

SARA CIANCIOSO*

THE VULGARIZATION OF ULRICH OF STRASBOURG'S *DE SUMMO BONO* IN TUSCANY DURING THE FOURTEENTH AND THE FIFTEENTH CENTURIES

The article contains a reconstruction of the fortune of Ulrich of Strasbourg's *De summo bono* in Tuscany during the fourteenth and the fifteenth centuries. This study reveals a massive influence of the German medieval philosophy on the Italian Renaissance thought. Despite Scholars agreeing that ethics was a subject of extreme interest in the Italian Renaissance, the impact of Albert the Great and Ulrich of Strasbourg on the ethical debate in Tuscany is almost completely neglected. However, Bartholomew of S. Concordio, Bernardino of Siena and Antoninus of Florence widely quoted Ulrich in their works. On the one hand, Ulrich's ethical doctrines were simplified and vulgarized, thus making Ulrich's ethical discussion accessible to unspecialized and illiterate readers. On the other hand, Ulrich established himself as one of the most influential authorities on moral philosophy, canon law and economics.

Keywords: Ulrich of Strasbourg, *De summo bono*, Vulgarization, Tuscany, Renaissance

Ulrich of Strasbourg composed *De summo bono*¹, a philosophic-theological *Summa* divided into six books, between 1262 and 1272, while he was a disciple of Albert the Great at the *studium* in Cologne². Odd Langholm³, a Norwegian historian of economics,

* Università del Salento. Email: saracianc@libero.it

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¹ B. HAUREAU, *Histoire de la philosophie scholastique*, II, 2, Pedone-Lauriel, Paris 1880, pp. 40-45; G. THERY, *Originalité du plan de la Summa de bono d'Ulrich de Strasbourg*, «Revue thomiste», 27 (1922), pp. 376-397; J. DAGUILLON, *Ulrich de Strasbourg O.P.*, La summa de bono. *Livre I: Introduction et édition critique*, Vrin, Paris 1930 (Bibliothèque thomiste XII), pp. 4^e-135^e; M. GRABMANN, *Der Einfluss Alberts des Grossen auf das mittelalterliche Geistesleben. Das deutsche Element in der mittelalterlichen Scholastik und Mystik*, in Id., *Mittelalterliches Geistesleben. Abhandlungen zur Geschichte der Scholastik und Mystik*, II, Hueber, München 1936, pp. 324-412; A. DE LIBERA, *Introduction à la mystique rhénane d'Albert le Grand à Maître Eckhart*, OEL, Paris 1984, pp. 99-162; Id., *Ulrich de Strasbourg, lecteur d'Albert le Grand*, in R. IMBACH - C. FLÜELER (hrsg.), *Albert der Grosse und die deutsche Dominikanerschule*, Flüeler, Fribourg 1985, pp. 105-136; L. STURLESE, *Storia della filosofia tedesca nel Medioevo. Il secolo XIII*, Olschki, Firenze 1990, pp. 159-180.

² *De summo bono* is the only integral Ulrich's work available to us. Some fragments of Ulrich's *Sentences* commentary and a *Quodlibetal* question on moral theology are contained in John of Freiburg's *Summa confessorum*: see *Laurenti Pignon Catalogi et Chronica. Accedunt catalogi Stamensis et Uppsalsensis Scriptorum O.P.*, ed. G.G. Meersseman, Istituto Storico Domenicano, Roma 1936 (MOFPH 18), pp. 26, 61, 72; HENRICUS DE HERVORDIA, *Liber de rebus memorabilioribus sive Chronicon*, ed. A. Potthast, Dieterich, Göttingen 1859, p. 204; M. GRABMANN, *Studien über Ulrich von Strassburg. Bilder wissenschaftlichen Lebens und Strebens aus der Schule Alberts des Grossen*, in Id., *Mittelalterliches Geistesleben. Abhandlungen zur Geschichte der Scholastik und Mystik*, I, Hueber, München 1926, pp. 169-70; A. FRIES, *Johannes von Freiburg, Schüler Ulrichs von Strassburg*, «RTAM», 18 (1951), pp. 333, 338-340; R. IMBACH, *Ex dictis fratris Ulrici. Ein Fragment von Ulrichs Sentenzenkommentar?*, in ULRICUS ARGENTINENSIS, *De summo bono I*, ed. B. Mojsisch, Meiner, Hamburg 1989 (CPTMA 1.1), pp. XXIX-XXXI.

³ O. LANGHOLM, *The merchant in the confessional. Trade and price in the Pre-Reformation penitential*

has defined Ulrich's *De summo bono* as an essential work for the history of penitential theology and medieval economics. Moreover, in his *The merchant in the confessional. Trade and price in the Pre-Reformation penitential handbooks*⁴, Langholm has claimed: «A long-awaited critical study of Ulrich of Strasbourg's *De summo bono* will hopefully clarify relationships and crosscurrents in thirteenth-century scholastic thought».

Langholm was not the only scholar who hoped for a critical edition of *De Summo bono*. In 1936, Martin Grabmann⁵ had already stressed the importance of such an edition: according to the German historian, *De summo bono* would have allowed a better understanding of Albert the Great's, Theodoric of Freiberg's and Meister Eckhart's thought.

Actually, the critical edition of *De summo bono*, launched in the 1980's by the *Corpus Philosophorum Teutonicorum Medii Aevi*⁶, has revealed much more than Grabmann expected. Some critical studies⁷ have demonstrated that Ulrich widely consulted and quoted Albert the Great's *Corpus*. However, the method that Ulrich employed in quoting from Albert, was not at all uncritical. Indeed, he commented and sometimes criticized Albert's theses. Recently, the critical edition of *De summo bono* VI.3, 7-29 has attested to the presence of some implicit legal sources: Raymond of Peñafort's *Summa de paenitentia* glossed by William of Rennes and Godfrey of Trani's *Summa super titulis decretalium*. These sources were not recognized in the previously published editions of *De summo bono*⁸. Consequently, the critical edition of *De summo bono* VI.3 has shown a side of Ulrich's thought, i.e. the jurid-

handbooks, Brill, Leiden - Boston 2003 (Studies in Medieval and Reformation Thought 93), pp. 51-65, 125, 137, 233-235, 240-241.

⁴ *Ibi*, p. 56.

⁵ GRABMANN, *Der Einfluss Alberts des Grossen*, p. 362.

⁶ ULRICUS ARGENTINENSIS, *De summo bono*, Lib. 1, ed. Mojsich, Meiner, Hamburg 1989 (CPTMA I.1); Lib. 2, tr. 1-4, ed. A. de Libera, Meiner, Hamburg 1987 (CPTMA I.2-1); Lib. 2, tr. 5-6, ed. A. Beccarisi, Meiner, Hamburg 2007 (CPTMA I.2-2); Lib. 3, tr. 1-3, ed. S. Tuzzo, Meiner, Hamburg 2004 (CPTMA I.3-1); Lib. 3, tr. 4-5, ed. S. Tuzzo, Meiner, Hamburg 2007 (CPTMA I.3-2); Lib. 4, tr. 1-2, 7 ed. S. Pieperhoff, Meiner, Hamburg 1987 (CPTMA I.4-1); Lib. 4, tr. 2, 8-14, ed. A. Palazzo, Meiner, Hamburg 2012 (CPTMA I.4-2); Lib. 4, tr. 2, 15-24, ed. B. Mojsich - F. Retucci, Hamburg 2008 (CPTMA I.4-3); Lib. 4, tr. 3, ed. A. Palazzo, Meiner, Hamburg 2005 (CPTMA I.4-4); Lib. 6, tr. 1-3, 6, ed. S. Tuzzo, Meiner, Hamburg 2011 (CPTMA I.6-1); Lib. 6, tr. 7-29, ed. S. Ciancioso, Meiner, Hamburg 2015 (CPTMA I.6-2).

⁷ A. PALAZZO, *La sapientia nel De summo bono di Ulrico di Strasburgo*, «Quaestio», 5 (2005), pp. 495-512; ID., *Le apparizioni angeliche e demoniache secondo Alberto il Grande e Ulrico di Strasburgo*, «Giornale critico della filosofia italiana», 85-87 (2006), 2, pp. 237-253; I. ZANATTERO, *I principi costitutivi delle virtù nel De summo bono di Ulrico di Strasburgo*, in A. BECCARISI - R. IMBACH - P. PORRO (eds.), *Per perscrutationem philosophicam*, Meiner, Hamburg 2008, p. 110; A. SACCON, *Intelletto e beatitudine. La cultura filosofica tedesca del XIV secolo*, Edizioni di Storia e Letteratura, Roma 2012, p. 23; A. PALAZZO, *Philosophy and Theology in the German Dominican Scholae in the Late Middle Ages: the cases of Ulrich of Strasbourg and Berthold of Wimpfen*, in K. EMERY - W.J. COURTENAY - S.M. METZGER (eds.), *Philosophy and Theology in the Studia of the Religious Orders and at Papal and Royal Courts. Acts of the XVth Annual Colloquium of the Societè Internationale pour l'Étude de la Philosophie Médiévale. University of Notre Dame, 8-10 October 2008*, Brepols, Turnhout 2012 (Rencontres de Philosophie Médiévale, 15), pp. 75-90; ID., *Ulrico di Strasburgo, un maestro nel citare: nuove evidenze del ricorso alle opere di Alberto il Grande in De summo bono IV 2 8-14*, in F. MEROI (a cura di), *Le parole del pensiero: studi offerti a Nestore Pirillo*, ETS, Pisa 2013, pp. 49-75; ID., *Ulrich of Strasbourg's Philosophical Theology: Textual and Doctrinal Remarks on De summo bono*, in A. SPEER - T. JESCHKE (hrsg.), *Schüler und Meister* (Miscellanea Mediaevalia), de Gruyter, Berlin 2016, pp. 205-242.

⁸ S. CIANCIOSO, *New perspectives on Ulrich of Strasbourg's De summo bono VI: an analysis of the legal sources*, «FZPhTh», 63 (2016), 1, pp. 196-215.

ical and economic side, which had not previously emerged. These findings confirm Langholm's claims. Indeed, *De summo bono* VI⁹ is a pure and simple moral treatise. In this book Ulrich analyzed the ethical virtues following the Aristotelian pattern of the *Nicomachean Ethics*, borrowing this structure from Albert the Great's second commentary on the *Nicomachean Ethics*. Ulrich dedicated the first two treatises of *De summo bono* VI to the definition of virtue in general and the cardinal virtues, and in the third treatise Ulrich examined the virtues *adiunctae* to the cardinal virtues. The first of these virtues is the *liberalitas*, which regulates the giving and the ownership of goods. Then, Ulrich devoted a very long section to the vices opposed to liberality, i.e. illicit subtractions and immoral gains.

The scholars contemporary to Ulrich recognized his legal expertise; indeed, John of Freiburg regularly quoted *De summo bono* VI in his *Summa confessorum*¹⁰. John's *Summa* had a wide circulation during the fifteenth century, and it was the most influential witness of Ulrich's legal doctrines. Furthermore, John Nider, a fifteenth-century German Dominican, in his *De abstinentia esus carniuum* defined Ulrich as: «qui maximus fuit theologus, philosophus, ymmo et iurista».¹¹ Alessandra Beccarisi¹² and Alessandro Palazzo¹³ have demonstrated that the fortune of *De summo bono* had two traditions: the first tradition descended from Theodoric of Freiberg to the fifteenth-century followers of Albert the Great; the second tradition stemmed from John of Freiburg's *Summa confessorum*, influencing German Dominican moral discussion during the following two centuries.

However, the analysis of the legal sources that Ulrich employed and the critical study of the text of *De summo bono* VI, have led me to further findings. This investigation has highlighted an unexpected circulation of the moral doctrines contained in *De summo bono* VI. Thus, in this article I intend to demonstrate that the fortune of *De summo bono* VI is not limited to the Rhine area and the Dominican school. Ulrich's ethical doctrines circulated in Tuscany during the fourteenth and fifteenth centuries and also in the Franciscan environment.

Scholars agree that ethics was a subject of extreme interest in the Italian Renaissance. Moral philosophy was mainly based on the Aristotelian discussion¹⁴ in con-

⁹ A. PALAZZO, "Ulricus de Argentina ... theologus, philosophus, ymmo et iurista". *Le dottrine di teologia morale e di pastorale penitenziale nel VI libro del De summo bono e la loro diffusione nel tardo Medioevo*, «FZPhTh», 55 (2008), 1, pp. 64-97; ID., *La dottrina della simonia di Ulrico di Strasburgo: De summo bono VI 3, 19-20*, «FZPhTh», 55(2008) 2, pp. 434-470.

¹⁰ ID., "Ulricus de Argentina ... theologus, philosophus, ymmo et iurista", pp. 73-91.

¹¹ IOANNES NIDER, *De abstinentia esus carniuum* XII, in: Wolfenbüttel, Herzog August Bibliothek, cod. Guelf. 664 Helmst., ff. 185v-186r (recte 184v-185r).

¹² A. BECCARISI, *La «scientia divina» dei filosofi nel De summo bono di Ulrico di Strasburgo*, «Rivista di Storia della Filosofia», 61 (2006), 1, pp. 137-163; EAD., *Einleitung*, in ULRICUS ARGENTINENSIS, *De summo bono* II, 5-6, pp. VI-XX.

¹³ A. PALAZZO, *Ulrich of Strasbourg and Denys the Carthusian: Textual Analysis and Doctrinal Comments*, «BPM», 46 (2004), 1, pp. 61-113; ID., *Ulrich of Strasbourg and Denys the carthusian (II): Doctrinal Influence and Implicit Quotations*, «BPM», 48 (2006), pp. 163-208.

¹⁴ D.A. LINES, *Aristotle's Ethics in the Italian Renaissance (ca. 1300-1650): The Universities and the Problem of Moral Education*, Brill, Leiden 2002; L. BIANCHI, *Studi sull'aristotelismo del Rinascimento*, Il Poligrafo, Padova 2003 (Subsidia Mediaevalia Patavina 5); L. BIANCHI - S. GILSON - J. KRAYE (eds.), *Vernacular Aristotelianism in Italy from the Fourteenth to the Seventeenth Century*, Kreye, London 2016 (Warburg Institute Studies and Texts, 29).

nection with law and economics¹⁵. What has been less investigated is the massive influence of German medieval philosophy on the Italian Renaissance thought. In particular, the impact of Albert the Great and Ulrich of Strasbourg on the ethical debate in Tuscany during the fourteenth and fifteenth centuries is almost completely neglected.

Hence, I intend to reconstruct the fortune of *De summo bono* VI through a quantitative and qualitative analysis of the quotations from Ulrich. This survey aims: (a) to investigate the circulation of the ethical doctrines of Ulrich; (b) to show the process of vulgarization of these doctrines in Tuscany during the fourteenth and the fifteenth centuries.

In particular, I will focus on the analysis of the reception of *De summo bono* VI in: (1) Bartholomew of S. Concordio's *Summa de casibus conscientiae*; (2) the translation into Tuscan vernacular of Bartholomew of S. Concordio's *Summa de casibus conscientiae* (composed by John of Wallingford); (3) Bernardino of Siena's Latin *Sermones*; (4) Antoninus of Florence's *Summa theologiae*.

I. Bartholomew of S. Concordio's *Summa de casibus conscientiae*

In the *Chronica antiqua*¹⁶ of the Pisan convent of S. Caterina, Bartholomew of S. Concordio¹⁷ appears among the leading intellectual figures of the convent, which was the seat of an important Dominican provincial *studium*. Bartholomew, indeed, boasted an outstanding *curriculum*: he entered the Dominican Order in ca. 1277; first, he studied law in Bologna and later, in 1285, the Order sent him to the Parisian theological faculty, where Bartholomew became *magister*. After having been *lector sententiarum* in many Italian cities (including Florence at the *studium generale* of Santa Maria Novella) Bartholomew came back to Pisa as the regent of the *studium* of Santa Caterina in ca. 1335. Bartholomew structured the Pisan *cursus studiorum* on the basis of his own cultural project: in Pisa one could study liberal arts, moral theology and how to vulgarize Classics¹⁸. The biographer Domenico Peccioli in the *Chronica* reports the *peritia componendi* of Bartholomew: he states that Bartholomew composed the *Summa de casibus conscientiae*¹⁹, which «in omnem terram et in fines orbis terrae iam prolatam fuisse cognovi»²⁰. The statistical data confirm

¹⁵ D.A. LINES, *Humanistic and Scholastic Ethics*, in J. HANKINS (ed.), *The Cambridge Companion to Renaissance Philosophy*, Cambridge University Press, Cambridge 2007, pp. 304-316; R. BLACK, *The Philosopher and Renaissance Culture*, in HANKINS, *The Cambridge Companion to Renaissance Philosophy*, pp. 27-28.

¹⁶ F. BONAINI, *Chronica antiqua conventus Sanctae Catharinae de Pisis*, «Archivio Storico Italiano», 1 (1845), 6, pp. 521-529; E. PANELLA, *Cronica di Santa Caterina in Pisa. Copisti, autori, modelli*, «Memorie Domenicane», 27 (1996), pp. 211-291.

¹⁷ T. KAEPEL, *Scriptores Ordinis Praedicatorum Maedi Aevii*, I, Istituto Storico Domenicano, Romae 1970, pp. 157-158; M.M. MULCHAHEY, «First the Bow is Bent in Study». *Dominican Education before 1350*, Brepols, Toronto 1998 (Studies and Texts, 132), p. 454.

¹⁸ G. FIORAVANTI, *Il Convento e lo Studium domenicano di Santa Caterina*, in L. BATTAGLIA RICCI - R. CELLA (a cura di), *Pisa crocevia di uomini, lingue, culture. L'età medievale. Atti del convegno di Pisa 25-27 ottobre 2007*, Aracne, Roma 2009, pp. 81-95; S. VECCHIO, *Quasi armarium scripturarum. Bartolomeo da San Concordio come biblioteca vivente*, «Doctor virtualis», 11 (2012), 1, pp. 25-43.

¹⁹ P. MICHAUD-QUANTIN, *Somme de casuistique et manuels de confession au Moyen Âge (XII-XVI siècles)*, Éditions Nauwelaerts - Librairie Giard - Librairie Dominicaine, Louvain - Lille - Montreal 1962 (Anacleto Mediaevalia Namurcensia 13), pp. 60-62; MULCHAHEY, «First the Bow is Bent in Study», pp. 455 e 551.

²⁰ BONAINI, *Chronica antiqua conventus Sanctae Catharinae de Pisis*, pp. 521 e 523.

this biographical reference: the manuscript tradition of the *Summa de casibus* counts over 200 exemplars²¹. Bartholomew composed his *Summa* in ca. 1338 and the work spread into the Dominican Order as a manual for confessors. The Dominican friar systematized his *Summa*, replacing the classical division into books and subject matters with alphabetical rubrics²².

The index at the end of the *Summa de casibus* contains all the authorities quoted in the work. This list of *auctoritates* includes also: «Ultericus, doctor»²³. Indeed, I detected 29 quotations from Ulrich in ten different rubrics:

<i>Rubrics</i>	<i>Quotations</i>
Simonia	12
Restitutio	5
Bellum	3
Usura	3
Opinio	1
Oratio	1
Ordinandus	1
Patientia	1
Pedagium	1
Simulatio	1

All the quotations derive from *De summo bono* VI.3, except for a citation from *De summo bono* VI.4. In nine cases Ulrich is the most authoritative source, and Bartholomew begins the quotations with «Respondeo secundum Ulricum»²⁴:

- (1) «Utrum oratio cadat sub praecepto. Respondeo secundum Ulricum...» (§ Oratio)
- (2) «Sed utrum percutienti unam maxillam semper sit alia praebenda. Respondeo secundum Ulricum...» (§ Patientia)
- (3) «Sed qualiter satisfacit de his quae restitui non possunt, ut mutilatio membri, stuprum et similia. Respondeo secundum Ulricum...» (§ Restitutio)
- (4) «Qualiter restituet qui semina alicuius agri effodit, vel qui damnificavit alium in eo, quod suo tempore non solvit. Respondeo secundum Ulricum...» (§ Restitutio)

²¹ KAEPPEL, *Scriptores Ordinis Praedicatorum Maedi Aevii*, I, pp. 157-166.

²² MULCHAHEY, "First the Bow is Bent in Study", p. 549.

²³ Cf. BARTOLOMAEUS DE S. CONCORDIO, *Summa de casibus conscientiae*, Ms. Paris, B.N., lat. 3256, f. 243r.

²⁴ Cf. *ibi*, ff. 143vb, 165rb, 193vb, 211ra, 213va, 245ra, 243vb.

- (5) «Sed utrum munus ab obsequio inducat simoniam. Respondeo secundum Ulricum...» (§ Simonia)
- (6) «Sed utrum quando recipitur canonicus vel monachus vel consecratus episcopus et huiusmodi possint exigi quaedam ex consuetudine. Respondeo secundum Ulricum...» (§ Simonia)
- (7) «Quid de his qui emunt frumentum vel vinum, et huiusmodi tempore quo colligitur, ut postea vendant carius. Respondeo secundum Ulricum...» (§ Usura)
- (8) «Utrum dona et eleemosyne possint licite accipi ab usurario. Respondeo secundum Ulricum...» (§ Usura)
- (9) «Sed utrum in usura trasferatur dominium. Respondeo secundum Ulricum...» (§ Usura)

In two other cases Bartholomew quotes Ulrich in order to complete quotations from Raymond of Peñafort and Thomas Aquinas. In these cases, Bartholomew mentions Ulrich as follows: «Sed addit Ulricus»²⁵:

- (1) «Sed quid de illis qui conferunt consanguineis suis beneficia principaliter propter consanguineitatem. Respondeo secundum Thomam... Et addit Ulricus quod...» (§ Simonia)
- (2) «Utrum simulatio sit peccatum. Respondeo secundum Thomam... Addit Ulricus quod...» (§ Simulatio)

The remaining quotations are short mentions, preceded by: «Idem Ulricus» or «Concordat Ulricus».

Through an analysis of the quotations, I was able to detect that Bartholomew took almost all of the references to Ulrich from John of Freiburg's *Summa confessorum*²⁶.

In the fourteenth century, the *Summa confessorum* was considered a reference work in the field of moral theology²⁷. Palazzo²⁸ has demonstrated that Ulrich was one of John's most quoted sources. Indeed, the fortune of the *Summa confessorum* allowed a wide circulation of Ulrich's doctrines on moral theology. Bartholomew conceived his work as an updating of John's *Summa*, adding the legislation promulgated by

²⁵ Cf. *ibi*, 213rb, 217vb.

²⁶ IOANNES DE FRIBURGO, *Summa confessorum*, Lugduni 1518, Lib. I, tit. 1, q. 1, 3, 4, 5, 6, 10, 12, 14, 15, 16, 43, 64, ff. 1ra-va, 2ra-vb, 6ra, 7va; Lib. II, tit. 5, q. 55, 74, f. 67rb, 68rb; tit. 7, q. 15, 40, ff. 85ra, 87va; Lib. III, tit. 20 e 34, q. 251, f. 211rb.

²⁷ MICHAUD-QUANTIN, *Somme de casuistique*, pp. 43-53; KAEPPELI, *Scriptores Ordinis Praedicatorum Medii Aevii*, II, pp. 428-436; L.E. BOYLE, *The Summa Confessorum of John of Freiburg and the Popularization of the Moral Teaching of St. Thomas and of Some of his Contemporaries*, in Id., *Facing History: a Different Thomas Aquinas*, Federation Internationale des Instituts d'Études Médiévales, Louvain-la-Neuve 2000 (Textes et études du Moyen Âge 13), pp. 245-268; MULCHAHEY, "First the Bow is Bent in Study", pp. 543-552.

²⁸ PALAZZO, "Ulricus de Argentina ... theologus, philosophus, ymmo et iurista", pp. 74-77.

Boniface VIII in the *Liber Sextus* (1298) and the legislation of the Council of Vienna contained in Clement V's *Constitutiones Clementinae* (1317)²⁹.

Pierre Michaud-Quantin³⁰ and Michèle Mulchahey³¹ have claimed that Bartholomew quoted only one theological authority, Thomas Aquinas. However, Bartholomew founded his arguments not only on the classical legal sources (*Corpus iuris canonici*, Raymond of Peñafort, William of Rennes, Henry of Segusio, Godfrey of Trani), but above all on three different theological *auctoritates*: Thomas Aquinas, Albert the Great and Ulrich of Strasbourg³². Bartholomew borrowed a lot of material from John's *Summa*, which he updated and reorganized. In the following synopsis I report an indicative case that shows the dependence of Bartholomew's *Summa* on John's *Summa*:

ULRICUS DE ARGENTINA, <i>De summo bono</i> VI 3 20; ed. Cianciosio, p. 103, 14-16	IOANNES DE FRIBURGO, <i>Summa confessorum</i> I 1 43, Lugduni 1518, f. 3rb-va	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Simonia', Ms. Paris, B.N., lat. 3256, 216rb
...«Suspendus est ipso iure quoad se et quoad alios, sive sit manifestum, sive sit occultum»...	Quae sit paena simoniaci. Respondeo secundum Raimundum... «Si [simonia] in ordine non recipit executionem, sed est ipso iure suspendus quoad se quoad alios, sive sit occultum sive manifestum, sicut et notorium fornicator», <i>Extra De simonia</i> , 23 § Verum. Et sic intelligitur I, q. 1, Reperiuntur et hoc quia caracterem habet furtivum... Quod supra dicitur, simoniacus in ordine suscepto suspendus, intelligitur secundum Ulricum, »ab actibus omnium ordinum, non tantum illius quod simoniace suscepit«. Idem dicit Innocentius... addit quod etiam in temporalibus per consequens perdit administrationem.	Quae paena eius qui simoniace est ordinatus. Respondeo secundum Raimundum: “Non recipit executionem, sed est ipso facto suspendus quo ad se quo et quo ad alios, etiam si occultum sit”, <i>Extra De simonia</i> , 23 § Verum. Et sic intelligitur I, q. 1, Reperiuntur et hoc, quia caracterem habet furtivum, et non est solum »suspendus ab ordine, quem simoniace suscepit«, secundum Ulricum, »sed etiam ab actibus omnium aliorum ordinum«. Idem Innocentius et addit quod etiam in temporalibus per consequens perdit administrationem.

The synopsis clearly shows that in the *Quaestio* 'Quae paena eius qui simoniace est ordinatus' Bartholomew quotes text blocks from his intermediate source, i.e. John's *Summa*, containing not only arguments from Ulrich but also from Raymond and Innocence III. Bartholomew mainly provides literal or semi-literal citations of Ulrich,

²⁹ MULCHAHEY, "First the Bow is Bent in Study", p. 550.

³⁰ MICHAUD-QUANTIN, *Somme de casuistique*, pp. 61-62.

³¹ MULCHAHEY, "First the Bow is Bent in Study", p. 551.

³² In addition to Thomas and Ulrich, Bartholomew quotes Albert: cf. BARTOLOMAEUS DE S. CONCORDIO, *Summa de casibus conscientiae*, f. 68va: «Quid si mutentur iste forme. Respondeo secundum Albertum...»; f. 69ra: «Utrum si alicue hostie ex obliuione remaneant in alteri uel aliqua pars uini, et sacerdos conficit. Numquid sunt consecrate? Respondeo secundum Albertum...».

taken from John's *Summa*. In other cases, Bartholomew reworks some arguments to adapt them to the nature of his work and the requirements of the readers. I will focus on this issue in particular in the following paragraph.

A synoptic comparison of the quotations from Ulrich contained both in John's and in Bartholomew's *Summa* reveals that only in one case Bartholomew quotes Ulrich without the mediation of John's *Summa Confessorum*:

ULRICUS DE ARGENTINA, <i>De summo bono</i> VI, 4, 10, ed. Zavattero-Colomba, Meiner 2017, p. 59, 4-8; 17-19	IOANNES DE FRIBURGO, <i>Summa confessorum</i> III, Tit. 34, <i>De oratione</i> , Lugduni 1518, ff. 195va-201rb	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Oratio', Ms. Paris, B.N., lat. 3256, f. 143vb
Oratione quoque sumpta communiter ad orationem mentalem et verbalem omnis homo tenetur ad orationem ex iure naturali, quod dictat homini, ut disponat se ad ea, sine quibus non est salus... Ad hoc tamen ius accedit auctoritas Christi dicentis: "Oportet semper orare" etc., <i>Luc.</i> 18. Chrysostomus, »dum dicit 'oportet' necessitatem dicit«... Ad verbalem vero vel clamorantem cantus orationem non tenemur ex praecepto divino... vel est ex praecepto ecclesiae, quae missam et horas indixit ministris ecclesiae...	Deest	Utrum oratio cadat sub praecepto. Respondeo secundum Ulricum: "Ad orationem quidem mentalem homo tenetur ex iure naturali, quod dictat homini, ut disponat se ad ea, sine quibus non est salus. Et ad hoc ius accedit auctoritas Christi dicentis, <i>Luc.</i> 18: "Oportet semper orare". Super quo Chrysostomus: "Dum dicit: oportet necessitatem dicit". Ad vocalem vero orationem seu cum cantu non tenetur quis ex praecepto divino, sed ex statuto ecclesiae, quae missas et horas canonicas indixit ministris ecclesiae... Concordat Thomas in II-II, dist. 15...

The scheme shows that Bartholomew entrusts Ulrich with the answer to the *Quaestio*: 'Utrum oratio cadat sub praecepto'. Moreover, Bartholomew considers Ulrich as the main authority, placing a brief mention to Thomas Aquinas' *Summa theologiae* in a secondary position, preceded by: «Concordat Thomas...». In this rubric Bartholomew quotes almost literally a passage of *De summo bono* VI.4³³.

John of Freiburg dedicates a section of Book III to the discussion on *oratio* (*De oratione specialiter*)³⁴, however John never quotes Ulrich on this issue. Indeed, John cites Ulrich concerning simony, restitution of stolen goods, obedience of the prelates, war, usury and robbery³⁵, but prefers to entrust Thomas with the answer to the *Quaestio* on mental and vocal prayer: «Utrum oratio debeat esse vocalis. Respondeo secun-

³³ ULRICUS ARGENTINENSIS, *De summo bono*, Lib. VI, Tr. 4, c. 1-15, ed. I. Zavattero - C. Colomba, Meiner, Hamburg 2017 (CPTMA 1.6-3).

³⁴ IOANNES DE FRIBURGO, *Summa Confessorum* III 34, *De oratione*, ff. 196va-201rb.

³⁵ Cf. PALAZZO, "Ulricus de Argentina ... theologus, philosophus, ymmo et iurista", pp. 94-96.

dum Thomam... dicendum quod duplex est oratio»³⁶. Consequently, Bartholomew considers Ulrich as an authority concerning prayer, quoting a passage of *De summo bono* VI, which John neglects.

Did Bartholomew directly consult Ulrich's *De summo bono*?

We can not maintain with certainty that Bartholomew did so. Undoubtedly, the quotations from Ulrich in the *Summa de casibus conscientiae* have to be attributed to two different traditions: Bartholomew took most of the quotations from John of Freiburg and a long quotation might derive from another intermediate source (still to be identified) or probably from a direct reading of *De summo bono* VI.

After all, the alternate employment of direct and indirect sources was a usual practice: Ulrich in *De summo bono* VI borrowed most of the references to the Church Fathers from the *Corpus iuris canonici*. However, when he aimed to deepen an argument discussed by an authority, he consulted and quoted the primary source³⁷. We can even identify the same kind of *usus componendi* in the German tradition of Ulrich's *De summo bono*. John Nider read *De summo bono* VI mainly from John's *Summa confessorum*: only three citations from Ulrich, tracked down in the *Tractus de reformatione status coenobitici*³⁸ and in *De abstinentia esus carniū*³⁹, are not contained in John's work⁴⁰.

Unfortunately, we still do not have enough textual evidence or documentary sources that allow us to definitely establish whether or not Bartholomew read *De summo bono*. The *Chronica*⁴¹ and some studies on the library of the convent of S. Caterina⁴² report that the *libraria communis* of the convent certainly contained at least 61 books, given to the convent by one of the founders in ca. 1248. The biographer of the *Chronica* also provides a list of these books, but in 1248 Ulrich had not yet composed *De summo bono*. The friars surely gave other books to the convent but we do not have further information about this. One thing is certain, when Bartholomew became regent of the Pisan *Studium*, the convent was provided of such an amount of books, that Bartholomew ordered to build a *domus pro armario*. We should not forget that the convent was likely furnished with private libraries, where the friars placed their personal textbooks.

³⁶ IOANNES DE FRIBURGO, *Summa Confessorum* III 34, f. 196vb.

³⁷ Cf. CIANCIOSO, *New perspectives on Ulrich of Strasbourg's De summo bono VI*, pp. 201-205.

³⁸ IOHANNES NIDER, *Tractatus de reformatione status coenobitici*, Tr. II, c. 1, Cod. Wolfenbüttel, Herzog August Bibliothek, Guelf. 664 Helmst., f. 50v.

³⁹ ID., *De abstinentia esus carniū*, c. 12, ff. 185v-186r (recte 184v-185r).

⁴⁰ PALAZZO, "Ulricus de Argentina ... theologus, philosophus, ymmo et iurista", pp. 94-96.

⁴¹ BONAINI, *Chronica antiqua conventus Sanctae Catharinae de Pisis*, pp. 412-415.

⁴² T. PELSTER, *Die Bibliothek von Santa Caterina zu Pisa, eine Büchersammlung aus den Zeiten des hl. Thomas von Aquin*, Vatikanische Druckerei, Roma 1925 (*Xenia Thomistica* III), pp. 249-280; T. KAEPPELI, *Antiche biblioteche domenicane in Italia*, «Archivum fratrum praedicatorum», 36 (1966), p. 56; L. STURLESE - M.R. PAGNONI STURLESE, *Pisa, Biblioteca del seminario Arcivescovile S. Caterina*, in IDD. ET AL., *Catalogo di manoscritti filosofici nelle biblioteche italiane*, I, Olschki, Firenze 1980, pp. 13-69; O. BANTI, *La Biblioteca e il convento di S. Caterina in Pisa tra il XIII e il XIV secolo attraverso la testimonianza della 'Chronica antiqua'*, «Bollettino Storico Pisano», 58 (1989), pp. 173-187; ID., *Libraria nostra communis. Manoscritti e incunaboli della Biblioteca Cathariniana di Pisa*, Tecchi, Pisa 1994.

Clearly, only a thorough study of the manuscript tradition of Bartholomew's *Summa de casibus* and the critical edition of the work will allow us to detect what sources from his library Bartholomew was likely to have employed.

II. The 'vulgarizations' of Bartholomew's *Summa de casibus conscientiae*: John of Wallingford and the *Pisanella*

Bartholomew of S. Concordio's *Summa de casibus conscientiae* and John of Freiburg's *Summa confessorum* belong to a literary genre, i.e. the genre of *summae casuum*, which had a wide circulation from the thirteenth century onwards⁴³. These kinds of *summae* were useful textbooks for the moral education in the *studia*, and at the same time were practical works to be consulted by confessors. The *Summae casuum* simplified doctrines of moral theology and law reporting *casii* and *exempla*, and replaced the structure of high-medieval penitentials, strictly based on lists of sins and their relative penance, with a more flexible systematization. The *Summae moralis* represented an attempt to popularize theological and juridical subjects. This kind of vulgarization simplified contents and sometimes the language. Bartholomew's *Summa de casibus conscientiae* represents an indicative case: this work had a wide circulation both in Latin and in the vernacular. Indeed, this *Summa* circulated also in the Tuscan vernacular under several names, best known as *Pisanella*⁴⁴. The translation into the Tuscan vernacular of Bartholomew's *Summa* is attributed to the Benedictine abbot John of Wallingford⁴⁵. In the *Prologue*⁴⁶ of the *Pisanella*, the popularizer clarifies aims, audience and structure of the work:

Incomincia il *Proemio* della *Somma* del Maestruccio. Considerando io la molta ignorantia dal quanti cherici, li quali non anno voluto, ovvero non anno potuto imparare grammatica, vennem compassione non solo di loro ma anco de populi ch'anno a correggiere... Et pensando se a questo grande pericolo, rimedio vi potesse trovare, vennem nella mente l'utilissima *Somma* del Maestruccio. Et pensai di recarla in volgare e così feci. Pensai ancora ch'alli homini grossi era molto malagevile l'ordine che elli tenne... il quale ordine per agivilezza de l'ignoranti io non tenni, ma tucti li capitoli che trattano d'una materia puosi al lato l'uno all'altro... Et distinsi tucta la somma in cinque libri...

As the *Prologue* of the work clearly shows, John of Wallingford translated Bartholomew's *Summa* for all of the prelates who «non anno potuto imparare grammatica»,

⁴³ J. LE GOFF, *Métier et profession d'après les manuels de confesseurs au Moyen Âge*, in P. WILPERT (hrsg.), *Beiträge zum Berufsbewusstsein des mittelalterlichen Menschen*, de Gruyter, Berlin 1964 (Miscellanea Mediaevalia 3), pp. 50-60; L.E. BOYLE, *Summae confessorum*, in ID. (éd.), *Les genres littéraires dans les sources théologiques et philosophiques médiévales. Définition, critique et exploration. Actes du Colloque international de Louvain-la Neuve 25-27 Mai 1982*, Publications de l'Institut d'études médiévales, Louvain-la Neuve 1982, pp. 227-237; MULCHAHEY, "First the Bow is Bent in Study", pp. 527-529; J. GOERING, *The international Forum and the Literature of Penance and Confession*, «Traditio», 59 (2004), pp. 208-226.

⁴⁴ MULCHAHEY, "First the Bow is Bent in Study", p. 551.

⁴⁵ P. CIVIDALE, *Il beato Giovanni delle Celle*, «Memorie della Classe di Scienze Morali della Accademia dei Lincei», 5 (1907), 12, pp. 354-477; S. PETROCCHI, *Scrittori religiosi del Trecento*, Sansoni, Firenze 1974, p. 92; MULCHAHEY, "First the Bow is Bent in Study", p. 549.

⁴⁶ BARTOLOMAEUS DE S. CONCORDIO, *Summa de casibus conscientiae*, translatio Iohannis de Cellis, Beinecke MS 759, f. 1.

e.g. Latin. At whom did the popularizer aim this work? I am inclined to exclude the Dominican friars as a potential audience. Indeed, the Dominican Order imposed the knowledge of Latin on the novices⁴⁷. The attribution of the translation of this work to John of Wallingford suggests that the popularizer aimed the work at the illiterate Benedictine friars. The Benedictine rule did not, in fact, insist on a knowledge of Latin. The novices were obliged to submit a document of acceptance to enter the Order, and if they were not able to write in Latin, they could designate someone to write the document in their place. The Benedictine Order only required the illiterate novices to undersign the document and bring it to the altar⁴⁸.

Mulchaey⁴⁹ supposes that the translation into vernacular of the *Summa de casibus* extended the potential audience of the work also to the lay penitents who were not able to understand Latin and aimed for becoming aware penitents. One thing is certain, John of Wallingford translated the work for those prelates who did not study the liberal arts. Thus, the *Prologue* of the *Pisanella* demonstrates that there is no reason to maintain the strict identification *laicus-illiteratus* as opposed to *praelatus-litteratus*⁵⁰.

John of Wallingford explains in the *Prologue* that he has simplified the work not only translating it into vernacular, but also modifying the structure. The vulgarizer replaced the alphabetical rubrics adopted by Bartholomew with the classical division into books and matters «per agevilezza de l'ignoranti». John of Wallingford translated and systematized all the materials of the *Summa de casibus* into five books, subdivided into chapters: Book I treats the sacraments; Book II is devoted to sin; Book III concerns the life of the prelates; Book IV treats the education of the prelates; Book V consists of an analysis of licit and illicit human actions.

John of Wallingford placed all of the quotations from Ulrich, borrowed from Bartholomew's *Summa*, in Books III and V.

One indicative passage deserves particular attention, because it clearly shows the evolution and the vulgarization of Ulrich's *De summo bono*:

⁴⁷ MULCHAHEY, "First the Bow is Bent in Study", p. 75: «In the thirteenth century, when a young man came to the Dominicans and asked to be received as a postulant, he was first questioned closely by three senior members of the convent at which he begged entrance. During a friendly walk though the convent garden, the prospective friar was engaged in conversation, in Latin».

⁴⁸ BENEDICTUS, *Regula. Editio altera emendata* 149, LVIII (CSEL, 75), ed. R. Hanslik, Vindobonae 1977, pp. 19-20: «De qua promissione sua faciat petitionem ad nomen sanctorum, quorum reliquiae ibi sunt, et abbatis praesentis. Quam petitionem manu sua scribat aut certe, si non scit literas, alter ab eo rogatus scribat; et ille nobiscum signum faciat et manu sua eam super altare ponat».

⁴⁹ MULCHAHEY, "First the Bow is Bent in Study", p. 134.

⁵⁰ H. GRUNDMANN, *Litteratus-illiteratus. Der Wandel Bildungsnorm vom Altertum zum Mittelalter*, in ID., *Ausgewählte Aufsätze*, 3, Hiersemann, Stuttgart 1978, pp. 1-66; F.H. BAÜML, *Varieties and Consequences of Medieval Literacy and Illiteracy*, «Speculum», 55 (1980), pp. 237-65; P. ZUMTHOR, *Litteratus / illiteratus. Remarques sur le contexte vocal de l'écriture médiévale*, «Romania», 106 (1985), pp. 1-18; R. IMBACH - C. KÖNIG-PRALONG, *Il laico come illiteratus*, in ID. (a cura di), *La sfida laica. Per una nuova storia della filosofia medievale*, Carocci, Roma 2016, pp. 41-44.

ULRICUS DE ARGENTINA, <i>De summo bono</i> VI 3 4, ed. Tuzzo, p. 147,82-85	IOANNES DE FRIBURGO, <i>Summa confessorum</i> II 7 15, Lugduni 1518, f. 85ra	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Usura', Ms. Paris, B.N., lat. 3256, f. 343vb	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , <i>translatio</i> IOHANNIS DE CELLIS, Beinecke MS 759, ff. 176vb-177ra
... omnis voluntaria donatio facit transferri dominium, ideo in usura transfertur dominium, quia usurae dantur voluntarie voluntate condicionata, scilicet quia potius vult ultra sortem dare, quam mutuo carere, quia voluntas condicionata est voluntas, ut dicunt Philosophus et Augustinus...	Utrum in usura transfertur dominium. Respondeo secundum Ulricum, quia vero dicendum quod, cum "omnis voluntaria donatio facit transferri dominium. Ideo in usura transfertur dominium, quia usurae dantur voluntate condicionata, scilicet quod potius vult ultra sortem dare quam mutuo carere, quia voluntas condicionata est voluntas, ut dicunt Philosophus et Augustinus"... <i>Glossa</i> etiam XIV, q. 4, Super c. <i>Si quis usuram</i> ...	»Sed utrum in usura transfertur dominium. Respondeo secundum Ulricum, sic cum omnis voluntaria datio facit transferri dominium. Nam usurae dantur voluntate condicionata, scilicet quod potius vult aliquis ultra sortem dare, quam mutuum non accipere vel non habere.« Concordat <i>Glossa</i> XIV, q. 4, <i>Si quis usuram</i> .	»Se lo dominio dell'usura passa nel prestatore. Respondeo secundum Ulricum, si con ciò sia cosa che ogni volontario dono fa trapassare da sé il dominio. L'usura si dà con volontà condicionata, cioè chi più tosto vuole dare alcuna cosa più che lo capitale, che non ricevere in prestanza.« Concordasi la <i>Chiosa</i> XIV, 4, <i>Si quis usuram</i> .

The synopsis shows a different employment of Ulrich's work: John of Freiburg literally quotes Ulrich; instead, Bartholomew reworks and summarizes Ulrich's argument removing the two sources, i.e. Aristotle and Augustine, that Ulrich quotes to found his discussion on usury. Thus, Bartholomew considers Ulrich the only *auctoritas* on this question. The same applies to John of Wallingford's vulgarization, since he translated the same text of Bartholomew's *Summa*. The philosophical and theological discussion is thus vulgarized in two stages: these authors abbreviated and translated Ulrich's doctrines in order to adapt them to a different literary genre and make them more understandable to unspecialized readers and illiterates.

In the passage reported above, Ulrich treats a focal point of the juridical and theological debate during the thirteenth and the fourteenth century: with the birth of the merchant class and the Law Merchant, theologians and canonists were questioning which of the contractual forms of income had to be considered morally reprehensible. Starting from the thirteenth century, theologians distinguished economic practices considered immoral (*iniusta acquisita*), such as theft and usury, from those which can become so accidentally (*turpe lucrum*), such as prostitution or gambling. It was up to the confessor to establish the proper penance⁵¹. Ulrich claims that any voluntary donation involves a transfer of ownership. The same

⁵¹ G. CECCARELLI, *L'usura nella trattatistica teologica sulle restituzioni dei male ablata (XIII-XIV secolo)*, in D. QUAGLIONI - D. TODESCHINI - G.M. VARANINI (a cura di), *Credito e usura fra teologia, diritto e amministrazione. Linguaggi a confronto (sec. XII-XVI)*, Ecole Française de Rome, Roma 2005 (Collection de l'École française de Rome 346), pp. 7-8.

applies in the case of usury, because it is a kind of voluntary loan, even if in usury the will is forced. Ulrich states that the will is forced by the interest on a loan. Consequently, this forced will makes usury an immoral loan, which has to be returned. Ulrich founds his argument, implicitly quoting Aristotle and Augustine: in the *Nicomachean Ethics* III⁵² Aristotle explains that in free will there is no compulsion. Every compulsion, which forces an action, is external. Consequently, sin can not be forced, as Augustine claims in *De libero arbitrio* III⁵³. Compulsion, according to Aristotle, can however cause a forced consensus. This may occur when someone casts commodities into the sea to escape a shipwreck. Aristotle considers this action in two ways: in an absolute sense, this action is voluntary; in a relative sense (*secundum quid*), it is involuntary, because the consensus is forced by the fear of an imminent danger.

As I intend to show in the next paragraphs, this argument posed by Ulrich, even if with some textual changes, will remain at the heart of the debate on immoral gains during the fifteenth century. Indeed, this argument testifies to the evolution of the practice and the concept of theft which occurs starting from the thirteenth century. In high-medieval penitentials, the vice of usury descended from the sin of avarice or was considered as a violation of the seventh Commandment: thou shalt not steal. As Paolo Prodi maintains⁵⁴, thanks to the progressive translation of the Aristotelian *Corpus* and with the birth of the merchant class, theologians composed more complex doctrines on theft. They began defining theft as a violation of a contract and of free will, disregarding the classical definition of theft as a sin.

III. Bernardino of Siena's Latin Sermones

Bernardino of Siena⁵⁵ fulfilled the duty of preaching throughout almost all of his life. The more recent reconstructions of Bernardino's biography report that the Franciscan friar

⁵²ARISTOTELES, *Ethica Nicomachea. Translatio Roberti Grosseteste Lincolnensis sive 'Liber Ethicorum' B. Recensio Recongita* III 1, ed. R.A. Gauthier, Brill - Desclée De Brouwer, Leiden - Bruxelles 1973 (Aristoteles Latinus XXVI 1-3, Fasciculus Quartus), 1109b35-1110a10, p. 410,9-11 et 17-22: «Violentum autem est cuius principium extra, tale existens in quo nihil confert operans vel paciens; puta si spiritus tulerit alicubi vel homines domini existentes. [...] Tale autem aliquid accidit et circa eas quae in tempestatibus eiectiones. Simpliciter quidem nullus esset voluntarius. In salute autem sui et aliorum omnium, intellectum habentes. Mixte quidem igitur sunt tales operationes. Assimulantur autem magis voluntariis. Voluntarie enim sunt, tunc cum operate sunt. Finis autem operationis secundum tempus est».

⁵³AUGUSTINUS, *De libero arbitrio. Libri Tres* III 18 50, ed. G.M. Green, Hoelder - Pichler - Tempsky, Vindobonae 1956 (CSEL LXXIV), p. 171,5-7: «Quaecumque ista causa est voluntatis, si non ei potest resisti, sine peccato ei ceditur; si autem potest, non ei cedatur et non peccabitur».

⁵⁴P. PRODI, VII: *non rubare*, in A. LAMBERTINI - L. SILEO (a cura di), *I beni di questo mondo. Teorie etico-economiche nel laboratorio dell'Europa medievale. Atti del convegno della Società Italiana per lo Studio del Pensiero Medievale, Roma, 19-21 Settembre 2005*, Brepols, Porto 2010 (Fédération Internationale des Instituts d'Études Médiévales. Textes et Études Médiévales. Textes et Études du Moyen Âge 55), pp. 3 e 5.

⁵⁵On the biography of Bernardino of Siena, I refer to some reference works: D. PACETTI, *Cronologia Bernardiniana*, in Id., *S. Bernardino da Siena. Saggi e ricerche pubblicati nel quinto centenario della morte (144-1944)*, Vita e Pensiero, Milano 1945 (Publicazioni dell'Università Cattolica del S. Cuore. Nuova Serie VI), pp. 445-463; R. DE ROOVER, *San Bernardino of Siena and S. Antonino of Florence. The Two Great Economic Thinkers of the Middle Ages*, Baker Library, Boston 1967, pp. 3-6; I. ORIGO,

preached starting from 1405 until 1444, the year of his death. Bernardino composed several Latin and vernacular sermons, attesting to his activity as an itinerant preacher⁵⁶. In fact, some of these sermons survive in *reportationes* written by anonymous listeners, the other sermons are *compilationes* that Bernardino accurately composed for his disciples on the basis of the pattern of the *sermo modernus*⁵⁷. Starting from the thirteenth century, the method of preaching radically changed: the preacher stopped reciting collections of sermons composed by others, and he prepared his own sermons.⁵⁸ These ‘modern sermons’ were written on the basis of the liturgical calendar; they contained several *exempla* borrowed from the Bible and other theological *auctoritates*, and treated current ethical questions⁵⁹.

In his Latin *Sermones*, Bernardino includes Ulrich among the other authorities. I tracked down quotations from *De summo bono* VI in the *Sermo* XXXVI and the *Sermo* XXXIX of the *Quadragesimale De christiana religione*, composed between 1430 and 1436, and in the *Sermo* VI of the *Sermones De tempore*, written between 1440 and 1444. These occurrences deserve particular attention, since in three different passages Bernardino wrongly attributes these quotations to ‘Guillelmus’, probably Guillelmus Redonensis. Through an analysis of the quotations, one can infer that Bernardino indirectly quotes Ulrich from Bartholomew’s *Summa de casibus*:

Bernardino da Siena e il suo tempo, Rusconi, Milano 1982, pp. 5-7; M. BERTAGNA, *Cronologia di S. Bernardino da Siena*, in S. ALOISI, *Biografia*, (Enciclopedia Bernardiniana IV), Centro delle Attività Bernardiniane, L’Aquila 1985, pp. XI-XXIII; N.B.A. DEBBY, *Renaissance Florence in the Rhetoric of Two Popular Preachers. Giovanni Dominici (1356-1419) and Bernardino da Siena (1380-1444)*, Brepols, Turnhout 2001 (BMEMS 4), pp. 28-33.

⁵⁶ BERNARDINUS SENENSIS, *Opera Omnia* I-VII, ed. PP. Collegii S. Bonaventurae, Ad Claras Aquas 1950-1959; ID., *Le prediche volgari. Predicazione del 1425 in Siena*, a cura di P.C. Cannarozzi, Rinaldi, Firenze 1958; ID., *Prediche volgari sul Campo di Siena 1427*, a cura di C. Delcorno, Rusconi, Milano 1989; ID., “La fonte della vita”. *Prediche volgari scelte e annotate*, a cura di G.V. Sabatelli, LEF, Firenze 1964.

⁵⁷ L.J. BATAILLON, *Approaches to the study of medieval sermons*, «Leeds Studies in English», 11 (1980), pp. 11-35; ID., *De la lectio à la praedicatio: Commentaires bibliques et sermons au XIIIème siècle*, «Revue des sciences philosophiques et théologiques», 70 (1986), pp. 559-574; DEBBY, *Renaissance Florence in the Rhetoric of Two Popular Preachers*, pp. 39-40; N. BÉRIOU, *Le sermons latins après 1200*, in B.M. KIENZLE (ed.), *The sermon*, Brepols, Turnhout 2000 (Typologie des sources du Moyen Âge occidental 81-83), pp. 363-447; C. DELCORNO, *Medieval Preaching in Italy (1200-1500)*, in KIENZLE, *The sermon*, pp. 490-543.

⁵⁸ R. RUSCONI, *Predicazione e vita religiosa nella società italiana da Carlo Magno alla Controriforma*, Loescher, Torino 1981, p. 117.

⁵⁹ *Ibi*, pp. 117-118; DELCORNO, *L’ars predicandi di Bernardino da Siena*, in D. MAFFEI - P. NARDI (a cura di), *Atti del simposio internazionale Cateriniano-Bernardiniano. Siena, 17-20 aprile 1980*, Accademia senese degli intronati, Siena 1982, pp. 419-449; DEBBY, *Renaissance Florence in the Rhetoric of Two Popular Preachers*, 39-40; Z. ZAFANA, *Bernardino nella storia della predicazione popolare*, in O. CAPITANI - C. LEONARDI - E. MENESTÒ - R. RUSCONI (a cura di), *Da Gregorio VII a Bernardino da Siena. Saggi di storia medievale*, CISAM, Spoleto 1991, pp. 43-45; M.G. BRISCOE - B.H. JAYE, *Artes praedicandi and Artes Orandi*, Brepols, Turnhout 1992 (Typologie des Sources du Moyen Âge occidental 61); P. ROBERTS, *The Ars Praedicandi and the Medieval Sermon*, in C. MUESSIG (ed.), *Preacher, Sermon and Audience in the Middle Ages*, Brill, Leiden - Boston - Köln 2002, pp. 41-62.

(1)	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Restitutio', Ms. Paris, B.N., lat. 3256, 193vb Sed qualiter satisfacit de his quae restitui non possunt, ut mutilatione membri, stuprum et similia. Respondeo secundum ULRICUM: "In illis in quibus damnum nec in se nec in aequivalenti restitui potest, satisfacit per recompensationem faciendam arbitrio boni viri". Idem Thomas, II-II, q. 62...	BERNARDINUS SENENSIS, <i>Quadragesimale de Christiana religione</i> , Sermo XXXVI, art. 2, c. 3, p. 459,30-34 In omnibus igitur in toto hoc secundo articulo dictis, «in quibus damnum neque in se neque in aequivalenti restitui potest per recompensationem faciendam, arbitrio boni viri restitui debet», secundum Richardum, Thomam et GUILLELMUM.
(2)	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Hereditas', Ms. Paris, B.N., lat. 3256, 88vb Et nota quod heres potest deducere ante omnia expensas funeris et alia necessarias, quas fecit causa hereditatis ut in testamento, inventario et huiusmodi. Et breviter sicut, »quando debita totam hereditatem exhauriunt, heres debet esse immunis a lucro sic et a gravamine«... Idem Hostensis et ULRICUS.	BERNARDINUS SENENSIS, <i>Quadragesimale de Christiana religione</i> , Sermo XXXIX, art. 3, c. 3, p. 515,21-25 Item secundum Raymundum, notandum est quod ante omnia «heres deducere potest expensas, quas fecit in necessariis causis hereditatis suae sive in funere sive in testamento vel inventarii confectione vel similia. Et breviter sicut, debitis totam hereditatem exhaurientibus, a lucro debet esse immunis, ita etiam a gravamine»... Idem dicunt GUILLELMUS et Hostiensis.
(3)	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Oratio', Ms. Paris, B.N., lat. 3256, f. 143vb Utrum oratio cadat sub praecepto. Respondeo secundum ULRICUM: "Ad orationem quidem mentalem homo tenetur ex iure naturali, quod dictat homini, ut disponat se ad ea sine quibus non est salus. Et ad hoc ius accedit auctoritas Christi dicentis, <i>Luc.</i> 18: "Oportet semper orare". Super quo Chrysostomus: "Dum dicit: oportet necessitatem dicit".	BERNARDINUS SENENSIS, <i>Sermones De tempore</i> , Sermo VI, art. 1, Capitulum unicum, p. 81,1-5 Prima est oratio mentalis, «Secundum enim GUILLELMUM, ad orationem mentalem homo tenetur ex naturali iure, quod dictat homini ut disponat se ad ea, sine quibus non est salus. Ad hoc siquidem ius accedit auctoritas Christi, qui <i>Luc.</i> 18, cap. 1, ait: "Oportet semper orare". Super quo Chrysostomus inquit: "Oportet necessitatem dicit"».

Why does Bernardino attribute Ulrich's argument to William of Rennes?

In order to understand the origin of the error, it is necessary to retrace the composition method of the *Quadragesimale* and the *Sermones De tempore*⁶⁰. Bernardino composed these sermons inserting first of all verses of the Bible concerning the daily liturgy. The quotations from the Bible constitutes, indeed, the *thema* and sometimes the *prothema* of the sermon. Then, Bernardino progressively added the references to theological and juridical *auctoritates* creating a mosaic of quotations, following a typical composition practice of the *sermo modernus*⁶¹. Thus, the com-

⁶⁰ PP. COLLEGI S. BONAVENTURAE, *De operis natura*, in BERNARDINUS SENENSIS, *Opera Omnia*, I, pp. XIII-XV.

⁶¹ DEBBY, *Renaissance Florence in the Rhetoric of Two Popular Preachers*, p. 40; BÉRIOU, *Le sermons latins après 1200*, pp. 371-372.

pilation of these kinds of sermons consisted of a gradual collection of materials and sources⁶², which Bernardino might have directly consulted in his personal library or in libraries that were made accessible to him during his itinerant preachings⁶³. Likely Bernardino composed his sermons in collaboration with his *socii*, who followed the Franciscan friar during his several journeys. Since Bernardino was constantly on the move, one can hardly identify which copy of Bartholmew's *Summa de casibus* Bernardino consulted. One thing is certain, Bernardino read this work, since he quoted Bartholmew's *Summa* several times in his Latin *Sermones*⁶⁴. Moreover, during the year of Bernardino's death, one of his *socii*, Nicholas of Osimo⁶⁵, composed a *Supplementum* to Bartholmew's *Summa de casibus*, considerably updating the work. Thus, the Franciscan friars surely considered Bartholmew's *Summa* as a reference work.

As the synoptic scheme printed above clearly shows, Bernardino quotes Ulrich from Bartholmew's *Summa*, attributing, however, these references to William of Rennes. The critical edition of Bernardino's Latin *Sermones* edited by the Friars of Quaracchi does not provide any alternative reading to 'Guillelmus' in the *apparatus* of variants. Thus, this evidence allows us to conjecture that the error was already in the original version of the work, and that this error then spread into the manuscript tradition. We can conjecture some hypotheses, concerning the origin of the error:

- (a) Bernardino and his *socii* consulted a version of Bartholmew's *Summa de casibus* that already contained the wrong attribution of Ulrich's arguments to William of Rennes. Then, Bernardino and his *socii* inadvertently reported the error, which progressively spread into the manuscript tradition.
- (b) Bernardino and his *socii* confused 'Ulricus', commonly abbreviated in Bartholmew's *Summa* as 'VI.', with the jurist William of Rennes quoted as 'Vuil.'. This hypothesis leads me to conjecture that Bernardino probably did not know Ulrich and therefore attributed Ulrich's arguments to a better-known juridical source (William of Rennes).

Analyzing quotation n. (1), we can notice that Bartholmew considered Ulrich the most authoritative source. Indeed, he entrusted Ulrich with the answer to the *Quaestio*. Instead, Bernardino replaces the quotation from Ulrich with an agreement of authorities, using a typical technique of the *sermo modernus* (*auctoritates concordantes*)⁶⁶.

In quotations n. (2) and (3) Ulrich's arguments have the same importance for both of the authors. In particular, quotation n. (3), concerning prayer, is the argument that Bart-

⁶² PP. COLLEGII S. BONAVENTURAE, *De fontibus*, in BERNARDINUS SENENSIS, *Opera Omnia*, I, pp. XV-XVI.

⁶³ Cf. D. PACETTI, *I codici autografi di S. Bernardino da Siena della Vaticana e della Comunale di Siena*, «AFH», 27 (1934), pp. 224-235; PP. COLLEGII S. BONAVENTURAE, *De fontibus*, p. XVI.

⁶⁴ PP. COLLEGII S. BONAVENTURAE, *De fontibus*, pp. XV-XVI.

⁶⁵ NICOLAUS DE AUSMO, *Supplementum Summae Pisanellae*, Venetiis 1474; A. TEETAERT, *Nicolas d'Osimo*, in *Dictionnaire de théologie catholique*, XI, 1, Letouzey et Ané, Paris 1931, pp. 628-631; L. SPÄLTING, *Nikolaus v. Osimo (de Auximo)*, in M. BUCHBERGER - W. KASPER (hrsg.), *Lexicon für Theologie und Kirche*, VII, Herder, Freiburg 1962, p. 996; P. PEANO, *Nicolas d'Osimo*, in M. VILLER - F. CAVALLERA - J. DE GUIBERT (éds.), *Dictionnaire de Spiritualité*, XI, Beauchesne, Paris 1981, pp. 293-295.

⁶⁶ DEBBY, *Renaissance Florence in the Rhetoric of Two Popular Preachers*, p. 40.

holomew probably cites through a direct consultation of *De summo bono* VI. Bernardino borrows this argument from the rubric on *Oratio* of Bartholomew's *Summa*, as follows:

ULRICUS DE ARGENTINA, <i>De summo bono</i> VI, 4, 10, ed. Zavattero-Colomba, Meiner 2017, p. 59,4-8; 17-19	IOANNES DE FRIBURGO, <i>Summa confessorum</i> III, 34, <i>De oratione</i> , Lugduni 1518, ff. 195va-201rb	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , 'Oratio', Ms. Paris, B.N., lat. 3256, f. 143vb	BERNARDINUS SENENSIS, <i>Sermones De tempore</i> , Sermo VI, 1, Capitulum unicum, 81,1-5
<p>Oratione quoque sumpta communiter ad orationem mentalem et verbalem omnis homo tenetur ad orationem ex iure naturali, quod dictat homini, ut disponat se ad ea, sine quibus non est salus...</p> <p>Ad hoc tamen ius accedit auctoritas Christi dicentis: "Oportet semper orare" etc., <i>Luc.</i> 18. Chrysostomus, »dum dicit 'oportet' necessitatem dicit...</p> <p>Ad verbalem vero vel clamosam cantus orationem non tenemur ex praecepto divino... vel est ex praecepto ecclesiae, quae missam et horas indixit ministris ecclesiae...</p>	Deest	<p>Utrum oratio cadat sub praecepto. Respondeo secundum ULRICUM, "Ad orationem quidem mentalem homo tenetur ex iure naturali, quod dictat homini, ut disponat se ad ea sine quibus non est salus.</p> <p>Et ad hoc ius accedit auctoritas Christi dicentis, <i>Luc.</i> 18: 'Oportet semper orare'. Super quo Chrysostomus: 'Dum dicit: oportet necessitatem dicit'.</p> <p>Ad vocalem vero orationem seu cum cantu non tenetur quis ex praecepto divino, sed ex statuto ecclesiae, quae missas et horas canonicas indixit ministris ecclesiae"...</p>	<p>Prima est oratio mentalis, "secundum enim GUILLELMUM, ad orationem mentalem homo tenetur ex naturali iure, quod dictat homini ut disponat se ad ea, sine quibus non est salus.</p> <p>Ad hoc siquidem ius accedit auctoritas Christi, qui <i>Luc.</i> 18, cap. 1, ait: 'Oportet semper orare'. Super quo Chrysostomus inquit: 'Oportet necessitatem dicit'..."</p>

In his *Sermo* VI, Bernardino begins his argument on prayer with a series of biblical quotations on *oratio*. At the end of the *thema*, the Franciscan friar announces how he intends to structure the sermon: «Circa igitur orationem tria consideramus: primo, eius necessitatem; secundo, eius qualitatem; tertio, eius utilitatem»⁶⁷. Thus, on the basis of these three aspects of prayer, Bernardino divides the sermon into three articles. The first article treats the necessity to pray and contains only one chapter. Bernardino places Ulrich's definition on mental prayer at the beginning of the chapter. This argument is supported by a couple of quotations from the Bible and one quote from the *Glossa ordinaria*, which concludes the treatise.

⁶⁷ BERNARDINUS SENENSIS, *Sermones De tempore* VI, in PP. COLLEGI S. BONAVENTURAE, *Opera Omnia*, VII, pp. 80,25-26.

Therefore, despite the fact that Bernardino confused Ulrich with William of Rennes, he considered Ulrich the most authoritative source on the necessity of mental prayer.

Prayer occupied a central point in the history of preaching, starting from the thirteenth century: the Lateran Council IV ruled that the sacraments of Confession and the Eucharist had to be annually received during the Easter season. Bernardino's Sermons *De tempore* consist of a series of preachings on the liturgical time that goes from Advent to Pentecost. Bernardino treated all of the different aspects of prayer in his Latin *Sermones*, with a precise intent: he aimed to train all the friars to penitence. The same applies to the vernacular sermons that Bernardino recited to the penitents, inducing them to receive the sacrament of Penance⁶⁸.

IV. Antoninus of Florence's *Summa theologiae*

The originality of Antoninus of Florence's *Summa theologiae*⁶⁹, composed between 1440 and 1459, has divided the critics. Early studies of Raymond de Roover⁷⁰ on the sources of Antoninus' *Summa* have reduced the importance of Antoninus' thought. The scholar detected an implicit dependence of Antoninus' *Summa* on Bernardino of Siena and Peter John Olivi's works. Joseph Schumpeter⁷¹ and Edgar Salin⁷², on the other hand, considered Antoninus the main proponent of economic thought during the fifteenth century. Moreover, more recent studies⁷³ attribute to Antonino the elaboration of theories on ethics and economics that influenced some Dominican penitential works during the following centuries.

Despite the fact that these recent researches consider Antoninus' *Summa* as a reference work in the history of medieval and Renaissance economics, none of these studies analyzes the influence of Ulrich's moral thought on Antoninus' work. Indeed, Ulrich of Strasbourg never appears in the studies on the sources of Antoninus' *Summa*. Yet, I conducted a statistic survey on the quotations from Ulrich in

⁶⁸ RUSCONI, *Predicazione e vita religiosa nella società italiana*, p. 177.

⁶⁹ R. MORCAY, *Saint Antonin fondateur du couvent de Saint-Marc archevêque de Florence (1389-1459)*, Marne-Gabalda, Tours - Paris 1914; S. ORLANDI, *Bibliografia Antoniana. Descrizione dei manoscritti della Vita e delle Opere di S. Antonino O.P. Arcivescovo di Firenze, e degli studi stampati che lo riguardano*, Tip. Poliglotta Vaticana, Città del Vaticano 1961; MICHAUD-QUANTIN, *Somme de casuistique*, pp. 73-75; DE ROOVER, *San Bernardino of Siena and Sant'Antonino of Florence*; KAEPPEL, *Scriptores Ordinis Praedicatorum Medii Aevi*, I, pp. 80-100; D. PETERSON, *Archbishop Antoninus, Florence and the Church in the Earlier Fifteenth Century*, unpubl. Ph.D. dissertation, Cornell University 1985; P. HOWARD, *Beyond the Written World. Preaching and Theology in the Florence of Archbishop Antoninus 1427-1459*, Olschki, Firenze 1995; A. SPICCIANI, *Sant'Antonino: un critico dell'economia fiorentina del Quattrocento*, in Id., *Capitale e interesse tra mercatura e povertà nei teologi e canonisti dei secoli XIII-XIV*, Jouvence, Roma 1990, pp. 143-164; LANGHOLM, *The merchant in the confessional*, in particolare pp. 132-137; R. SCHÜSSLER, *Antonino von Florenz als ökonom. Eine Verteidigung*, in LAMBERTINI - SILEO, *I beni di questo mondo*, pp. 282-304.

⁷⁰ DE ROOVER, *Scholastic Economics: survival and lasting influence from the Sixteenth Century to Adam Smith*, «Quarterly Journal of Economics», 69 (1955), pp. 161-190.

⁷¹ J. SCHUMPETER, *Storia dell'analisi economica*, Boringhieri, Torino 1972, p. 117.

⁷² E. SALIN, *Geschichte der Volkswirtschaftslehre*, Francke, Bern 1944, p. 49.

⁷³ SPICCIANI, *Capitale e interesse tra mercatura e povertà*, p. 175; LANGHOLM, *The merchant in the confessional*, p. 132.

Antonino's *Summa*, revealing that the amount of quotations is remarkable: the occurrences are 55 and concentrated in the *Secunda pars* of the *Summa theologiae*. The *Summa* is divided into four parts, and the second part consists of an analysis of the seven deadly sins. Without any doubt, this section represents the more interesting part of the work, because it reveals a pure and simple socio-economic scenario of Florence during the fifteenth century. The quotations from Ulrich stand in Titulus I of Book I on *avaritia*⁷⁴. All the quotations are explicit and taken from *De summo bono* VI.3:

<i>Summa theologiae</i>	Quotations
Cap. 5 <i>De symonia</i>	21
Cap. 19 <i>De inustitia</i>	8
Cap. 8 <i>De venditione</i>	6
Cap. 13 <i>De talliis</i>	5
Cap. 15 <i>De furto</i>	4
Cap. 12 <i>De rapina</i>	3
Cap. 6 <i>De usura</i>	3
Cap. 9 <i>De cooperatione et participatione usure</i>	1
Cap. 10 <i>De manifestis usurariis</i>	1
Cap. 18 <i>De falsificatione</i>	1
Cap. 21 <i>De sacrilegio</i>	1
Cap. 23 <i>De turpi lucro</i>	1

Despite the fact that de Roover attests a significant dependence of Antonino's *Summa* on Bernardino of Siena's works, Ulrich's arguments do not derive from Bernardino's Latin *Sermones*. Indeed, I have not detected any argument wrongly attributed to William of Rennes (as is common in Bernardino of Siena's Latin *Sermones*). Rather, the quotations from Ulrich depend mainly on John of Freiburg's *Summa Confessorum* and only in one case on Bartholomew's *Summa de casibus*, as the following synopsis clearly shows:

⁷⁴ ANTONINUS FLORENTINUS, *Summa theologiae*, II^a pars, Lib. I, Tit. 1, c. 5, Venetiis 1571, ff. 14ra-va, 15ra, 15va-b, 16rb, 16vb, 18ra-va, 19va-b, 20vb, 21rb, 26rb, 33vb, 34ra, 39vb, 40ra, 41ra, 42va, 45va, 46ra-b, 59vb, 61vb, 63ra, 64rb-va, 65ra-va, 67va, 74va, 75ra-va, 84vb, 85vb, 86ra, 87vb, 88va, 91ra, 101ra.

(1)	URLICUS DE ARGENTINA, <i>De summo bono</i> VI, 3, 19; ed. Ciancioso, p. 91, 343-348	IOANNES DE FRIBURGO, <i>Summa Confessorum</i> I 1 43, Lugduni 1518, f. 6ra	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , Ms. Paris, B.N., lat. 3256, 'Simonia', f. 216rb	ANTONINUS FLORENTINUS, <i>Summa theologiae</i> , IIa pars, I, 1, 5, Venetiis 1571, f. 19va-b
	<p>»Nam si confraternitas aliqua instituta est propter causam honestam,</p> <p>scilicet pro alendis pauperibus vel redimendis captivis, et ita constituta sit, quod quicumque recipitur, det talem vel talem summam pecuniae, vel si statutum est, quod semel vel bis in anno convenient pro devotione vel eleemosynarum largitione«...</p> <p>...et posita sit ad hoc singulis annis certa quantitas pecuniae a confratribus persolvenda dari et recipi possunt haec sine vitio simoniae.</p>	<p>Quid de confraternitatibus, quae ita constitutae sunt, quod nullus recipiatur, nisi promittat vel etiam iuret se daturum annuatim decem.</p> <p>Respondeo secundum Raimundum § 19. Quid de confraternitatibus, quod »si huiusmodi confraternitates fiunt propter causam honestam,</p> <p>puta pro alendis pauperibus, redimendis captivis vel similibus, non est simonia, nec sunt reprobandae...</p> <p>Si vero statutum est, quod semel vel bis in anno, convenient omnes confratres ad tractandum de salute animarum«...</p> <p>...Sed in forma affirmativa licitum est, ut quicumque receptus fuerit debet, tantum Ulricus tutior est, quia negativum statutum excluderet pietatem.</p>	<p>Sed quid de confraternitatibus, in quibus statutum est, quod nullus recipiatur, nisi promittat vel iuret se daturum annuatim tantum.</p> <p>Respondeo <secundum Raimundum>, quia »huiusmodi confraternitates non sunt verae religiones, sed quaedam congregationes ad benefaciendum, non habet hic locum. Quin potius si datio temporalium eis imponitur pro facienda eleemosyna, ut pro alendis pauperibus, captivis redimendis, et huiusmodi laudabile est et tales confraternitates bonae sunt...</p> <p>Et similiter si oportet, quod semel in anno vel mense convenient ad tractandum de salute animae et disponendum de agendis, et propter hoc fiant expensae, iustum est, quod ponant inter se aliquam quantitatem«.</p> <p>Ideoque propter causas praedictas praedictum statutum videtur licitum et bonum.</p> <p><i>Tamen ad omnem ambiguitatem tollendam, secundum Ulricum</i>, tutius esset, quod huiusmodi statutum fieret sub forma affirmativa...</p>	<p>Item »de confraternitatibus, in quibus statutum est, quod nullus recipiatur, nisi promittat vel daturum tantum annuatim pro huiusmodi datione, non haberet locum simonia«...</p> <p>«Et similiter si oportet, quod semel in anno, vel mense convenient ad tractandum de salute animae disponendum de agendis, et propter hoc fiant expensae, iustum est, ut ponant inter se aliquam quantitatem.</p> <p>Ideoque propter praedictas causas praedictum statutum videtur et licitum et bonum.</p> <p>Tamen ad omnem ambiguitatem tollendam secundum Ulricum, tutius esset, quod huiusmodi statuta fierent sub forma affirmativa»...</p>

The scheme printed above shows that both John and Bartholomew first expose Raymond's discussion on the confraternities. Raymond claims that a *confrater* is not culpable

of simony, when he receives or gives charitable donations, if the statute allows this practice for morally acceptable aims. Then, John exposes the argument of Ulrich, who clarifies the legitimacy of statutes according to the *forma affirmativa*. Bartholomew stresses the relevance of this argument much more than John, claiming that Ulrich's discussion clarifies every ambiguity: «ad omnem ambiguitatem tollendam, secundum Ulricum...». Antonino, in this case, borrows the argument posed by Ulrich from Bartholomew's work (and not from John's *Summa*, as he usually does). The discussion on confraternity, indeed, needed to be progressively updated depending on specific cases. From the Lateran Council IV on, the *confrater* can not be simply defined as a general benefactor, but rather as a citizen who binds himself pronouncing an oath of allegiance to an order, partially or fully donating his belongings. The statutes of the *fraternitates* were regularly modified, because they had to regulate groups of people belonging to limited geographical areas. Probably, Antoninus aimed at consulting a more updated work concerning the issue on confraternity, and for this reason, he preferred Bartholomew's *Summa* to John of Freiburg's *Summa*.

The other quotations from Ulrich depend on John's *Summa*. In 18 cases Antoninus quotes Ulrich as the only source: ten times on simony, three times on usury, four times on *venditio*, one time on illicit gains. These quotations are extensive and preceded by: «Respondeo secundum Ulricum», «Secundum Ulricum», «Dicit Ulricus», «Ulricus addens», «Et intelligit Ulricus».

In the following table, an indicative passage shows the dependence of these quotations on John's *Summa*:

(2)	ULRICUS DE ARGENTINA, <i>De summo bono</i> VI 3 4; ed. Tuzzo p. 149,134-141	IOANNES DE FRIBURGO, <i>Summa Confessorum</i> II 7 40, Lugduni 1518, 87va	BARTOLOMAEUS DE S. CONCORDIO, <i>Summa de casibus conscientiae</i> , Ms. Paris, B.N., lat. 3256, f. 247ra	ANTONINUS FLORENTINUS, <i>Summa Theologiae</i> , II ^a pars, I 1 23, Venetiis 1571, 101ra
	Est etiam turpe lucrum, cum moneta vel aliae res venales, praecipue victualia, emuntur et carius venduntur, ut pretiosora recipiantur. Et ideo non tenetur ad restitutionem, sed ad erogandum illud lucrum in usus pauperum, quibus praecipue inferitur laesio per talia. Sed tamen hic multis distinctionibus opus est, quia vel talis emptio fit propter commune bonum, sicut Ioseph emit frumenta, ut haberet, unde provideret populis tempore famis, et hoc meritorium est.	»Quid de quibusdam qui tempore messis vel vindemie emunt annonam vel vinum vilius, ut postea vendant carius«... <i>Sed Ulricus plenius et planius distinguit</i> dicens: "quia vel talis emptio fit propter commune bonum, sicut Ioseph emit frumenta, ut haberet, unde provideret populis tempore famis, et hoc meritorium est".	»Quid de his qui emunt frumentum vel vinum et huiusmodi tempore quo colligitur, ut postea vendant carius«. Respondeo secundum Ulricum: »Hoc potest fieri. Primo quidem propter bonum commune, sicut Ioseph emit frumenta, ut haberet, unde provideret populis tempore famis. Et hoc est meritorium«.	De ementibus tempore messum blada et tempore vindemiarum vinum et alios fructus, ut postea carius vendant in futurum. Dicit Canon hoc esse turpe lucrum, 14, q. 4 <i>Quicumque</i> . »Sed Ulricus... plenius distinguit ... Si propter bonum commune, sicut Ioseph emit frumentum tempore abundantiae, ut posset provideret patriae tempore famis, hoc meritorium est«.

As one can notice from the scheme, both Bartholomew and John report the same argument from Ulrich. Nevertheless, Antoninus borrows the quotation directly from John of Freiburg. As I already claimed in Paragraph II, this is a focal point in Ulrich's ethical doctrine: the Dominican maintains that a gain originated by causes that do not violate justice cannot be considered as a sin. Ulrich evidently intends to specify that one should not consider all kinds of gain as absolutely immoral, but only those that are obtained in a forced way. Indeed, despite the fact that usury is a loan, this kind of forcedly obtained gain has to be returned. According to Ulrich:

Et quamvis, ut diximus, dominium transfertur, tamen ille, in quem transfertur, tenetur ad restitutionem, quia contra aequalitatem iustitiae accepit et possidet, quae inaequalitas non potest reduci ad aequalitatem nisi per restitutionem.

Thus, even if a usury loan involves a transfer of ownership, the debt of usury has to be refunded. This argument of Ulrich is quoted both from John and Antonino:

(3)	ULRICUS DE ARGENTINA, <i>De summo bono</i> VI 3 12; ed. Ciancioso, p. 41,68-70	IOANNES DE FRIBURGO, <i>Summa confessorum</i> II 5 74, Lugduni 1518, f. 67rb	ANTONINUS FLORENTINUS, <i>Summa theologiae</i> II, Lib. I, Tit. 1, c. 8, Venetiis 1571, 42va
	"[Praescriptio] Extra iudicium interruptitur civiliter quinque modis, scilicet per solutionem usurarum", "quia ipsarum solutio interruptit praescriptionem debiti, pro quo dantur, per quotquot annos cesset creditor a repetitione debiti".	Addit ibidem Ulrichus, »idem etiam credo in usura, quia licet ibi transfertur dominium, tamen quia competit repetitio et ad hoc potest compelli«.	Sed alia opinio est, quod in usura transfertur dominium licet competat repetitio, cuius opinio sunt Ulrichus, Goffredus et Berengarius. Et haec est communior opinio et mihi magis placet.

Ulrich, listing various cases in which the prescription of a debt can be interrupted, maintains that one of these is usury: the usury loan interrupts the prescription in favour of the debtor, for the entire duration of the years in which the creditor does not demand for the debt compensation (*repetitio debiti*). Ulrich takes the institute of *repetitio debiti* from William of Rennes' *Glossa*⁷⁵ to Raymond of Peñafort's *Summa de paenitentia*⁷⁶. Then, the argument on the *repetitio debiti* spread into John's and Antoninus' works, as the scheme printed above shows.

As synopsis n. (2) shows, Ulrich composes a more complex doctrine, trying to distinguish the *turpe lucrum* from the other licit gains. After condemning usury, Ulrich claims, implicitly quoting the Causa XIII (q.4 c.9)⁷⁷ of the *Decretum Gratiani*, that buying commodities, particularly victuals, and selling them at a higher price has to be

⁷⁵ GUILLELMUS REDONENSIS, *Apparatus in Summam Raymundi de casibus paenitentiae*, II, 5, 30, Romae 1603, f. 202b.

⁷⁶ RAIMUNDUS DE PENNAFORTE, *Summa de paenitentia*, II, 5, 30, ed. X. Ochoa - A. Diez, Ediurcla, Roma 1976 (Universa Bibliotheca Iuris I/B), p. 505.

⁷⁷ GRATIANUS, *Decretum XIII*, 4, 9, ed. E. Friedberg, ex Officina Bernardi Tauchnitz, Graz 1959, p. 737.

considered *turpe lucrum*. In this case is not necessary to return the profit, but just to devolve the gain to the poor⁷⁸:

Est etiam turpe lucrum, cum moneta vel aliae res venales, praecipue victualia, emuntur et carius venduntur, ut pretiosora recipiantur. Et ideo non tenetur ad restitutionem, sed ad erogandum illud lucrum in usus pauperum, quibus praecipue infertur laesio per talia.

Starting from the thirteenth century, the restitution was obligatory only in the case of *iniusta acquisita* both *in foro contentioso* and *in foro conscientiae*: on the one hand, the Lateran Council IV established the impossibility of granting the remission of sins to those who hold illegally acquired goods, and on the other hand, Augustine's precept from the letter to the Macedonian: *non remittetur peccatum, nisi restituatur ablatum*, became definitely law⁷⁹. In case of *turpe lucrum*, as Ulrich claims, the restitution consisted of a charitable donation, as a satisfactory action following absolution. However, Ulrich distinguishes⁸⁰:

Sed tamen hic multis distinctionibus opus est, quia vel talis emptio fit propter commune bonum, sicut Ioseph emit frumenta, ut haberet, unde provideret populis tempore famis, et hoc meritorium est.

As opposed to what is stipulated by canon law, according to Ulrich, selling assets in order to make a gain can be considered licit. This gain can be considered acceptable only if the profit is aimed at the common good, like when Joseph bought wheat to provide for his people in times of famine in the famous passage of *Genesis* 41⁸¹. Odd Langholm⁸² has detected this quotation from Ulrich in John's *Summa confessorum* and he considers this argument a focal point for the development of the economic doctrines of John of Freiburg. Indeed, Langholm⁸³ maintains that Ulrich had guided John during the composition of the arguments on the prohibition of speculation, economic coercion and exploitation of the needy. However, Langholm does not realize that both Bartholomew and Antoninus also quote this passage from Ulrich. The historian of economics⁸⁴ supposes that all of the Dominican doctrines on just price, which involve the condemnation of collusion and monopoly, refer to the tradition of the *Quicumque*. The reference is to the Canon of the *Decretum Gratiani* that Ulrich comments in the passage mentioned above⁸⁵:

Quicumque tempore messis vel vindemiae non necessitate, sed propter cupiditatem comparat annonam vel vinum, verbi gratia de duobus denariis comparat modium unum, verbi gratia de duobus denariis comparat modium unum, et servat, usque dum vendatur denariis quatuor aut sex, aut amplius, hoc turpe lucrum dicimus.

⁷⁸ ULRICUS ARGENTINENSIS, *De summo bono*, Lib. VI, tr. 3, c. 4, ed. Tuzzo, p. 149, 134-139.

⁷⁹ CECCARELLI, *L'usura nella trattatistica teologica sulle restituzioni dei male ablata (XIII-XIV secolo)*, pp. 7-8.

⁸⁰ ULRICUS ARGENTINENSIS, *De summo bono*, Lib. VI, tr. 3, c. 4, p. 149, 139-141.

⁸¹ *Gen.* 42, 18-19.

⁸² LANGHOLM, *The merchant in the confessional*, p. 51: «Thus guided by his teacher [Ulrich], John of Freiburg brings out what lies at the core of the prohibition of speculation in foodstuffs, namely, economic coercion and exploitation of the needy».

⁸³ *Ibi*, p. 51.

⁸⁴ *Ibi*, pp. 125, 130, 137.

⁸⁵ GRATIANUS, *Decretum* XIII, 4, 9, p. 737.

Moreover, Langholm⁸⁶ supposes that the Tuscan Dominican school preferred the comment of Ulrich to the *Quicumque*, because he stressed more clearly than the canonists the coercive aspect of inducing dearth. The reception of Ulrich's comment to the *Quicumque* in Bartholomew's and Antoninus' works confirms this hypothesis posed by Langholm.

Furthermore, Ulrich concludes that a gain derived from avarice is a mortal sin, because it is committed not only against a neighbour, but also against the entire community⁸⁷:

Sed tamen hic multis distinctionibus opus est, quia vel talis emptio fit propter commune bonum, sicut Ioseph emit frumenta, ut haberet, unde provideret populis tempore famis, et hoc meritorium est. [...] Vel fit ex avaritia ita, quod unus tantum de huiusmodi congregat, quod compelluntur homines ab ipso emere ad libitum suum, et ideo vendit adeo care, sicut vult, et patet, quod isti enormiter peccant non solum contra proximum, sed etiam contra communitatem proximorum.

Thus, profit is not immoral in all cases, according to Ulrich, as long as the loan is in favour of the common good. Consequently, a gain can be considered moral *in foro conscientiae* and *in foro mercati*, only when the personal profit is aimed at self-subsistence or the sustenance of the needy. The practice of distributing the illicit gains to the poor is still central in fifteenth-century Florence. This is the reason why Antoninus, once archbishop, dedicated an entire paragraph of an episcopal constitution to the problem of the management «delle usure o di altri beni incerti che s'anno ad dare a' poveri»⁸⁸.

Therefore, the sin of Avarice no longer has only a private value anymore, resulting from a violation of Mosaic Law, which has to be redeemed in the confessional. From this time on, illicit profit has a precise social and economic consequence that damages the laws of the market and of the common good.

Conclusion

This historiographical reconstruction shows that the sixth book of Ulrich's *De summo bono* had a wider circulation than the other books of the *Summa*. The critical study of *De summo bono* VI and its fortune demonstrate that Grabmann's previsions were not entirely correct. The critical edition of *De summo bono* allowed, indeed, much more than a better understanding of the German Dominicans' thought. Ulrich's ethical discussion and, in particular, the juridical and economic doctrines had a wide circulation, mainly through John of Freiburg's *Summa confessorum*, not only in the Rhine area, but also in Tuscany until the fifteenth century. Indeed, Ulrich's *Summa* can be considered as an essential work for the history of penitential theology and medieval economics until the Renaissance. This finding fills a gap in the history of

⁸⁶ LANGHOLM, *The merchant in the confessional*, p. 137: «The common estimate as a just price criterion is less in evidence, but it is implied by the condemnation of collusion and/or monopoly emphasized by a number of the Italian Dominicans, either with reference to Hostensis or in amore or less extensive rendering of the tradition on *Quicumque*. This tradition is apparently received in the version of Ulrich of Strasbourg, who brings out the coercive aspect of "inducing dearth" more clearly than the canonists».

⁸⁷ ULRICUS ARGENTINENSIS, *De summo bono*, Lib. VI, tr. 3, c. 4, p. 169, 139-153.

⁸⁸ R. TREXLER, *Church and community 1200-1600. Studies in the history of Florence and the new Spain*, Edizioni di Storia e Letteratura, Roma 1987, p. 455.

philosophy revealing how influential German Dominican thought was in the development of the Italian Renaissance.

In particular, the statistical analysis of the citations from *De summo bono* VI in the four examined works testifies to a substantial reception of the ethical doctrines posed by Ulrich, especially when discussing: *iniusta acquisita, turpe lucrum, oratio*. In addition to the quantitative data, the qualitative survey of these citations from Ulrich led to some significant results: (1) Bartholomew of S. Concordio often abbreviated and reworked Ulrich's texts that he took from John's *Summa* to make them more accessible to unspecialized readers. Moreover, as some textual evidence implies, Bartholomew could have directly consulted *De summo bono* VI. (2) The translation into the Tuscan vernacular of Bartholomew's *Summa de casibus conscientiae* composed by John of Wellingford expanded the potential audience of this work to the friars that were *illitterati*. Therefore, Ulrich's doctrines were gradually popularized: first, Bartholomew's *Summa* simplified the contents; then, John of Wellingford vulgarized the language. (3) Bartholomew's *Summa* circulated during the fifteenth century also in the Franciscan environment. In his Latin *Sermones*, Bernardino of Siena took from Bartholomew's work some quotations derived from Ulrich, which Bernardino however attributed to 'Guillelmus', probably William of Rennes. (4) Antoninus of Florence widely quoted *De summo bono* VI in his *Summa theologiae*. His intermediate source was usually John of Freiburg's *Summa confessorum*, and at least in one case he quoted Ulrich from Bartholomew's *Summa de casibus*.

Ulrich's arguments on licit and illicit gains are passed on from John of Freiburg up to Antonino. Through the late Middle Ages and Renaissance, Ulrich established himself as one of the most influential authorities in commenting on Canon XIII of the *Decretum Gratiani*.