, namely, to not have lordship. Therefore, it is praiseworthy  
to not have in both ways. I shall prove the first consequent: because the  
reason why this is praiseworthy and meritorious for one person is because  
he lacks for the reason that he be exposed to a greater penury on account  
of God: because he can neither change<sup>14</sup> such a thing into other uses with  
any other person unwilling, nor take possession of it, nor claim it; and,  
regarding the community, the reason is the same.

[3] Thirdly, I argue as follows: it is more meritorious and holy to 15  
wish to lack all superfluous things on account of God—with respect to  
nourishment and clothing, divine worship, and sapiential study, and to  
lack other things simply—than to not wish this. But such lordship is  
superfluous in both ways, for it is not required for anything with respect  
to the four [[categories]], for all present or imminent future necessity can  
be alleviated through mendicancy without lordship. /144/

You will say: such a person would expose himself to death and would 16  
be cruel to himself, for his life would depend on the free desires (*volunta-*  
*tibus*) of people. — I say that Christ excluded that objection in Matt. 6:

Mt. 6: 26 *Regard the birds of heaven, etc.*; and later: *If the hay that is of today etc. how*

Mt. 6: 30

14. Reading *commutare* for *communtare*.

*much more you of little faith.*<sup>15</sup> Or, similarly, you understand that such a person would so depend on the desires of men that they can licitly not help the person, and [[especially when]] it is certain that [[he]] is not in necessity. But, if you understand that [[they can]] illicitly [[not help]], each the same reason no one ought to have lordship, for it would be tedious for him, that others would illicitly usurp that lordship and kill him. Similarly, it would be cruel that, according to this, anyone would not acquire for himself many kingdoms, if he could, for it would be forever tedious that one [[kingdom]] could be taken away from him, or two, etc.

17 You will say: if you were not to have lordship, then another can take away from you the things granted for necessary use, and then you would be without in necessity. — I say that, in such a case, through the mode of mendicancy, a prince or prelate ought to be asked so that he make them be restored; he ought not otherwise take judicial action for restitution.

18 [4] Fourth, this would not be denied except because it is necessary that someone be a lord of such things, etc. But this is not true, because it is not required for the observance of this state that someone be found who has lordship. I prove [[this claim]] because I take one community that has lordship of some thing, and I posit that the whole society died beyond one single person of them [[all]]. Such a thing, then, would be of whose exclusive lordship? Not of that one person, for he would then be a property-holder; nor of the community, for it does not exist. Therefore, either it is no one's, which is the proposition, or he will be a property-holder—willing [[or]] /145/ nilling—against his vow.

19 Similarly, if none of Christ's disciples had survived, except for Christ alone, who would have been the exclusive lord of things that the community of Christ and the disciples had? Not Christ, for he did not wish to have [[things]] individually, as it is granted. Similarly, who would have been the exclusive lord of the things which Christ assembled before he assembled the disciples?

20 [5] Fifth: because this is the literal sense of the Gospel: *If you wish to be perfect*, etc., where Christ dealt with the subject of poverty at length, forever picking up that subject. And Peter said, responding there: *Behold we have left all things*, etc. Christ replied: *Everyone who has left house*, etc. He was speaking, therefore, about the poverty which excludes lordship in

*Mt. 19: 21*

*Mt. 19: 27*

*Mt. 19: 29*

15. The verse reads: 'If God so clothes the grass of the field, which is [here] today and tomorrow sent into the oven, by how much more does he clothe you of little faith.'

common, for they have a father, mother, and sibilings, etc., in common.

⟨ART. 3.⟩

⟨What is 'having lordship'?⟩

Regarding the third article, I shall first explain what 'having lordship' is, <sup>21</sup> and what 'having lordship in common' is. And I do not intend to speak how these terms are to be explained according to the laws<sub>2</sub>, but according to the sense which a simple cleric would have, or a layperson entering a religious order (*religionem*) and experiencing it for a year, and at the end of the year, uttering the vow according to the understanding which he experienced, for I posit that he would not know the laws<sub>2</sub>, and would therefore not care about the exposition of the law<sub>2</sub>. And if the establishers of canons were to change the meanings of the terms daily, he would not have to live (*haberet ire*) except according to the understanding according to which he made his profession.

Therefore, for this understanding, I say that 'having lordship' is /146/ <sup>22</sup> to have a power over a thing according to three conditions:

1. First, that one can truly and legally (*iudicialiter*) claim a thing and take possession of it, and can legally reclaim it if it is taken away.
2. Second, that one can retain it and conserve it for as long as one wishes (*ultra quamcumque quantitatem temporis*), or beyond present and imminent future necessity.
3. Third, that one can exchange and convert such things to other uses with the donors<sup>16</sup> of another person unwilling.

From this, it follows that the one renouncing lordship of all things, both individually and in common ought not to have any sort of things, but necessary things according to the four said categories,<sup>17</sup> and this in present or imminent future necessity.

The second term to be explained is what is 'having lordship in com- <sup>23</sup> mon'. It is now clear, namely, that a community has lordship with respect to those said three conditions. And this is not [[the case]] unless every person of the community is a partial lord, not by a having a portion (*partialitate*) of the possessed thing, but by having a portion of the lordship.

16. Reading *dantibus* for *dentibus*; in fact, the phrase *invitis dentibus cuiuscumque alterius* seems odd in general. 17. Above, n. 15 (↪ 4).

*⟨Response to the Principal Question⟩*

24 Now that this has been taken care of, I'll respond to the question 'whether Christ merited', etc., and whether to lack in this way is of perfection. A man can say that it is one thing to seek what is of perfection if there is no determination of the Church for or against [[doing so]], and it is another thing to seek what ought to be thought about the deed, and the Church's established (*posita*) determination.

25 For the first understanding, I say without comparison that that would be of greater perfection in one hundred ways. And I would say that Christ did not have lordship of any thing, not consumables, not non-consumables. If you are asking for the second understanding, I say that it ought to be thought in the same way the holy mother of the Church thinks, guided by the rule of the Holy Spirit. /147/

25a<sup>18</sup> For this, there is the testimony of Innocent, *Extravagantes, de summa Trinitate et fide Catholica, c. Firmiter credimus*, who says: 'The faith is so strong'.<sup>19</sup> Some people say that if someone has it, namely, that he believes whatever the Roman Church believes, but he falsely supposes about the highest trinity and catholic faith, moved by the natural reason, that the Father is greater or is prior to the Son, [[or]] that the three persons are three things distinct from one another, he not a heretic, nor does he sin, provided only [1] that he not defend this error, and that he believe this because the Church so believes it, and [2] [[provided]] he submit<sup>20</sup> his opinion to the faith of the Church, that, although he supposes badly in this way, nevertheless, it is not his belief: rather his belief is the belief of the Church.

26 But how do you know that it is ruled by the rule of the Holy Spirit. — I say that there can be three conditions for this. [1] One, when the Church is strengthened through a divine process on some matter of belief (*in aliquo credibili*), then it is a sign that it thinks so, directed by the rule of the Holy Spirit. Hence, although someone introduced something in the Church at one moment, it is still to be believed that God does not permit the Church to stay for a long time in that state unless it is sound. [2] The second sign is: if God were to work miracles for he who lived and died for such a matter of belief.<sup>21</sup> [3] The third sign is, if such a matter of belief is consonant with the sayings of the principal doctors, who were

18. Unnumbered in the Latin edition of the text. 19. X 1.1.1. 20. Reading *subponit* for *seponit*. 21. Reading *credibili* (with P) for *credulitate*.

inspired by God for the education (*informationem*) of the Church, such that their sayings point (*sint*) to that conclusion. These are through which a prudent person notices when the Church is so ruled in ordering and thinking about such a matter of belief.

But what ought to be said in particular about the lordship of Christ? — 27  
I say that if someone wishes to use the word ‘lordship’, not with regard to the said /148/ **three conditions** (↖ 6), just as men are accustomed to receive lordship, but otherwise for a power of using licitly and consuming a thing, or even in a third way for a licit power of using (but not consuming), I do not care; then, I say that it is not probable that the Church determined that Christ had lordship individually or in common according to the **first understanding** (↖ 6), but to the **second** (↖ 6) or **third** (↖ 6).

You will say: what if the Church determined according to the first 28  
understanding? — I say that the determination ought to be received with humility, and everyone prudently ought to hold themselves to observing [[it]]. However, I say this, that it was licit in a certain recent document (*editione*) for any prudent, faithful man to notice if the Church was ruled in the determination by the rule of the Holy Spirit.

⟨ART. 4.⟩

⟨To Certain Arguments⟩

Fourth, it must be seen, [1] first in whose power the lordship of such 29  
things ought to remain, which such people—so expropriated—use, and [2] what is presently necessary, etc., about which you make mention, and [3] what injustice of using and exchanging the thing he has consuming in this way.

Regarding the first,<sup>22</sup> whether that lordship ought to remain in the 30  
power of the Roman Curia, I say that it is one thing to seek whether the observance of a state requires that the lordship ought to remain among someone, and another that he owes [[it?]] out of a special benevolence. As for the first, I do not see that the observance of a state requires that someone be a human lord of such things. It is clear that, first, because, if Christ had remained alone, /149/ he still would not have had human lordship individually of any thing that he used. In the same way regarding any college, if all were to die except one, either he himself will be an

22. Above, n. 29 (↖ 8).



individual property-holder against his vow, or no one will be the lord of such things, which the community has total and exclusive lordship.

31 You will say: then such things are conceded to occupier.<sup>23</sup> — It is true, if they are granted to no one, neither regarding use nor lordship. I say this because it does not fall under his vow that someone is the lord of the things which he uses, but that he himself is not the lord. But if they were taken away violently, he himself is a person unsuitable (*inepta*) for reclaiming them in court, but can only reclaim them through the way mendicancy, e.g., because he can beg them from some lord or prelate that he make those things be restored by his office, or something of this kind.

32 Still, I say that the Curia can order out of a special benevolence that he who abdicates lordship from himself in a giving of this sort, and thus grant that the Roman Curia have the lordship and give lordship to the Curia, that it can protect the poor in court and defend [[them]] against biting insults, etc.

33 You will say: men can freely withdraw their wills. — Let me say: to the extent that they will [[not]] be able to kill men freely.

34 Regarding<sup>24</sup> that present and imminent future necessity which may exist. — I say that a rational conjecture from experience suffices; e.g., if there be experience that, unless it be foreseen at such a time, he would lack a necessary thing at a time appropriate for when he would need it.  
/150/

35 Against this seems to be this [[verse]]: *Be not anxious for tomorrow*, etc. It is true beyond imminent necessity. Or otherwise: *Be*, etc. It is true about having lordship.

*Mt. 6: 34*

*Mt. 6: 34*

36 Regarding the third,<sup>25</sup> I do not wish to deny licitly using or the justice of licitly using and consuming a thing from anyone.

⟨*Arguments from the Statute Ad conditorem canonum and Chatton's Responses*⟩

37 But now<sup>26</sup> I object to (*per*) the arguments of that new statute, *Ad conditorem canonum*. [1] First it is argued in this way: Such an abdication

23. Cf. *Digestum* 41.1.3 pr. (Krueger et al. 1966, p. 1.690): 'Quod enim nullius est, id ratione naturali occupanti conceditur.' (= *Institutiones* 2.1.12 (1.11)); *Glossa ordinaria* ad D. 1 c. 7, s.v. 'capiuntur' (Gratian 1472): 'Haec enim et alia quae in nullius bonis sunt, cedunt occupanti: ut Inst. 2.1.12.' 24. Above, n. 29 (↪ 8). 25. Above, n. 29 (↪ 8). 26. Cf. above, n. 6 (↪ 2).

does not add to perfection except on account of avoiding greater anxiety for temporal things. But they have an equal anxiety before and after the abdication, and one equal to the other mendicants.<sup>27</sup>

[a] I say that that argument, like the following ones (with the determination of the Church having been set aside [[for the moment]]),<sup>28</sup> allow some doubts. For, if it were valid, it would equally prove that it was not for the perfection of any person that he lack total lordship, even individually, for God; because I argue, just like he does, about a private person in a community of those who hold in common: abdication does not add to perfection, etc., except because [[it is]] for the sake of avoiding greater anxiety. But many people in such a community have so much, and greater, anxiety for temporal things, just as if such a person had [[things]] individually. And thus that would be against all religious, were it valid.

[b] Secondly, it is clear because it equally seems to prove that Christ /151/ was a less perfect pauper than any one of his disciples, for he had a greater anxiety about managing temporal things: *From where shall we buy bread*, etc.; and this [[verse]]: *When I sent you without purse*, etc., *what anything lacking for you?*

*Jn. 6: 5*  
*Lk. 22: 35*

[c] Third, it allows a doubt (with the determination of the Church having been set aside [[for the moment]]), for by the same argument it would follow that the lordship of things which are not consumed by use should not be abdicated by those who wish to live most perfectly, for such an abdication would not add to perfection, etc., as you [[say]]. But, regarding such things, they have an equal anxiety as before, and equal to other mendicants; and thus the lordship of such things would be reserved to the Roman Curia, the opposite of which this constitution brings about.

Similarly, it would follow that the richer a person was, etc.: for many rich men have less anxiety than mendicants. Also, about what kind of anxiety do you speak? Either [i] of the solicitude of seeking lordship taken in the **first way** ( $\curvearrowright$  6), and it is false that they are so anxious; or [ii] of the anxiety of acquiring [[things]] beyond present or imminent future necessity, and it is not true in this way that they have an equal anxiety; or [iii] of the anxiety for present and imminent future necessity with respect to the four earlier noted [[categories]].<sup>29</sup>

27. Cf. ACC<sup>2</sup> 45–57 (232–33). 28. The phrase here is *circumscripta determinatione Ecclesiae* (literally: with the determination of the Church having been circumscribed); the idea seems to be along the lines of ‘if we ignore *Ad conditorem* for the sake of discussion’. Cf. below, n. 40 ( $\curvearrowright$  10) and n. 42 ( $\curvearrowright$  11). 29. Above, n. 15 ( $\curvearrowright$  4).

42 For the argument, therefore, if you are asking how it is valid, if there were no determination of the Church for or against, then I say that it would not be valid. If you ask what is to be thought without qualification (*simpliciter*), I say the same thing /152/ that the holy mother Church thinks, as above.<sup>30</sup> Nevertheless, I say that the argument proceeds well if lordship be taken in the **second** ( $\neg 6$ ) or **third** ( $\neg 6$ ) mode. For renunciation of such lordship namely that which excludes a licit power of using and consuming a thing, even in the case of using without consumption, would not add to perfection. But if the argument were made taking lordship according to the first understanding, then such an ordination should be received humbly from the beginning, and everyone would be bound to prudently hold themselves to observing it.

43 [2] Secondly, it is argued in the constitution in this way: through lacking such lordship, the brothers themselves are not poorer, for a simple user cannot give, sell, or exchange a thing granted to him for simple use, which the brothers themselves are nonetheless seen to do.<sup>31</sup>

44 I say, just as to the preceding [[argument]],<sup>32</sup> that if there were not some determination of the Church, that [[argument]] and all the following ones allow a defect and doubts, and it ought to be said that they would not be valid if lordship in the **first understanding** ( $\neg 6$ ), but not if in the **second** ( $\neg 6$ ) or **third** ( $\neg 6$ ). For, first, it would equally prove that Christ was not poorer from such an abdication of lordship individually, or that he could not have ordered how he [[would]] use things, nor could he have exchanged them.

45 You will say: it does not follow that the community of disciples allowed itself to exchange and [[do other things]] of this kind. — On the contrary: this argument proves that the community could not entrust this to one person, because they could not coexist through him that he exchange and /153/ that he yet not have lordship. But the community can not entrust to one person of the community that he have lordship individually.

46 Likewise, I argue from the opposite:<sup>33</sup> they coexist: that a community have lordship, and that it yet entrust to one person a licit power of exchanging things of this kind, and of licitly using and consuming them. Similarly, therefore, they coexist that an external person have lordship, and that he yet grant a licit power of consuming in this way, or exchanging

30. Above, n. 25 ( $\neg 7$ ). 31. Cf. ACC<sup>2</sup> 57–71 (234–35). 32. Above, n. 38 ( $\neg 10$ ). 33. Reading *opposito* for *oppositio*.

even [[things]] of this kind, to one entire community. And I grant that lacking such lordship, that is, of a licit power of using things necessary for nourishment is not of perfection, for this would be impossible for human life. But lacking lordship according to the **first understanding** (↪ 6)—namely, with respect to being able to claim a thing in court, etc.—is rightly (*bene*) of perfection (with the determination of the Church having been set aside [[for the moment]]). But if it goes altogether to that understanding, I say that it ought to be thought just as the Church thinks, directed by the rule of the Holy Spirit.

For the argument, therefore, I say that, just as a whole community 47 can grant to a private person to licitly use a thing, and to exchange [[it]], and things of this sort, so can an external person grant similar things to some whole community without this: that that community have lordship individually with respect to such a thing, no more from one party than from another; rather, it is similar for all things.

[3] Likewise, third, with this granted: it ought to be conceded that that 48 lordship with the curia is simple more than that the one so consuming has simple use. For, according to the intention of the donor or depositor, and even of the people for whom it was deposited, no advantage comes to the curia, nor does it hope that it will come in the future, but the whole utility comes to the users. Similarly, this does not make the one not having [[it]] poorer; therefore, neither does it make the one having [[it]] richer.<sup>34</sup> Also this /154/ argument—that lordship of a thing which an individual, private person of a community consumes is among that community—would prove that lordship is simple, for no advantage comes, nor is it hoped to arise thence, to the whole community.

Likewise, it proves the same about lordship of a thing which is not 49 consumed by use, for no advantage comes to the Roman Curia through this.

Similarly, it is not necessary that utility actually come, but it suffices 50 that it could come when it pleases the lord, as is clear regarding money lying in a strongbox.

Similarly, I say that great utility comes because great merit comes to 51 it by mercifully protecting the poor.

Likewise, what do you understand by 'lordship'? If according to 52 the common understanding posited **first** (↪ 6) with respect to the three

---

34. Cf. ACC<sup>2</sup> 65–84 (234–36).

conditions, the argument is not valid. If according to the **second** ( $\neg 6$ ) or **third** ( $\neg 6$ ) understanding, it proceeds well.

53 Similarly, in the whole progress of the argument, it is supposed that use cannot be separated from lordship. And this is against all religious because a private person consumes the thing, and not the whole community. However, were it entirely established that the Pope wished to go to the **first** ( $\neg 6$ ) understanding, it ought to be said as it was above.<sup>35</sup>

54 You will say that the Pope grants that use can be separated from lordship with respect to things which are not consumed by use, but not with respect to other things. Therefore, it is the opposite from those things. — I say that he equivocates about lordship.

55 [4] Fourth, it is principally argued that the brothers are not only users with respect to the things granted to them, which are consumable by use, due to /155/ the reservation of lordship. [a] First, because no one would say that the lord Pope reserved lordship of one piece of cheese, egg, or crust of bread, or of other such things of which the brothers have the use, to the Roman Church.<sup>36</sup> [b] Second, because in things consumable by use, 'neither use, which is a personal servitude,<sup>37</sup> nor a right of using, which is not a servitude<sup>38</sup> but merely a personal right, nor even the act of using without any right, can be established in such things' without ownership, because 'any of the aforesaid demands that some utility can come from the thing itself to the holder (*habenti*), with the substance preserved': because ownership is reputed useless from which perpetual use is shorn away. However, that 'cannot be found' regarding 'things consumable by use'.<sup>39</sup>

56 By taking lordship according to the **first** ( $\neg 6$ ) understanding, it is barely (*modicum*) valid, as it seems to me. [a] First, because it would prove the same about any private person of any religion, that use of a thing consumable by use is not separable from individual lordship—which is not granted. [b] Similarly, the argument is the same about a thing which is not consumed by use.

57 Therefore, lest there be oppositions among the particulars of this statute [[*Ad conditorem canonum*]], it is necessary to say that the argument proceeds only to the **second** ( $\neg 6$ ) and **third** ( $\neg 6$ ) understanding of using lordship. Nor do those senses lead to (*inferunt*) the first, for there is

---

35. Above, n. 25 ( $\neg 7$ ). 36. Cf. ACC<sup>2</sup> 90–93 (236). 37. Reading *servitus* for *servatus*.  
38. Reading *servitus* for *servatum*. 39. ACC<sup>2</sup> 132–138 (240).

no condition, 'he licitly consumes a thing, therefore he has a power of conserving or augmenting it beyond necessity and of claiming it in court', etc. For they are distinct, and someone can deprive himself of one without this: that he deprive himself of another. Similarly, I do not see that it is necessary for lordship to remain in the power of some person, as I proved above. But, nevertheless, I do not mean for me to introduce [[anything]] regarding those terms of the law<sub>2</sub>, but I mean to speak according to a simple understanding of one uttering the vow of a profession according to a year's worth experience of his religion /156/ so far as it concerns the abdication of lordship on the **three conditions** (↪ 6) posited above, which was tried out in his novitiate. Nor ought he suggest (*movere*) that an egg and other things of this kind are worthless, nor can they deny that he is lord of such things, or at least that God is lord of such things. Therefore, this is not of imperfection, nor is it worthless.

[5] Fifth, in this way: because it does not seem to have been the 58 intention of [[John's]] predecessor [[sc. Nicholas III]] to reserve the lordship of things consumable by use to the Roman Church, for if he so did this, it would seem especially due to this: that he reserved lordship to the Roman Church of things which pertain to sustaining the life of those brothers. But this ought to be understood about things which are not consumed by use, from which utility can come to the person holding this reserved lordship, without which<sup>40</sup> human life is not sustainable.<sup>41</sup>

It is true that we were accustomed to indifferently understand it 59 about all things, but, if not so, then the argument proceeds by taking lordship according to the **second** (↪ 6) or **third** (↪ 6) understanding, because by taking lordship according to the **first** (↪ 6) understanding, it equally proves against all religious and against Christ that he himself and every private person had lordship individually according to the **first** (↪ 6) understanding of things which he consumed by using—which is not held [[to be true]].

[6] Sixth, in this way: be it granted that it would follow that such 60 a person would not use, but ab-use because the nature of use without lordship requires that the substance of the thing remain unimpaired. But a use against the nature of use would be ab-use.<sup>42</sup>

This would equally prove that Christ had lordship individually /157/ 61 of the things that he used by consuming them—which is not granted.

40. Reading *quibus* for *eis* with ACC<sup>2</sup> 142 (240). 41. Cf. ACC<sup>2</sup> 139–143 (240). 42. Cf. ACC<sup>2</sup> 144–150 (240–41).

Similarly, it is against every religious, because it suggests that, just as such a person would have total use, so he would have total exclusive lordship since they are not separated. But I say that use can well be separated from lordship according to the **first** ( $\neg 6$ ) understanding, [[but]] not according to the **second** ( $\neg 6$ ) or **third** ( $\neg 6$ ). And therefore the argument proceeds for those [[two]] modes.

62 [7] Likewise, the one retaining for himself the lordship and granting use to another, does not give the horse, nor the act of riding because the act is not his, but exercising the act of riding on his horse is granted by him. Therefore, sanctioned (*ordinatus*) use separated from lordship requires that the thing remain unimpaired in substance.<sup>43</sup>

63 For this, just like to the earlier ones. Therefore, lest that argument oppose other statements of the same constitution and statutes of other highest pontiffs, it proceeds in the **third** ( $\neg 6$ ) understanding, and not in the **first** ( $\neg 6$ ) or **second** ( $\neg 6$ ). For in this case, ab-use would be to consume the horse of another person.

64 [8] Eighth, in this way: I ask when such lordship can be separated from use in a consumable thing? Not before the act of using, because at that point it does not exist except in potency; nor after the act, for it is already consumed; nor while the person uses, because the act itself is being done (*in fieri*) and is not in actual existence (*in facto esse*). And thus what is present is only instantaneous, which is perceived more by the intellect than by the senses.<sup>44</sup>

65 That argument equally proves that Christ had lordship individually, for I ask: when did he have use without lordship? Either before the act, etc. Similarly, for every private person of any religion.

66 Similarly, the argument equally proceeds for things which are not consumed by use. You have an act of using a horse without lordship: either before the act, etc. /158/

67 Similarly, it equally proves that no one who has lordship of a thing can use the thing of which he has lordship, for when could he use that thing? Either before he used it, or while he used it, or after.

68 Thus, the argument opposes other statements of the very same constitution. Still, it does not seem inappropriate to me to not rightly understand one decretal. The argument is not valid, therefore, in the **first** ( $\neg 6$ ) understanding of lordship, but, if it is valid, it is in the **second** ( $\neg 6$ )

---

43. Cf. ACC<sup>2</sup> 158–167 (242–43). 44. Cf. ACC<sup>2</sup> 168–187 (243–245).

or **third** ( $\curvearrowright 6$ ) understanding. Hence, I rightly grant that use can never be separated from lordship, that is, of licitly consuming a thing or using without consumption, unless it be ab-use, except by a fictitious thought (*imaginationem*).

[9] Ninth: All use without a right<sub>1</sub> of using is unjust. If the brothers 69 have such a use without a right<sub>1</sub> of using, they<sup>45</sup> would have an unjust use; and, consequently, this does not pertain to the state of perfection, but rather diminishes it. And it does not seem probable that the lord Pope wished to grant such a thing.<sup>46</sup>

The argument is good regarding a licit power of using, for it is clear 70 that one would use unjustly without it. But why is this for a power of claiming in court, conserving beyond necessity, and exchanging? But if it goes entirely to that understanding, it would equally proceed against Christ: that he had  $\llbracket$ things $\rrbracket$  individually; and against every religious who has possessions (*possessionatum*) $\llbracket$ : that he had things individually $\rrbracket$ .

[10] Tenth, the distinction, which lord Nicholas posits—that the broth- 71 ers are not allowed to have the use of all things, but rather the use of some /159/—ought not be understood about things which are consumed by use, for of the things which are consumed by use, it would be an unjust use or ab-use.<sup>47</sup>

It is true: it is valid according to the **third** ( $\curvearrowright 6$ ) understanding, but, 72 according to the **first** ( $\curvearrowright 6$ ), it  $\llbracket$ does $\rrbracket$  nothing for the proposition.

[11] Likewise, regarding the reservation of the lordship of things, that 73 ordination derogates from the honour of the Church, for it is necessary that it litigate for things of this kind in the secular courts, and cause trouble (*vexare*) and be troubled in this way.<sup>48</sup>

I say that it is to the honour and perfection of every person to place 74 himself on the side of justice, especially where another does not expose himself to this. Therefore, it is valid, as the first (*ordination was*), not according to the **first** ( $\curvearrowright 6$ ) understanding, but according to the **second** ( $\curvearrowright 6$ ) or **third** ( $\curvearrowright 6$ ).

[12] Likewise, that ordination is a burden (*gravis*) to the prelates of 75 the Church, because it is necessary for them to litigate against their leader (*caput*), which is not fitting to do.<sup>49</sup>

---

45. Reading *haberent* for *haberet*. 46. Cf. ACC<sup>2</sup> 188–191 (245). 47. ACC<sup>2</sup> 193–208 (245–46). 48. Cf. ACC<sup>2</sup> 216–229 (247–48). 49. Cf. ACC<sup>2</sup> 229–238 (248–49).



- 76 I say that it is not of imperfection in this case. Similarly, those arguments do not proceed except by supposing that it is necessary for someone to have exclusive lordship of such things, the opposite of which was proved earlier.<sup>50</sup>
- 77 [13] Thirteenth, in this way: The lord Pope says that ‘we wish for ourselves’<sup>51</sup> no right<sub>1</sub> or lordship be aquired for the Roman Church of the ones conferring, offering, or assigning (*obvenientium*) to the brothers, by reason of the aforesaid ordination; but as far as this is concerned, the said ordination is held as not-done (*pro non-facta*)—with churches, oratories, offices, buildings, vessels, books, and vestments dedicated to the divine office excepted—revoking, at the end, the privilege of lord Pope Martin [[IV]]<sup>52</sup> about procurators /160/ holding [[such things]] in the name of the Roman Church.<sup>53</sup>
- 78 I say that the brothers having no lordship of any single thing, neither individually, nor in common stands with this revocation of the privilege— with respect to the **first** (↖6) understanding, it [[works]] well otherwise, as was said.

⟨ART. 5.<sup>54</sup> OPINION OF TREVET⟩

⟨First Argument of Trevet and Chatton’s Response⟩

- 79 Lastly, I recite one opinion opposed to the proceeding one, included in a certain tract, which was published before the publication of the new constitution *Ad conditorem canonum*,<sup>55</sup> in which it proves, first, that Christ and the apostles had something in common, in John 6:5: the disciples went away into the city to buy food, etc. John 6:5; Mark 6:37; Luke 9:13; John 12:6; and John 13:29 are for this [[argument]].
- 80 It is confirmed by Augustine, homily 50 *On John* and it is included in 12 q. 1 ‘Exemplum accipite’<sup>56</sup> and homily 62, also included in 12 q.

50. Above, n. 18 (↖5). 51. The syntax is tangled due, I think, to his paraphrasing of this section of *Ad conditorem*. 52. That is, *Exultantes in Domino*; text in BF, 3.501a–02a, translation in FA:ED, 3.765–67. The editors suggested *Ad fructus uberes* (1281), which gave the brothers permission to preach and hear confessions without local diocesan permission (text in BF, 3.480, and Denifle and Chatelain 1889–1897, p. 1.592, no. 508), but this doesn’t fit the context. 53. Cf. ACC<sup>2</sup> 239–86 (249–53). 54. The Latin text labels this as also being the fourth article. 55. This work of Nicholas Trevet has been lost to us. 56. Augustine, *Super Ioannem* 50.11 (CCSL 36.437; PL 35.1762); C. 12 q. 1 c. 12 (Friedberg 1959, p. 1.681).

cf. Jn. 6:5

Mk. 6:37; Lk. 9:13

Jn. 12:6, 13:29

‘Habeat Dominus’ .<sup>57</sup>

He directly positioned himself for the understanding of the **first lordship** (↪ 6), which men are accustomed to have, and according to this he holds that it is necessary that the whole (*omnem*) community have lordship, and that Christ and the apostles had [[things]] in common in this way.

⟨Against Trevet’s Opinion⟩

And therefore it seems to me that, since he directly positioned himself 82 against the decretal *Exiit qui seminat*,<sup>58</sup> he himself is anathema. The major [[premise]] for this: /161/ [[25]] q. 2 c. *Si quis*.<sup>59</sup> Likewise, another major [[premise]], 25 q. 1 *Generali decreto*.<sup>60</sup> But for the minor: he is such a person because he directly and by his proposition positions himself against the published decretal and confirmation; therefore, etc.

Likewise, that new constitution is against those ones because even 83 according to him the use of things that are not consumed by use is separate from lordship, for he retains the lordship of those things in the power of the Church.

Likewise, they concede the separation, like that a private person can 84 have use, and the community lordship; by this, therefore, the proposition [[holds]], as above.

Likewise, these things are opposed: namely, that a community have 85 exclusive lordship, and yet no private person [[does]]; for if the community [[has exclusive lordship]], then the persons taken together have total lordship. Therefore each person of the community has partial lordship.

Likewise, these people posit that Christ and the apostles had only 86 things necessary for nourishment and clothing, according to the teaching of the Apostle. But these things can be sufficiently acquired through begging. Therefore, lordship is superfluous.

Likewise, what do you understand by ‘lordship’? If [[you mean]] ‘being 87 able [1] to licitly conserve beyond present or imminent future necessity, [2] to make a claim in court, and [3] exchange a thing’, then you say a false thing about the community of Christ and the apostles. It is clear with respect to the first, for *having nourishment and clothing*,<sup>61</sup> etc. [[is

cf. 1 Tm. 6: 8

57. Augustine, *Super Ioannem* 62.5 (CCSL 36; PL 35.1803); C.12 q.1 c.17. 58. VI 5.12.3 59. C.25 q.2 c.18. 60. C.25 q.1 c.11. 61. 1 Timothy 6:8: ‘But having food, and wherewith to be covered, with these we are content’ (Douay-Rheims).

conceded]] even by you. Similarly, it is clear with respect to the second through that [[verse]]: *If anyone wishes to take away your tunic*, etc. With respect to the third, you do no save more [[of your argument]] because the college had lordship in common rather than individually. *cf. Mt. 5: 40*

88 Likewise, if they are moved on account of this: that such people would expose themselves /162/ to danger (as they seem to be moved), then he himself is one of those people of little faith, whose motive Christ purged from the proposition: *If the grass which is here today, and tomorrow etc. by how much more you of little faith.*<sup>62</sup> *cf. Mt. 6: 30*

89 Similarly, this [[position]] would argue that an exclusive possession (*proprium*) ought in no way be renounced because what you use would depend on the free will of the community, and, consequently, under a licit or illicit occasion, nourishment and clothing could be withdrawn from you in a time of necessity.

90 Similarly, with this having been granted, it would be dangerous to have lordship in common. For, this would entice many to forcibly take possession of (*invadendum*) the goods of the community, etc., especially since men are very avid and it depends on their freedom to do or not do.

91 Similarly, he who labours for this conclusions—namely to confirm one's self in sufficiency so well that he does not depend on the free will of men—he labours for an impossible thing, because not even a king is in this situation. But I say that he seems to expose himself to the danger of anathema, as was proved above.<sup>63</sup>

92 Now, to those authorities which he adduced for himself, I say that Christ never had human lordship of money, nor of any temporal thing, neither in a case of necessity, nor in any other case. Nevertheless, he had use in a case of necessity, at least mediately. And this is proven because he never wished that he be allowed to make a claim in court for money or anything else, etc.: for in Luke 12:16–21 Christ included a parable [[of the man]] who gathered in a storehouse; and immediately he informed his disciples that they not be anxious beyond necessity. But such lordship is beyond necessity. *Lk. 12: 16–21*

93 You will say: he had money. I say that he had the use of it in necessity, but not lordship, except by calling lordship /163/ the power of using licitly, and [[he had]] this not regularly, but when necessity urged it—

62. Matthew 6:30: 'And if the grass of the field, which is today, and tomorrow is cast into the oven, God doth so clothe: how much more you, O ye of little faith?' (Douay-Rheims)

63. Above, n. 82 (↪ 18).

neither he himself, nor that society [[had the use of money]]. And for this reason those who follow him in the regular life do not regularly have the use of money; but if a situation were to emerge, e.g., if they were among unbelievers and could not otherwise obtain the necessities of life, it would rightly be licit for them to have the use [[of money]], but never lordship, just as he never had it. Hence, those who say that he had lordship in a case of necessity contradict themselves.

You will say: who then had the lordship? It seems to me that, with 94 respect to the **three conditions** (↪ 6) discussed before, it is not necessary for someone [[to have it]].

*⟨Second Argument of Trevet and Chatton's Response⟩*

Likewise, they argue secondly about the tunics of Christ and the apostles, 95 for there was some person among whom the lordship of the [[tunics]] was deposited; and no [[person]] was more fitting for this than Christ, just as now no [[person is more fitting]] than the vicar of Christ.

Likewise, he equally proves that Christ had lordship individually, 96 both before the community and also afterwards.

Likewise, it is at least not avoided that he had partial exclusive lord- 97 ship. Similarly, given this, he would have been the total exclusive lord for all disciples.

To the argument, then, I say that it does not seem to me that for 98 this—that you can licitly use a thing—it is necessary that some person have the justice<sup>64</sup> to the thing with respect to the oft-said **three conditions** (↪ 6); though the Roman Curia out of benevolence wished to protect such people against the biting insults of men.

*⟨Third Argument of Trevet and Chatton's Response⟩*

Act. 4: 32 They argue thirdly by that verse in Acts 4:32, *But of the multitude of 99 believers, etc.*, and it is placed in 12 q. 1 *Manifestum est*.<sup>65</sup> These ones say from this that they had [[things]] in common. /164/

I say that it is not manifest from this that they had lordship said in the 100 **first way** (↪ 6), neither in common nor individually, for use and lordship can be separated by them.

64. The text here has *iustitiam*, which seems slightly odd; I would expect *ius*, or perhaps *ius utendi*. 65. C. 12 q. 1 c. 20.

101 Likewise, it is necessary that they understand that new constitution, *Ad conditorem canonum*, according to a common understanding, and then they contradict that constitution, because it itself reserves lordship in *Quorundam exigit*.<sup>66</sup> Therefore, you do not prove [[anything]] except about a licit power of using or consuming things, etc.

102 In the second chapter of the said tract, they bring forth (*allegant*), against themselves, that [[verse]] above about the adolescent: *If you wish to be perfect*, etc. And they gloss that [[it is]] to not have in common. But this was disproved above<sup>67</sup> through the literal sense of that authority and the prolix deduction of the Evangelist. *Mt. 19: 21*

103 Likewise, you posit this on account of the necessity for nourishment and clothing. But on account of this, it is not necessary, as it was proved above.<sup>68</sup> Nor will you ever find an authority [[that says]] that the community had any kind of lordship with respect to the **three conditions** (↪ 6).

104 In the third chapter, they prove that having in common does not increase perfection because that renunciation ought to be similar to the beatific state regarding having (*in habendo*). But they have in common, not individually. But that works (*est*) equally for the opposite because the blessed have exclusive blessedness; for there is no created blessedness indifferent to them. Therefore, that is either not similar, or it works equally for the opposite.

⟨*Another Argument of Trevet and Chatton's Response*⟩

105 Likewise, they argue so: many of the saints lived according to that understanding.

106 I say that there are diverse types of penances, diverse types of martyrs, [[and]] diverse types of abdications. Yet, in /165/ each one of them, there is one more perfect than another; yet, some were made saints in each one: many people even having [[things]] individually were made saints.

⟨*Another Argument of Trevet and Chatton's Response*⟩

107 Likewise, it does not seem to add to perfection because it cannot be had without the imperfection of another. But no one can use while not having

---

66. Above, n. 10 (↪ 3). 67. Above, n. 20 (↪ 5). 68. Above, n. 15 (↪ 4).

a right<sub>1</sub>, that [[is]], justly, unless lordship devolves to another. Therefore, he will be more imperfect.

I say that you prove that your community is more imperfect than you 108 since you place the lordship of your things with your community.

Likewise, I would prove through the same argument that lacking 109 lordship individually would not add to perfection, because for you to lack exclusive lordship is for lordship to remain in the power of the community. Therefore, as many imperfections accrue to your community as there are people renouncing individually. And, consequently, since the community does not exist except as those people [[taken]] all together, as many imperfections accrue to you as you have companions renouncing personal goods (*proprio*). You also assume a false thing: that the observance of a state requires that lordship devolve to someone.

Likewise, although it devolve to someone de facto, it is not of im- 110 perfection, but perfection and mercy, that he wishes to protect innocent people, and to provide a way for this.

⟨*Another Argument of Trevet and Chatton's Response*⟩

Likewise, they argue so: lordship in common belongs to man, and so does 111  
*cf. Gen. 1:28* a natural right<sub>1</sub> to things. It is proven by the type of dominations over fish of the sea. But no one can deprive himself of a natural right<sub>1</sub>.

I argue the same about depriving oneself of an exclusive right<sub>1</sub>. For 112 what do they understand by 'community'? [1] Either the whole world, and this is not to the proposition, for no one expropriates himself so that he cannot (*quin possit*) breathe the air, see the sun, and suchlike, which are common to the whole world.<sup>69</sup> [2] Or participating in a college, and then it is not more against natural right<sub>1</sub> /166/ that one individual community lack exclusive lordship of such things than a private person, as it was proved above.<sup>70</sup>

⟨*Another Argument and Response*⟩

Likewise, they argue: then someone would expose himself to die of hunger 113 occasionally since his nourishment and clothing would always depend on the free will of men.

69. Cf. C. 12 q. 1 c. 2. 70. Above, especially nn. 13-14 (↪ 4) and nn. 18-20 (↪ 5).

114 You say: no, because in extreme necessity all things are common. —  
On the contrary: then, since it is difficult to judge what *extreme* necessity is,  
he could be confused and be his own killer due to a lack of nourishment.

115 I say that you equally prove that it is dangerous to lack exclusive  
lordship because, since he would depend on the will of the community, in  
some circumstance (*habita occasione*), nourishment and clothing could be  
taken away from him in a time of necessity. Similarly, you equally prove  
that it would be dangerous to have few things in common because, once  
they had been consumed, they would be needy and depend on the will of  
men.

116 To the argument I say that extreme necessity does not consist indivisi-  
bly,<sup>71</sup> and just as you will save your conscience about not eating to the  
point of intoxication, so do I mine in the proposition.

117 And what you further add, that otherwise it would be unjust use, I  
responded yesterday.<sup>72</sup>

⟨A Fourth Argument of Trevet and Chatton's Response⟩

118 Fourth, principally, they prove that, it having been posited that lacking  
lordship would establish [[one]] in the grade of perfection, not entirely in  
the most perfect one, but to have charity [[would do so]]. In this, there is  
not one word for the proposition, for either you speak about a poverty  
circumscribed by other virtues—e.g., that I observe the counsels without  
the observance of the precepts, and that someone have infused charity and  
other equivalents (*paria*). Then, I say that if someone loves God so much  
beyond this that /167/ he wishes by virtue of that love to lack lordship  
both individually and in common, I say that this is of greater perfection  
than to wish to lack it only individually. It is proven: for every whole is  
greater than its parts.

⟨ART. 6. FOUR DOUBTS AND RESPONSES⟩

118a<sup>73</sup> Against the aforesaid, there are still some doubts.

119 [1] First, because, given that mode of speaking, some such religious  
could alienate things of this kind conceded to him for use, and pledge

71. That is, extreme necessity is not an 'either-or' state of affairs. Chatton seems to be suggesting that it admits of degrees and/or depends on circumstances. 72. Above, nn. 69–72 (↪ 16). 73. Unnumbered in the Latin edition of the text.

them under a specific pact, and without such a licence—the opposite of which sound (*valentes*) men hold. — Response: I distinguish between the vow of obedience and of poverty. If it is established regarding the opposite, then by this, that someone vows to obey, he is bound to observe constitutions of this kind. But not by the vow of poverty by which he vows to lack lordship with respect to the **three conditions** (↪ 6), do you not hold but that such a person can give to another, and pledge to another the thing before it be duly given to him, namely in such a way that he may do with it as it pleases him: a thing, I say, whose use is licit for him and presently or imminently necessary in the future. Yet such a person ought not convert a thing of this kind into uses not conceded to him.

[2] Likewise, otherwise it could be proven that such a person would 120 have the justice<sup>74</sup> of claiming a thing in court, because the use would be owed to him in such a way that whoever took [[it]] away from him would act unjustly. Therefore, you have such justice that you could licitly claim a thing of this sort judicially (*iudicialiter*) in a just court (*foro*). — I concede that the one taking it away would sin. But you have prevented (*inhabilitasti*) yourself from making claims in court. For through your vow you have deprived yourself of that ability. Nonetheless, the justice remains for an able person for making that thing be restored to you. /168/

[3] Third, you are then held to poor uses. — And I say that if you 121 understand that you are held to use short of sufficiency, namely that you eat and drink less than what is sufficient, I say that [[it is]] not by the vow of poverty, unless perhaps for the decency and adornment of your state. But if you ask whether you are held to not have according to superfluity and beyond present and future imminent necessity with respect to the four aforesaid things,<sup>75</sup> namely nourishment, etc., I say that you are so held to poor uses; that [[is]], explaining such necessity according to a probable estimation, because, as it was said above,<sup>76</sup> [[necessity]] does not consist indivisibly.

[4] Fourth, it can be argued against me in this way: you said above<sup>77</sup> 122 that you are not bound to explain your vow in the terms of the law<sub>2</sub>. On the contrary: you are bound by your vow to obey the Roman Curia; therefore, if the Roman Curia explains in this way, you are bound to obey, and live in this way. — That argument, and certain other arguments are

74. Here again, one might reasonably expect 'right<sub>1</sub>' (*ius*) in this paragraph rather than 'justice' (*iustitia*). 75. Above, n. 15 (↪ 4). 76. Above, n. 116 (↪ 23). 77. Above, nn. 21–23 (↪ 6) and nn. 55–57 (↪ 13).



difficult to solve (*difficilis solutionis*). Nonetheless, by the same argument, I argue that each shoemaker of the village is bound to know all the statutes of the Church, for he would be judged according to those statutes, but not unless he is bound to observe them. And he would not be bound to observe them unless he were bound to know them. I shall respond to your argument (*illud*) just as you will respond to mine (*istud*). It suffices for me to say that such a person is not held by the vow of poverty. Should he be held by the vow of obedience, [[your argument works]] well indeed.

*⟨To the Principal Arguments⟩*

123 For the principal arguments, it is clear through the aforesaid.

## NOTE ON THE TRANSLATION

As always, I have aimed at a rather literal translation. Quite often, I found it useful to add words to Chatton's text to bring forth the meaning (I see) more clearly; these are clearly marked by [[double brackets]]. Words in [square brackets] mark interventions by Chatton's editors or variant readings from the critical apparatus; numbers in square brackets were added to make it easier to follow Chatton's various enumerations. One should also note that I have sometimes translated the demonstrative pronouns—especially *ille* and *iste*, etc.—as 'the', and sometimes as proper demonstratives (e.g., 'that'). For those interested in how I have rendered some of the more technical terminology as it pertains to the poverty controversy, I have translated the following words according to the below list, and noted in parentheses in the text wherever I felt another term was called for. A '(v)' indicates a verb.

<i>abusus</i>	ab-use	<i>proprietaryus</i>	property-holder
<i>abutor</i>	ab-use (v)	<i>proprietas</i>	ownership
<i>careo</i>	lack; be without (v)	<i>proprium</i>	exclusive
<i>dispenso</i>	manage (v)	<i>in proprium</i>	individually
<i>dominium</i>	lordship	<i>regimen</i>	rule
<i>iudicialiter</i>	in court	<i>sollicitudo</i>	anxiety; anxious care
<i>ius</i>	right <sub>1</sub> ; law <sub>2</sub>	<i>usuarius</i>	user
<i>ius utendi</i>	right <sub>1</sub> of using	<i>victus</i>	nourishment
<i>lex</i>	law <sub>1</sub> (unused)	<i>vilis</i>	cheap; worthless
<i>occupo</i>	take possession of (v)	<i>vindico</i>	claim (v)
<i>potestas</i>	power		

## BIBLIOGRAPHY

- Denifle, H. and É. Chatelain, eds. (1889–1897). *Chartularium Universitatis parisiensis*. 4 vols. Paris.
- Douie, Decima L. (1931–1932). ‘Three Treatises on Evangelical Poverty by Fr. Richard Conyngton, Fr. Walter Chatton and an Anonymous from MS. V III 18 in Bishop Cosin’s Library, Durham’. In: *Archivum franciscanum historicum* 24–25, pp. 341–369, 36–58, 210–240.
- Friedberg, Aemilius, ed. (1959). *Corpus iuris canonici*. 2 vols. Editio lip-siensis secunda. Leipzig: Bernhardi Tauchnitz.
- Gál, Gedeon and David Flood, eds. (1996). *Nicolaus Minorita: Chronica. Documentation on Pope John XXII, Michael of Cesena and The Poverty of Christ with Summaries in English. A Source Book*. St. Bonaventure, NY: The Franciscan Institute.
- Gratian (1472). *Decretum Gratiani*. mit der Glossa ordinaria von Johannes Teutonicus in der Bearbeitung von Bartholomaeus Brixien-sis. Mainz: Peter Schöffer. URL: [http://daten.digital-e-sammlungen.de/~db/0003/bsb00036987/image\\_1](http://daten.digital-e-sammlungen.de/~db/0003/bsb00036987/image_1).
- Krueger, Paulus et al., eds. (1966). *Corpus iuris civilis*. 3 vols. Dublin: Weidmanns.
- Sbaralea, J. H. and C. Eubel, eds. (1983). *Bullarium franciscanum*. 7 vols. Rome: Vatican.
- Tarrant, Jacqueline, ed. (1983). *Extravagantes Iohannis XXII*. Monumenta iuris canonici, Series B: Corpus collectionum 6. Rome: Biblioteca apostolica vaticana.
- Wey, Joseph C. and Girard J. Etzkorn, eds. (2002–2005). *Walter Chatton: Reportatio super Sententias*. 4 vols. Studies and Texts 141–142, 148–149. Toronto: Pontifical Institute of Mediaeval Studies.