



REV. WOJCIECH BARAN

ARCHIWUM I BIBLIOTEKA KRAKOWSKIEJ KAPITUŁY KATEDRALNEJ

WOJCIECHDARIUSZ@GMAIL.COM

ORCID: 0000-0002-3049-0050

BENEDICT HESSE OF CRACOW'S QUESTION ABOUT DISPENSATION FROM RELIGIOUS VOWS FROM HIS COMMENTARY ON MATTHEW'S GOSPEL: STUDY AND CRITICAL EDITION

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Abstract. This article deals with Benedict Hesse of Cracow's question about dispensation from religious vows preserved in ms Kraków, BJ, 1369, ff. 26v–28v, which is a part of his Commentary on Matthew's Gospel preserved in ms Kraków, BJ, 1366, pp. 245–250 and in ms Città del Vaticano, BAV, Vat. lat. 14646, ff. 75va–77rb. The question was compiled between the year 1446 and March 7, 1448. Based on Aquinas's thought, Hesse claims that there is no possibility of dispensing a monk from the three religious vows. The vow of obedience can be changed according to circumstances, but it cannot be dispensed. The solemnly professed chastity must always be kept by monks, even though there is a possibility of dispensing a secular priest from his obligation to keep chastity. Poverty belongs to the essence of religious life, therefore there is no possibility of dispensing from it, and each monk, even the abbot, is obliged to keep this vow.

Keywords: Benedict Hesse of Cracow, Commentary on Mathew's Gospel, dispensation, religious vows, University of Cracow, fifteenth century, Jagiellonian Library.

Streszczenie. Kwestia Benedykta Hessego dotycząca dyspensy od ślubów zakonnych z jego komentarza do Ewangelii wg św. Mateusza. Analiza i edycja krytyczna. Artykuł omawia pochodzącą z lat 1431–1456 kwestię dotyczącą dyspensy od ślubów zakonnych autorstwa Benedykta Hessego z Krakowa, zachowaną w manuskrypcie Kraków, BJ, 1369, ff. 26v–28v. Opierając się na myśli Tomasza z Akwinu, Hesse twierdzi, iż nie ma

możliwości dyspensowania mnicha od trzech ślubów zakonnych. Ślub posłuszeństwa może być zmieniony stosownie do okoliczności, ale nie można od niego dyspensować. Uroczyście obiecana czystość musi być zawsze zachowywana przez mnicha, nawet jeśli istnieje możliwość dyspensowania księdza diecezjalnego od jego obowiązku zachowania celibatu. Ubóstwo także należy do istoty życia religijnego, dlatego nie można od niego dyspensować i każdy mnich, nawet opat, jest zobowiązany do przestrzegania tego ślubu.

Słowa kluczowe: Benedykt Hesse z Krakowa, dyspensa, śluby zakonne, Uniwersytet Krakowski, XV wiek, Biblioteka Jagiellońska.

INTRODUCTION

Benedict Hesse of Cracow (ca. 1389–1456) was a professor of theology at the University of Cracow. He enrolled at the University of Cracow in 1407 and obtained his title as Master of Arts in 1415. He became the Bachelor of the Bible in 1425, and during 1428–1430, he commented on the *Sentences*. In 1431, he obtained a Doctorate in Theology and participated in the famous discussion with the Hussites in Cracow in the royal castle in 1431. Twice he was elected Dean of the Faculty of Arts, and he held the office of the University Rector several times as well. He was also the canon of St. Florian's chapter and then of the cathedral chapter.¹

¹ See Jan Fijałek, *Studia do dziejów Uniwersytetu Krakowskiego i jego wydziału teologicznego w XV wieku* (Kraków: Akademia Umiejętności, 1898), 144–151; Marian Rechowicz, *Święty Jan Kanty i Benedykt Hesse w świetle krakowskiej kompilacji teologicznej z XV w.* (Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1958), 189–196; Mieczysław Markowski, *Dzieje Wydziału Teologii Uniwersytetu Krakowskiego w latach 1397–1525* (Kraków: Wydawnictwo Naukowe Papieskiej Akademii Teologicznej, 1996), 139–142; Mieczysław Ozorowski, „Życie i działalność Benedykta Hessego”, *Studia Teologiczne* 16 (1998): 79–92; Stanisław Wielgus, „Benedykt Hesse,” in *Encyklopedia filozofii polskiej*, ed. Andrzej Maryniarczyk and others (Lublin: Polskie Towarzystwo Tomasza z Akwinu, 2002), vol. 1, 94–96, <http://www.ptta.pl/pef/pdf/b/benedykt.pdf> (last accessed 02.04.2024), English version: <http://www.ptta.pl/pef/haslaen/b/benedykthesse.pdf> (last accessed 02.04.2024); Hanna Wojtczak, „Benedykt Hesse – przedstawiciel naukowego środowiska krakowskiego w pierwszej połowie XV wieku,” *Folia Philosophica* 30 (2012): 69–88; Hanna Wojtczak, „Komentarze Benedykta Hessego do *Ars Vetus* w świetle nowych ustaleń,” *Przegląd Tomistyczny* 24 (2018): 595–609; Hanna Wojtczak, *Benedykta Hessego komentarz do Kategorii Arystotelesa. Część 1* (Lublin: Towarzystwo Naukowe KUL, 2019), 15–30.

In his possession was, among others, the manuscript Kraków, Biblioteka Jagiellońska (henceforth: BJ), 1369.² In the codex on the pastedown, there is an index of contents, written in the fifteenth century, which indicates that these four questions preserved in the book were written by Benedict Hesse.³ The questions are as follows: 1) the economic treatise (ff. 11r–19r),⁴ the treatise about conciliarism (ff. 19v–23v),⁵ the question about the resurrection (ff. 24r–26r),⁶ and the question about dispensing religious vows (ff. 26v–28v).

In this paper, I will only deal with the fourth question from this collection of Hesse's texts dealing with dispensing of the religious vows (ff. 26v–28v): *Utrum circa viros religiosos in voto obediencie, paupertatis et continencie possit dispensacio intervenire*. I will first deal with the previous studies, the question's attribution, and dating, and then analyze its

² On the f. 1r, there is an inscription from that time: *Iste est liber magistri Benedicti Hesse de Cracovia professoris sacre theologiie, canonici katedralis Ecclesie Cracoviensis*. The manuscript is available online: <https://jbc.bj.uj.edu.pl/dlibra/publication/876594> (last accessed 02.04.2024). See Władysław Wisłocki, *Katalog rękopisów Biblijoteki Uniwersytetu Jagiellońskiego*, vol. 1 (Kraków: Akademia Umiejętności, Drukarnia Uniwersytetu Jagiellońskiego, 1877–1881), 340–341; *Polskie traktaty koncyliarystyczne z połowy XV wieku*, ed. Waław Bucichowski (Warszawa: Akademia Teologii Katolickiej, 1987), 22–25; *Catalogus codicum manuscriptorum medii aevi Latinorum, qui in Bibliotheca Jagellonica Cracoviae asservantur*, ed. Maria Kowalczyk, Anna Kozłowska, Mieczysław Markowski, and others, vol. 9 (Cracoviae: Bibliotheca Jagellonica, Księgarnia Akademicka, 2008), 136–147.

³ *In isto libro continentur primo III^{or} questiones magistri Benedicti Hesse de Cracovia, sacre theologie professoris, canonici Cracoviensis. Prima. Utrum contractus emptio-num census facti ad reemendum aut ad tempus vite poterint de iure admitte sine formidine consciencie aut eciam tollerari. Utrum sacrosancte Basilensi synodo et sanctissimo domino nostro domino Felici pape quinto, ab eadem rite electo et instituto, a quolibet salvari volenti, obediendum sit necessario. Utrum in futura resurrectione homines secundum se naturaliter (!) resurgent a morte. Utrum circa viros religiosos in voto obediencie et continencie possit dispensacio intervenire.*

⁴ Marcin Bukała is working on its critical edition. See Marcin Bukała, *Benedictus Hesse de Cracovia. De contractibus censuum reempcionum. Wstęp / Editoris Nota*, (Warszawa: 2015).

⁵ Jan Fijałek, *Mistrz Jakób z Paradyża i Uniwersytet Krakowski w okresie soboru bazylejskiego*, vol. 1 (Kraków: Akademia Umiejętności, 1900), 325–331; Rechowicz, *Święty Jan Kanty i Benedykt Hesse*, 167–174, 182–187. Edition of the text: Benedictus Hesse de Cracovia, *Tractatus brevior*, in *Polskie traktaty koncyliarystyczne*, 29–42.

⁶ See Wojciech Baran, *Benedict Hesse of Cracow's Question about the Resurrection from the Commentary to Matthew's Gospel, Study and Critical Edition*, forthcoming.

doctrinal content. The paper will be crowned with a critical edition of the text by Hesse.

ANALYSIS OF ATTRIBUTION, DATING, AND CONTENT

In the secondary literature, several studies mention Hesse's question about dispensing religious vows. Based on the index from pastedown in his Catalogue of the manuscripts of Jagiellonian Library from 1877, Wisłocki described ms Kraków, BJ, 1369 as containing four questions written by Benedict Hesse of Cracow.⁷ This attribution was repeated by Fijałek in 1898.⁸ Even though the correctness of this indication was questioned by M. Rechowicz in 1958,⁹ the new Catalogue of the medieval manuscripts of Jagiellonian Library from 2008 does not raise these objections.¹⁰

The question about dispensation from religious vows from ms Kraków, BJ, 1369, ff. 26v–28v is in fact the text excerpted from the Commentary on Matthew's Gospel by Hesse. It is also preserved in ms Kraków, BJ, 1366,¹¹ pp. 245–250 and ms Città del Vaticano, Biblioteca Apostolica Vaticana (henceforth: BAV), Vat.lat. 14646,¹² ff. 75va–77rb. It was already edited by W. Bucichowski in his edition of the *Lectura*,¹³ but he did not use the witness of this *dubium* from ms Kraków, BJ, 1369. The question is resolved by Hesse in the nineteenth chapter of his *Lectura*¹⁴ as the third

⁷ Wisłocki, *Katalog*, 340.

⁸ Fijałek, *Studia*, 146.

⁹ Rechowicz, *Święty Jan Kanty i Benedykt Hesse*, 209.

¹⁰ *Catalogus*, 138.

¹¹ The manuscript is available online: <https://jbc.bj.uj.edu.pl/dlibra/publication/875134> (last accessed 02.04.2024).

¹² The manuscript is available online: https://digi.vatlib.it/view/MSS_Vat.lat.14646 (last accessed 02.04.2024). I want to thank Monica Brinzei of *l'Institut de recherche et d'histoire des textes* in Paris, director of the ERC-DEBATE n° 771589 (2018–2023) grant, for her support in obtaining a digitized version of this manuscript.

¹³ Benedictus Hesse de Cracovia, *Lectura. (capitula XVIII–XX)*, ed. Waław Bucichowski (Warszawa: 1990), 195–201.

¹⁴ See the list of the questions from the commentary: Rechowicz, *Święty Jan Kanty i Benedykt Hesse*, 257 (the 18th question from the 19th chapter of the *Lectura*); ms Kraków, BJ, 1366, p. 788.

dubium of the pericope Matth. 19, 20–22 when Christ says that one who wants to be perfect should sell everything and follow him.

The third question by Hesse preserved in ms Kraków, BJ, 1369, ff. 24r–26r, the question about the resurrection, is also a passage from Hesse's Commentary on the Gospel of St. Matthew, and also preserved in two manuscripts transmitting Hesse's Commentary, ms Kraków, BJ, 1366 and ms Città del Vaticano, BAV, Vat.lat. 14646. In my text on this question, I proved that the year 1446 should be considered as *terminus post quem* and the date 1448, March 7 as the *terminus ante quem*.¹⁵ The same cut-off dates should therefore be adopted for the question about the vows analyzed in this article.

Additionally, the content analysis supports the attribution of the question to Hesse. The question's author bases his claims, particularly on the authority of Thomas Aquinas, Bonaventure, Gregory the Great, and Bernard of Clairvaux. The similar tendency in citing authorities is

¹⁵ See Baran, *Benedict Hesse of Cracow's Question*: "1. As Bucichowski demonstrates, the ms Città del Vaticano, BAV, Vat. Lat. 14646 was copied about ca. 1461, after the death of Hesse (see W. Bucichowski, *Wstęp edytorski*, in: *Benedictus Hesse de Cracovia, Lectura. (capitula XVIII–XX)*, ed. W. Bucichowski, Warszawa 1990, p. 37). 2. Bożena Chmielowska demonstrated the relationship between two of Hesse's manuscripts: ms Kraków, BJ, 1368 (finished on August 9, 1449, as evidenced by colophon on f. 307v) and analyzed here ms Kraków, BJ, 1369. In the Commentary on Matthew Gospel preserved in ms Kraków, BJ, 1368, on f. 48v, Hesse evokes Francis of Brzeg's treatise about communion under two species copied in ms Kraków, BJ, 1369, ff. 29r–34v, 9r–10r. Therefore, ms Kraków, BJ, 1369 should be available before August 9, 1449, when ms Kraków, BJ, 1368 has been already copied. (See *Catalogus*, 147, B. Chmielowska, *Traktat Mateusza z Krakowa jako źródło w komentarzu Benedykta Hessego do Ewangelii św. Mateusza*, „Przegląd Tomistyczny” 14 (2008), pp. 172–173. 3. The oldest manuscript preserving the two interesting us questions is the ms Kraków, BJ, 1366. The colophon from ms Kraków, BJ, 1366 which preserved two mentioned questions on p. 785 says that the manuscript was finished in 1448, *proxima feria quinta ante Iudica, durante Concilio Basilensis*. *Iudica* is the introitus of the Passion Sunday, which the fifth Sunday of Lent. In 1448, Easter was celebrated on March 24, therefore the Fifth Sunday of Lent was celebrated in 1448, on March 10, so the *feria quinta ante Iudica* in 1448 was March 7. Therefore, this is the *terminus ante quem* of the composition of these two questions. Bucichowski considering the relationship between the other manuscripts containing the *Lectura* (ms Kraków, BJ, 1364; BJ, 1365; BJ, 1368) proposes dating of the ms Kraków, BJ, 1366 to the year 1446 as the *terminus post quem* and the date 1448, March 7 as the *terminus ante quem*. Therefore, these two cutoff dates should be assumed for composition of the question about the resurrection and the question about dispensing religious vows. (see Bucichowski, *Wstęp edytorski*, 31).”

observed in Hesse's question about the resurrection in his *principia* on the *Sentences* and *lectio ultima* on the *Sentences*, which I have edited.¹⁶

Hesse resolves the question as follows: *Utrum circa viros religiosos in voto obediencie, paupertate et continencie possit dispensacio intervenire*, Can there be a dispensation from the vow of obedience and chastity for a religious? In the study, the deliberations concerning the vows of chastity will be called chastity. In most cases, Hesse uses the notion *continentia*, but in three cases, he calls *castitas* the third vow, next to poverty and obedience.

The question has a classic post-Ockham structure¹⁷ and contains notables and conclusions with the corollaries. The structure can be distinguished as follows:

A. Notables

- 1) Essence of religious life and superiority of obedience among other vows,
- 2) Essence of the vows of obedience and chastity,
- 3) Definition of dispensation.

B. Conclusions with corollaries

- 1) Possibility of the dispensation of vows of obedience,
- 2) Possibility of the dispensation of vows of chastity,
- 3) Possibility of the dispensation of vows of poverty.

In the first note, based on Aquinas' *Summa theologiae*, Hesse explains the essence of religious life. The religious life has three goals:

- 1) Practice of the perfect charity (*exercitium tendendi in perfectionem caritatis*). To implement this goal, it is necessary to eliminate what hinders and distracts from God: *cupiditas exteriorum*

¹⁶ Wojciech Baran, *Les Principia aux Sentences de Benoît Hesse de Cracovie (1428–1430)*, Etude et édition critique, forthcoming; Wojciech Baran, *The lectio ultima on Peter Lombard's Sentences of Benedict Hesse of Cracow (1389–1456). An example of the relationship between the principia and the lectio ultima. Case study and critical edition*, forthcoming.

¹⁷ See Monica Brinzei Calma, "La définition du viator dans les commentaires des *Sentences* au XIVe siècle," in *Les innovations du vocabulaire latin à la fin du Moyen Âge : autour du Glossaire du latin philosophique (philosophie, théologie, science)*, ed. Olga Weijers, Adriano Oliva (Turnhout: Brepols, 2010), 59; J. T. Slotemaker, *Henry of Gorkum's Conclusiones Super IV Libros Sententiarum: Studying the Lombard in the First Decades of the Fifteenth Century*, in *Mediaeval Commentaries on the Sentences of Peter Lombard*, ed. Philipp W. Rosemann, vol. 3 (Leiden: Brill, 2015), 152–167.

bonorum by the vow of poverty; *concupiscencia sensibilibum delectacionum* by the vow of chastity (*continentia*); *inordinacio voluntatis humane* by the vow of obedience.

- 2) Moving away from too much external concern. To implement this goal, it is necessary to eliminate: *dispensacio exteriorum rerum* by the vow of poverty; *gubernacio uxoris et filiorum* by the vow of chastity; *disposicio priorum actuum* by the vow of obedience.
- 3) Offering oneself to God: offering of the *bonum exteriorum rerum* by the vow of poverty; offering of the *bonum corporis* by the vow of chastity; offering of the *bonum anime* – by the vow of obedience.

The vows of poverty, chastity, and obedience have their authority in the New Testament and Augustin's writing. Among the vows, the most important is the vow of obedience (in Hesse's text, the vow of obedience is called *potissimum*, in Aquinas' text's edition, which is a point of reference to Hesse, the vow is called *precipuum*). Obedience requires the most sacrifice of the will of the one, which costs more than the sacrifice of the body or of external things. The obedience contains two other vows (*notabile 1*).

The second notable explains the understanding of vows of obedience and chastity. Obedience is a submission of the will to the superior without reserving anything that opposes God's will and the soul's salvation. Chastity is abstinence from sensual pleasure and a perverse lust. Surprisingly, this notable has no definition of the vow of poverty (*notabile 2*).

In the third notable, Hesse explains the definition of dispensation. Dispensation is a law relaxation (*iuris relaxacio*) done mercifully according to the rules of the canonical law. Hesse refers to Aquinas, who compared the dispensation from the canon law to food distribution (*dispensare cibum*). Whoever vows constitutes the law to himself. Nevertheless, this personal law can be deemed as useless or the higher good demands the dispensation of the rule. The discernment of the propriety of granting a dispensation belongs to the Church's prelates who decide to the glory of Christ (*ad honorem Christi*) and to the Church's utility (*ad utilitatem Ecclesie*). If there is no cause to the dispensation, according to Bernard of

Clairvaux, granting a dispensation (*dispensacio*) is, in reality, a “squandering” (*dissipacio*) (*notabile* 3). Then Hesse specifies that poverty is willingly giving up everything for the sake of God except what is necessary for survival. Hesse specifies that the question will deal solely with the possibility of dispensation provided by the canon law (*notabile* 3).

After explaining the terms of the question, Hesse leads up to the conclusion. In the first, the author states that dispensing the vow of obedience is impossible. According to Bernard, there are three kinds of precepts: 1) the precepts concerning God, 2) the precepts concerning neighbor, and 3) and the added precepts (*superaddita*) like canonical sanctions and Fathers’ institutions. No one can dispense the first precepts, the second can be dispensed only by God, and the third can be dispensed by God or man. Nevertheless, the vow of obedience belongs forthwith to the first precepts’ genre; therefore, there is no dispensation of it. Moreover, among the two other vows, obedience is the most perfect and strongest because man triumphs over himself (co. 1).

Even though there is no dispensation of the vow of obedience, it is possible to mutate this vow (*commutari*) because of the higher good, like pastoral care, which is better than obedience because it helps more people than just a religious. In this way, the obedience of a religious who becomes a bishop or a pastor of a parish can be implemented differently (co. 1, corr. 1).

When a religious enters the episcopate, he is generally not dispensed from the vow of obedience. As in the order, he was obedient to the convent’s superior, as a bishop; he remains obedient to the pope, and the pope cannot dispense him from obedience. Similarly, when a religious becomes an abbot, he is not obliged to obey another abbot. This mutation of the vow of obedience is not a dispensation but an exemption. It has its case, not in the deficiency of the religious’ will, but it comes from the objective situation (co. 1, corr. 2).

The religious-bishops are not dispensed from the other observances that do not hinder the pastoral office and belong to life’s perfection, like chastity and poverty. For this reason, the religious-bishops preserve their religious vestments after episcopal consecrations, a visible sign of their religious life. Because of the effort of episcopal offices, the religious-bishops can be dispensed from fasting and keeping silence, as it usually

has a place in the abbey when is a reasonable cause for the dispensation (co. 1, corr. 3).

A religious looking for a dispensation of the religious observances, not from his own superior, but a local bishop, commits a mortal sin. This procedure opposes life's perfection and vows, which are his law. There is no cause for a religious who promised obedience to his superior to seek a dispensation from the bishop. There is no reason not to obey the superior, and this religious' procedure is just a perversion of his will (co. 1, corr. 4).

The second conclusion, with its corollaries, deals with dispensing the vow of chastity. There is no possibility of being dispensed from the vow of chastity. This practice is based on Apostle Matthew's practice, which did not allow a virgin consecrated to God to marry a king. According to the Book of Leviticus, what has been once consecrated to God, cannot be used for ordinary things; the same practice concerns the consecrated chalices and other liturgical vessels. Therefore, this rule is more relevant to the religious who consecrate their life to God, and even the pope cannot dispense from the solemn vow of chastity (co. 2).

The connected corollaries explain three particular cases. Firstly, religious who have taken a vow of chastity do not engage in sexual intercourse (co. 2, corr. 1). Secondly, even though dispensing of the chastity vow is impossible for religious, it is possible for priests. This solution is based on Aquinas' authority, who claims that the vow of chastity does not belong to the essence of the priesthood as it belongs to the perfect life of religious (co. 2, corr. 2). Finally, whoever is not religious and has taken a vow of chastity not in a solemn way, can be dispensed. In this way, the spouses in the relationship who have taken a vow of chastity can be dispensed (co. 2, corr. 3).

In the third conclusion, Hesse analyzes the possibility of dispensing the vow of poverty claiming that it is impossible for religious. This solution is based on Apostle Peter's authority from the Acts of the Apostles and the canonical law, Augustin's and Gregory the Great's authorities. For this reason, there are orders whose rules forbid monks from even touching money with a bare hand under penalty of excommunication (co. 3).

Even religious-bishop is not dispensed from the vow of poverty. As a bishop, he disposes of the Church's goods and not his own (co. 3,

corr. 1). Religious should avoid having property. The destructive influence of attachment to things is demonstrated in two biblical individuals: firstly, Loth's wife, who ran from Sodom, looked back, resulting in her turning into a pillar of salt, and secondly, Achor, who stole the jewelry from Jericho, which was anathematized by Joshua. The jewelry is interpreted symbolically, signifying external secular behavior (*exterior conversacio secularum*), property of secular things (*proprietas temporalium rerum*), and internal poverty of the will (*paupertas interior secundum voluntatem*), all of which are a real danger for a religious. Achor's story demonstrates that God is angry at the whole abbey when just one religious desires property, the devil can more easily tempt the greedy monk. Moreover, to avoid the deterioration of other monks, a guilty monk should be punished, and punishment should kindle the zeal of keeping the rule by the other monks (co. 3, corr. 2).

The abbot cannot dispense his subordinate from keeping the vow of poverty in what concerns his heritage and goods. The abbot himself is obligated to keep the vow of poverty, even though, as superior, he has custody of the Church's goods. Hesse presents a noteworthy comparison: just as an animal is a rational and mortal being, and a Christian possesses faith, hope, and love, the monk consists of obedience, poverty, and chastity. If one element is missing, there can be no monk. Therefore, according to the Rule of St. Benedict, those entering the order should dispose of their possessions in advance and have no possessions upon entering the order. Consequently, the monk truly dies to the world, despises its goods, and is born for the perfect life (co. 3, corr. 3).

Thus, the reasoning presented indicates that there can be no dispensation for a religious as to the vows of obedience, chastity, and poverty, even if this third vow is not mentioned in the question (co. 3, corr. 4).

CONCLUSION

Hesse's question about dispensing the religious vows demonstrates the impossibility of dispensing the vows *ad mentem sancti Thomae*, whose *Summa Theologiae* is the most quoted source, implicitly or explicitly. There is no possibility of dispensing a monk from the three religious

vows. Even though a monk becomes a bishop, he keeps the vow of obedience even though he changes the superior from abbot to the pope. The monk who becomes abbot is not dispensed from the vow of obedience, even though his objective situation has changed. The monks-bishops can be dispensed only from observing silence and fasting to implement their pastoral duties. An attempt to seek a dispensation by a religious from a bishop and not from the superior is a mortal sin that opposes the essence of religious life. The vow of chastity is always preserved, and monks cannot be dispensed from it under any circumstances because they consecrated themselves totally to God, and nobody can dispense them from this vow, which constitutes the essence of religious life. On the other hand, chastity is not an essential part of priestly ordination, therefore priests can be dispensed from the chastity. The dispensation from the vow of poverty is also not possible. This practice is grounded in the example of Apostle Peter and the rule of St. Benedict. The lack of poverty destroys a community and cannot be permitted, and even the abbot is obliged to keep this vow, although he must take care of the Church's goods.

RATIO EDENDI

Since there are three witnesses to the question about the resurrection: 1) *K*¹: ms Kraków, BJ, 1366, pp. 245–250,¹⁸ 2) *K*²: ms Kraków, 1369, ff. 26v–28v,¹⁹ and 3) *V*: ms Città del Vaticano, BAV, Vat.lat.14646, ff. 75va–77rb,²⁰ to prepare the critical edition based on all preserved manuscripts, I decided to use the method proposed by Jacques Froger.²¹

1. Quantitative analysis indicates the following phenomena: 1) *K*¹ contains 8 individual disjunctive lections different from *K*²*V*;
- 2) *K*² contains 23 individual disjunctive lections different from

¹⁸ Description of the ms: Wisłocki, *Katalog*, 339–340; Bucichowski, *Wstęp edytorski*, 27–31; *Catalogus*, 127–130.

¹⁹ Description of the ms: Wisłocki, *Katalog*, 340–341; *Catalogus*, 136–147.

²⁰ Description of the ms: Bucichowski, *Wstęp edytorski*, 36–37.

²¹ See Dominique Poirel, *Stemma codicum. La « méthode Froger » d'édition critique* (Turnhout: Brepols, 2022).

K^1V ; 3) V contains 92 individual disjunctive lections different from K^1K^2 .

2. Qualitative analysis of the most important individual disjunctive lection V different from K^1K^2 is as follows:

V	K^1K^2
Omne enim illud, quod fit per propriam voluntatem, secundum quod dicit Ieronimus ad Rusticum monachum: “ad illud tendit oratio, ut doceam te non tuo arbitrio dimittendum”	Omne enim illud, quod fit <u>ex obedientia, magis est Deo acceptum quam illud, quod fit</u> per propriam voluntatem, secundum quod dicit Ieronimus ad Rusticum monachum: “ad illud tendit oratio, ut doceam te non tuo arbitrio dimittendum”

The lection seems to be a homeoteleuton in V , the second part of the phrase without this lection makes no sense. It can be concluded that V is not an archetype for K^1K^2 .

3. We observe the most important individual disjunctive lection K^2 different from K^1V :

K^2	K^1V
quartum est, quod subditur: <u>lapidati eum omnis Israel et cuncta, que illius erant, igne consumpta sunt</u> : in lapidibus increpacionum intelligimus, de quibus lapidandus est propriarius, in igne <u>intelligitur: zelus comune debent habere claustrales contra hoc vicium</u> . O quam detestabilis est propriarius!	quartum est, quod subditur: <u>lapidavit eum omnis Israel et cuncta, que illius erant, igne combusta sunt</u> : in lapidibus increpacionum intelligimus, de quibus lapidandus est propriarius in igne. O quam detestabilis est propriarius!

The lection preserved in K^2 [igne – vicium] explains the wording “in igne”. In K^1V version, the lapidation of the owner should take place in the fire, and this version makes no sense. Therefore, the lemma omitted in K^1V is an omission, and it is not an addition of K^2 . It can be concluded that neither K^1 nor V is an archetype for K^2 .

In the third notable, the paragraph *votum paupertatis – quod iure possumus*] is copied in K^2 at the end of the text as a part omitted by the scribe while copying. This paragraph is a part of the third notable located in the same place in K^1 and in V , and in K^2 , there is no sign (obelus or other sign) signaling where the excerpt should be read. This fact suggests that K^2 is not an archetype for K^1 or V .

Moreover, regarding individual disjunctive lections K^2 different from K^1V , some evident misspellings are observed:

- perfectionis] profectionis K^2
- abstinencie] abstinancie K^2
- sterquilinio] sterquilnio K^2

4. Regarding 8 individual disjunctive lections K^1 different from K^2V , it can be observed:

I. Six evident errors which I emend in edition by lections proposed by K^2V :

K^1	K^2V
<i>pallium <u>cocinium</u> bonum valde</i>	<i>pallium <u>coccineum</u> bonum valde</i>

The K^1 form does not exist.

K^1	K^2V
<i>primo, quod <u>Deo</u> dicit: <i>non ero ultra vobiscum donec conteratis eum</i></i>	<i>primo, quod <u>Deus</u> dicit: <i>non ero ultra vobiscum donec conteratis eum</i></i>

The quotation is a phrase told by God in the Book of Joshua, and it is not a phrase told to God by man. Therefore, K^1 lection is wrong.

K^1	K^2V
<i>enim I Cor. VII [, 34]: <i>mulier nupta</i></i>	<i>enim I Cor. VII [, 34]: <i>mulier innupta (nupta a.c. V)</i></i>

Paul in his letter speaks about an unmarried woman, K^1 lection is wrong.

K^1	K^{2V}
impotentes corpore redderentur ad exequandum pontificale officium	Impotentes (in <i>add. V</i>) corpore redderentur ad exequendum pontificale officium

The K^1 lection change the meaning of the verb and in this context K^1 lection is unacceptable.

K^1	K^{2V}
illud I Cor. VII [, 32]: <i>volo sollicitudine vos esse</i>	illud I Cor. VII [, 32]: <i>volo sine sollicitudine vos esse</i>

The K^1 lection is an evident omission.

K^1	K^{2V}
illud I Cor. VII [, 32]: <i>volo sollicitudine vos esse</i>	illud I Cor. VII [, 32]: <i>volo sine sollicitudine vos esse</i>

The K^1 lection is an evident omission.

K^1	K^{2V}
episcopis dispensatur de regularibus observanciis	episcopis non (<i>add. in marg. dex. V</i>) dispensatur de regularibus observanciis

The sentence should be a negation, as the author's later argument shows. K^1 omits *non*.

II. One time, K^1 preserves a correct lection unlike K^2V :

K^1	K^2V
impotentes corpore redderentur ad exequandum pontificale officium, ad huiusmodi non tenentur, <u>ex</u> quo ad hoc possunt dispensacione uti	impotentes (in <i>add. V</i>) corpore redderentur ad exequendum pontificale officium, ad huiusmodi non tenentur, <u>et</u> quo ad hoc possunt dispensacione uti

If *et* had been correct, the word *dispensatio* would be connected with *uti* and it should be in accusative case: *dispensationem*, and in this case also *quo* should be emended to form *quam* as a pronoun connected with *dispensatio*. Therefore, it can be concluded that the K^1 lection is correct, *ex quo* refers to the obstacle described in the previous sentence, from which a dispensation can be obtained.

- III. One time, K^1 preserves a different lection from K^2V but both versions are acceptable:
- connexum] annexum K^2 , V

5. There are 4 excerpts in which each of the three manuscripts conveys an individual lection:

K^1	K^2	V
Notandum primo: status	Nota primo: status	Pro quo notandum primo, quod: status

The three versions do not change meaning, it is just a small stylistic difference. I preserve in K^1 version the edition.

K^1	K^2	V
debet domino pape, a sua obediencia non potest absolvere	debet domino pape <u>et papa</u> a sua obediencia non potest absolvere	debet domino pape, <u>ipse eum</u> a sua obediencia non potest absolvere

The excerpt is a quotation from Bonaventure, the critical edition of Bonaventure's work preserves et papa, therefore, I preserve K^2 lection in the edition.

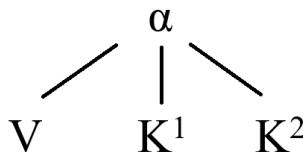
K ¹	K ²	V
remanent obligati et per consequens ad portandum habitum sue religionis, que huius obligacionis signum	remanent obligati et per consequens ad portandum habitum sue religionis, que est huius obligacionis signum	remanent obligati et per consequens ad portandum habitum sue religionis, quod est huius obligacionis signum

The passage above mentions that the habit is a sign of a monk's obligation. The subordinate sentence does not refer to a religious order (*religio*, feminine gender), but to a habit (*habitus*, neuter gender), which is why in the edition I chose the lesson V quod est.

K ¹	K ²	V
exemplo beati Mathei Apostoli, qui consentire noluit, quod Eufamia (Eugenia a.c.)	exemplo beati Mathei Apostoli, qui consentire noluit, quod Eufamia	exemplo beati Mathei Apostoli, qui consentire noluit, quod Epigenia (<i>corr. in marg. sin. V, Eugenia a.c.</i>)

The author refers to the story described in the *Legenda Aurea*, where Epigenia is mentioned. The spelling of the name was problematic for the scribe. I retain the lesson as corrected in V.

6. The above deficiencies in K^1 indicate that it is not an archetype, and the 6 disjunctive lections support the idea that these witnesses were independently copied. Therefore, I propose the following *stemma codicum*:



7. Because of the facts that 1) K^1 has the fewest individual lections that are not relevant to the text, 2) it belonged to the author – Benedict Hesse, although K^1 contains a few errors, seems to be the most faithful copy of the archetype. Therefore, this version was chosen as the basis for this edition.
8. In addition to the cases discussed above, the following exceptions have been made to this rule:
- I. Seven times I chose the lection from V against the K^1K^2 lection, it seems to be more correct:

V	K^1K^2
Utrum circa viros religiosos in voto obediencie, paupertatis et continencie possit dispensacio intervenire	Utrum circa viros religiosos in voto obediencie, et continencie possit dispensacio intervenire

The question speaks of three vows, not two, lection V seems to be correct.

V	K^1K^2
status religionis potest tripliciter (dupliciter <i>a.c.</i>) considerari	status religionis potest dupliciter considerari

The question speaks of vows of poverty, obedience, and chastity, the emendation introduced in V is correct.

V	K^1K^2
et post pauca: “non facias, quod vis, comedas, quod iubearis, habeas, quantum acceperis, vestiarius (ideo <i>add. in marg. dex.</i>), quod datur”. Unde ieiunium redditur Deo acceptum non cum propria voluntate	et post pauca: “non facias, quod vis, comedas, quod iubearis, habeas, quantum acceperis, vestiarius, quod datur”. Unde ieiunium redditur Deo acceptum cum propria voluntate

The passage talks about doing things in the spirit of obedience that is against one's own will. In this context, it is talking about fasting, which is not chosen by one's own will, spontaneously, but in the spirit of obedience. Lesson *V* seems to be correct.

<i>V</i>	<i>K¹K²</i>
tenentur ad regulares observancias <u>scilicet</u> ad illas, que non impediunt pastorale officium	tenentur ad regulares observancias <u>sicut</u> ad illas, que non impediunt pastorale officium

This is a passage taken from Thomas Aquinas. There is the word *scilicet* in Thomas's work, so I use this lesson preserved in *V* in the edition.

<i>V</i>	<i>K¹K²</i>
status religionis est quoddam exercitium tenendi <u>in perfectionem</u> caritatis	status religionis est quoddam exercitium tenendi <u>imperfectionem</u> caritatis

The passage is a paraphrase of Aquinas. In the source text and the sense of the sentence, it deals with the pursuit of perfection in love. Llection *K¹K²* is unacceptable.

<i>V</i>	<i>K¹K²</i>
iuxta beatum Thomam in 2a 2e, q. <u>LXXXVIII</u> (CLXXXVIII <i>a.c.</i>)	iuxta beatum Thomam in 2a 2e, q. <u>CLXXXVIII</u>

The reference was wrong, I chose the lection corrected in *V*.

<i>V</i>	<i>K¹K²</i>
Similiter ille, qui vovit, quodammodo (<i>p.c., corr. in marg. sin.</i>) sibi statuit legem	Similiter ille, qui vovit, quodam eo sibi statuit legem

The correction done in *V* simplifies the sentence, but the correction seems right, like others corrections done in the margins. For this reason, I choose this lesson in the edition.

V	K ¹ K ²
parentes pueorum " promittant sub iureiurando..."	parentes pueorum "permittant sub iureiurando..."

The phrase is a quotation of St Benedict's Rule. In the edition of this Rule, there is the word *promittat*. Therefore, I chose the lection from *V*.

II. I introduced the following emendation in the penultimate sentence of the question:

– *suffectam] correxi, suspectam K¹, K²*

The passage is a quotation from the Rule of St. Benedict, which preserves lection *suffectam*.

9. Regarding the orthography, the edition presents medieval orthography from *K¹*. In the manuscript, -t- often resembles more like -c-, but for unambiguity, I decided to always write -t- as -t- except for intervocalic groups (e.g., *vicio, divicias*) and -nci- groups (e.g., *continencie, essencialiter*). Regarding abbreviations of biblical books in the text, I have introduced the abbreviations used in the *Corpus Christianorum* series regardless of the form preserved in the manuscript. The lections rejected in the edition and other interventions in the text are indicated in the critical apparatus. The apparatus also signalizes the lections from Bucichowski's edition.²² I also added a subdivision of the question and punctuation marks in the text, and I indicated Hesse's quotation sources in the notes. I also give some of the most important differences in orthographic notation in the manuscripts I analyzed:

²² Benedictus Hesse de Cracovia, *Lectura. (capitula XXI-XXIII)*, ed. W. Bucichowski, pp. 195–201.

K1	K2	V
sollicitudinibus	solicitudinibus	solicitudinibus
olocaustum, holocaustum	holocaustum	holocaustum
corellarie	corelarie	corelarie
tytulo	tytulo	titulo
canonice	chanonice	canonice
Jehennam	Gehennam	Jehennam
Corinthos	Chorinthos	Corinthos
furratus	furatus	furatus

BENEDICTUS HESSE DE CRACOVIA, QUAESTIO DE DISPENSATIONE
RELIGIOSORUM A VOTIS EX SUA LECTURA SUPER EVANGELIUM
MATTHAEI

Adalbertus Baran edidit*

K¹: Kraków, Biblioteka Jagiellońska, 1366, pp. 245–250

K²: Kraków, Biblioteka Jagiellońska, 1369, ff. 26v–28v

V: Città del Vaticano, Biblioteca Apostolica Vaticana, Vat. lat.14646, ff. 75va–77rb

B: Benedictus Hesse de Cracovia, *Lectura super Evangelium Matthaei (capitula XVIII–XX)*, ed. Waclaw Bucichowski. Warszawa, Akademia Teologii Katolickiej 1990, 195–201 (*Textus et Studia Historiam Theologiae in Polonia Excultae Spectantia*, 26)

* I want to thank Monica Brnzei of *l'Institut de recherche et d'histoire des textes* in Paris, director of the ERC-DEBATE n° 771589 (2018–2023) grant, for her support in obtaining a digitized version of the manuscript Città del Vaticano, BAV, Vat.lat.14646.

I want to thank Cédric Giraud of *l'Ecole Pratique des Hautes Etudes* in Paris, with whom I have revised the transcription.

<QUAESTIO>

[K² f. 26v] |V f. 75va| Utrum circa viros religiosos in voto obedientie, paupertatis¹ et continencie possit dispensacio intervenire.

<Notabile primum> |K¹ p. 245||B p. 199| Notandum² primo³: status religionis potest tripliciter⁴ considerari: uno modo⁵ secundum quoddam exercitium tendendi⁶ in perfectionem⁷ caritatis; alio modo⁸, secundum quod quietat animum humanum⁹ a nimiis exterioribus sollicitudinibus, secundum illud I Cor. VII [32]: *volo sine*¹⁰ *sollicitudine vos esse*; tertio modo¹¹, secundum quod est quoddam olocaustum, per quod aliquis se totaliter et sua offert Deo; et¹² secundum hoc status religionis ex tribus votis integratur.

Primo enim, quantum ad exercitium perfectionis, requiritur, quod aliquis removeat illa, per que posset impediri, ne totaliter eius affectus¹³ tendat in Deum, in quo consistit perfectio caritatis; huius¹⁴ autem sunt tria: primo¹⁵ quidem cupiditas exteriorum bonorum, que tollitur per votum paupertatis; secundum¹⁶ est concupiscencia¹⁷ sensibilibium¹⁸ delectationum, inter quas excellunt delectaciones veneree¹⁹, que excluduntur

¹ paupertatis] *om. K1, K2, B*

² notandum] nota K², pro quo notandum V

³ primo] quod. *add. V, B*

⁴ tripliciter] *p.c. V, dupliciter K¹, K², B*

⁵ uno modo] 1 *iter. in marg. sin. V*

⁶ tendendi] *p.c. K²*

⁷ in perfectionem] imperfectionem B

⁸ alio modo] 2 *iter. in marg. sin. V*

⁹ humanum] *om. V, B*

¹⁰ sine] *om. K¹, sine rep. K²*

¹¹ tertio modo] 3 *iter. in marg. sin. V*

¹² et] *add. sup. l. K¹, om. V, B*

¹³ eius affectus] affectus eius V

¹⁴ huius] huiusmodi V, B

¹⁵ primo] 1 *iter. in marg. sin. V*

¹⁶ secundum] 2 *iter. in marg. sin. V*

¹⁷ concupiscencia] *p.c. K²*

¹⁸ sensibilibium] voluptum *add. sed del. V*

¹⁹ delectaciones veneree] veneree delectaciones V

per votum continencie; 3^{m20} est inordinacio voluntatis humane, que excluditur per votum obediencie.

Similiter inquietudo sollicitudinis secularis precipue contingit homini²¹ circa tria: primo²², circa dispensacionem exteriorum rerum, et hec sollicitudo per votum paupertatis²³ aufertur; 2^{o24}, circa gubernacionem uxoris et filiorum, que amputatur per votum continencie; 3^{o25}, circa disposicionem propriorum actuum, que amputatur [B p. 196] per votum²⁶ obediencie, quo quis se alterius disposicioni comittit.

Similiter “holocaustum, cum aliquis totum²⁷, quod habet²⁸, Deo offert”¹, ut Gregorius dicit *Super Ezechielem*. Habet enim homo triplex bonumⁱ secundum Philosophum²⁹, in primo *Ethicorum*: primo³⁰ quidem exteriorum rerum, quod quidem totaliter offert aliquis³¹ per votum voluntarie paupertatis; secundum³² est bonum corporis, quod precipue offert Deo abrenunciando delectacionibus corporis per votum continencie; 3^{m33} est bonum anime, quod aliquis offert Deo³⁴ propriam voluntatem,ⁱⁱⁱ quod fit per votum obediencie.

Ex isto³⁵ sequitur corellarie³⁶, quod obediencia pertinet ad perfectionem religionis, quia status religionis³⁷ est quoddam exercitium tenendi in perfectionem³⁸ caritatis,^{iv} quod maxime fit per obedienciam.

²⁰ 3^m] 3 iter. in marg. sin. V

²¹ homini] p.c. K²

²² primo] 1 iter. in marg. sin. V

²³ paupertatis] p.c. K²

²⁴ 2^o] 2 iter. in marg. sin. V

²⁵ 3^o] 3 iter. in marg. sin. V

²⁶ votum] continencie add. sed del. V

²⁷ totum] p.c. K¹, votum K², votum V, totum add. in marg. dex. V, tri... B

²⁸ habet] in B

²⁹ secundum Philosophum] quod Philosophus dicit B

³⁰ primo] 1 iter. in marg. sin. V

³¹ offert aliquis] aliquis offert K²

³² secundum] 2 iter. in marg. sin. V

³³ 3^m] 3 iter. in marg. sin. V

³⁴ Deo] per add. V

³⁵ isto] istis V

³⁶ corellarie] corrolarium B

³⁷ quia status religionis] om. B

³⁸ in perfectionem] imperfectionem K¹, K², B

Secundo sequitur, quod perpetua continencia requiritur ad perfectionem religionis, quia dicitur II Cor. VII [, 1]: *mundemus*³⁹ nos [V f. 75vb] *ab omni inquinamento carnis*⁴⁰ *et spritus, perficientes satisfactionem*⁴¹ *veram*⁴² *in timore Dei*, sed mundicia⁴³ carnis et spiritus conservatur⁴⁴ per continenciam: dicitur enim I Cor. VII [, 34]: *mulier*⁴⁵ *innupta*⁴⁶ *et virgo*⁴⁷ *cogitat, que Dei sunt*, [K¹ p. 246] *ut sit casta*⁴⁸ *corpore et spiritu*^v.

3^o sequitur, quod paupertas requiritur ad statum religionis, quia⁴⁹ status religionis est quoddam exercicium, per quod devenitur ad perfectionem caritatis, ad quod quidem necessarium est, quod affectum suum subtrahat⁵⁰ a rebus mundanis. Dicit enim Augustinus, X^o *Confessionum*, ad Deum loquens: “minus te⁵¹ amat, qui tecum aliquid⁵² amat, quod propter te non amat^{vi, vii}”.

Et⁵³ inter hec tria vota votum obediencie est potissimum. Primo ideo, quia per⁵⁴ votum obediencie aliquid maius homo⁵⁵ offert Deo, scilicet ipsam⁵⁶ voluntatem, que est pocior quam corpus proprium, quod offert homo Deo per continenciam et quam res exteriores, quas offert Deo per votum paupertatis^{viii}. Unde dicit Gregorius, V^{to} libro *Moralium*, quod “obediencia victimis iure preponitur, quia per victimas aliena caro, per obedienciam vero voluntas propria mactatur^{ix}”. Omne enim illud, quod fit ex obediencia, magis est Deo acceptum quam illud, quod fit⁵⁷

³⁹ mundemus] mundemus *rep.* K¹

⁴⁰ mundemus nos ab omni inquinamento carnis] *om.* B

⁴¹ satisfactionem] *corr. in marg. dex.* K², sanctificacionem *a.c.* K²

⁴² veram] *vestram* B

⁴³ mundicia] *iudicia* B

⁴⁴ et spiritus conservatur] *conservatur et spiritus a.c.* V

⁴⁵ mulier] *om.* B

⁴⁶ innupta] *nupta* K¹, *a.c.* V, B

⁴⁷ mulier innupta et virgo] *mulier innupta et vidua corr. in marg. sup.* V

⁴⁸ casta] *sancta* K²

⁴⁹ quia] *nam* V

⁵⁰ affectum suum subrahatur] *affectu summi subrahatur* B

⁵¹ te] *add. lettera sed del.* K²

⁵² tecum aliquid] *te aequaliter* B

⁵³ et] *sed* V

⁵⁴ per] *add. in marg. sin.* V

⁵⁵ aliquid maius homo] *homo aliquid maius* V

⁵⁶ ipsam] *propriam add.* V

⁵⁷ ex obediencia – quod fit] *om.* V

per propriam voluntatem, secundum quod dicit Ieronimus ad Rusticum monachum: “ad illud tendit oracio, ut doceam te non tuo arbitrio dimittendum” et post pauca: “non facias, quod vis⁵⁸, comedas, quod iubearis, habeas, quantum acceperis, vestiarius⁵⁹, quod datur”^x. Unde ieiunium⁶⁰ redditur Deo acceptum non⁶¹ cum propria voluntate, secundum illud Is. LVIII [, 3]: *Ecce in diebus ieiunii vestri invenitur voluntas vestra*⁶². Secundo, votum obediencie continet sub se alia vota. Nam si religiosus teneatur⁶³ ex voto | K² f. 27r| continenciam servare et paupertatem, tamen hec sub obediencia cadunt^{xi}.

<Notabile secundum> Secundo⁶⁴ nota⁶⁵, quod votum obediencie est a⁶⁶ minori, manualis vel iuratoria canonice facta subiectio. Que subiectio consistit in hoc, quod totum suum velle et nolle ponit in arbitrio sui prelati^{xii}, nichil sui sibi reservans, dum tamen nichil precipiat divine voluntati con-|B p. 197|-trarium animeque saluti⁶⁷, Hebr.⁶⁸ ultimo: *obedite prepositis vestris*^{xiii}.

Sed votum continencie est per quam aliquis ab omni delectacione venerea⁶⁹ abstinet, unde et Apostolus, Gal. V [, 23]: *Continenciam*⁷⁰ *castitati coniungit*, vel est per quam⁷¹ aliquis resistit concupiscenciis pravis, que in eo vehementes existunt; sic accipit Philosophus, VIII^{72o} *Ethicorum*, continenciam⁷³^{xiv}.

⁵⁸ vis] quod *add. sed del. V*

⁵⁹ vestiarius] ideo *add. in marg. sin V*

⁶⁰ ieiunium] Hieronymus *B*

⁶¹ non] *om. K¹, K², B*

⁶² secundum illud – vestram] *om. B*

⁶³ teneatur] tenetur *B*

⁶⁴ secundo] et *B*

⁶⁵ nota] notandum *V*

⁶⁶ a] nisi non *add. in marg. dex. V*

⁶⁷ salutij] unde *add. V*

⁶⁸ Hebr.] *p.c. K²*

⁶⁹ delectacione venerea] venerea delectacione *V*

⁷⁰ continenciam] continentia *B*

⁷¹ quam] quas *B*

⁷² VIII^o] septimo *K²*

⁷³ continenciam] oboedientiam *B*

<Notabile tertium> | K² f. 27r| Item nota: |V f. 76ra| dispensacio est iuris relaxacio, unde vocatur⁷⁴ 'vulnus', quia⁷⁵ vulnerat ius vel vocatur 'iuris declaracio'⁷⁶,^{xv} vel sic dispensacio est rigor iuris per eum, ad quem spectat misericors⁷⁷ et facta relaxacio.

Unde⁷⁸ iuxta beatum Thomam in 2a 2e, q. LXXXVIII⁷⁹: "dispensacio videtur importare commensuratam quandam distribucionem⁸⁰ vel applicacionem alicuius communis ad ea, que sub ipso continentur, per quem modum dicitur aliquis dispensare cibum familie. Similiter ille, qui vovit, quodammodo⁸¹ sibi statuit legem, obligans se ad aliquod, quod est secundum se et⁸² in pluribus bonum. Tamen potest contingere, quod in aliquo casu sit simpliciter malum vel inutile, vel maioris boni impedimentum⁸³, quod est contra rationem eius, quod cadit sub voto. Et ideo necesse est, quod determinetur⁸⁴ in tali casu votum non esse servandum. Etsi quidem absolute determinetur⁸⁵ aliquod votum non esse servandum, dicitur esse dispensacio voti. Si autem per hoc, quod servandum erat, imponitur aliquid aliud, dicitur commutacio voti. Et utrumque in potestate Ecclesie consistit"^{xvi}.

Et⁸⁶ pertinet ad auctoritatem prelati, qui in persona Dei determinant⁸⁷, quid sit Deo acceptum, secundum⁸⁸ illud II Cor. 2 [, 10]: *nam et ego propter vos donavi in persona Christi*⁸⁹. Et singulariter⁹⁰ dicit: *propter vos*, quia omnis dispensacio petita a⁹¹ prelo debet fieri ad honorem Christi,

⁷⁴ vocatur] alias *add. V*

⁷⁵ quia] eo quod *V*

⁷⁶ item nota – iuris declaracio] *om. B*

⁷⁷ misericors] miseratio *B*

⁷⁸ Unde] *om. V*

⁷⁹ LXXXVIII] *p.c. V, CLXXXVIII K¹, K², B; art. 4 add. in marg. sin. et dex. V*

⁸⁰ distribucionem] *p.c. V*

⁸¹ quodammodo] *p.c. V, corr. in marg. sin V, quoddam eo K¹, K², B*

⁸² et] *p.c. V*

⁸³ impedimentum] *p.c. V*

⁸⁴ determinetur] detinetur *B*

⁸⁵ determinetur] deterius *B*

⁸⁶ et] et *om. B*

⁸⁷ determinant] determinat *B*

⁸⁸ secundum] unde *B*

⁸⁹ Christi] *add. in marg. V, om. K¹, K², B*

⁹⁰ singulariter] signante *B*

⁹¹ a] *p.c. V*

in cuius persona dispensat et ad utilitatem Ecclesie, que est eius corpus,^{xvii} et causa rationalis.

Nam ubi non est dispensandi rationalis⁹² causa, si dispensetur, |K¹ p. 247| non est dispensacio, sed dissipacio^{xviii} ut wult⁹³ Bernhardus in⁹⁴ *Consideracione ad Eugenium*⁹⁵.

|K² f. 28v| Votum⁹⁶ paupertatis est promissio facta, qua omnia propter Deum sponte et libenter dimittit, nichil preter solam necessitatem preservans. Item sciendum: ‘posse’ in tytulo questionis dicit possibilitatem secundum iura⁹⁷, quia hoc dicimur ‘posse’, quod iure⁹⁸ possumus.]

CONCLUSIO PRIMA⁹⁹

|K² f. 27r| Circa religiosos¹⁰⁰ in voto obediencie non potest dispensacio intervenire. Patet, quia dicit Bernhardus, quedam sunt precepta ordinancia ad Deum, quedam ad proximum, quedam superaddita, ut canonicè sanctiones et¹⁰¹ instituta patrum. In primis non potest dispensare nec Deus nec homo, in secundis nec homo, in tertiis homo |V f. 76rb| et Deus^{xix}. Sed votum obediencie immediate ordinatur ad Deum, ut patet¹⁰² ex diffinitione voti et in ordine ad proximum, igitur non potest dispensari. |B p. 198| Item sic votum obediencie inter¹⁰³ alia vota est perfectissimum et potissimum, quia¹⁰⁴ per continenciam vincit homo corpus suum, per paupertatem mundum, sed in obediencia vincit homo seipsum. Sed in aliis votis non potest fieri dispensacio, ut dicetur infra, igitur nec in voto obediencie et per consequens conclusio vera.

⁹² rationalis] rationabilis V

⁹³ wult] dicit B

⁹⁴ in] De V, de *add.* B

⁹⁵ Eugenium] libro 3 proprie summe *add. in marg. sin.* V

⁹⁶ votum] unde nondum quod votum V

⁹⁷ iura] ira B

⁹⁸ iure] ire B

⁹⁹ prima] 1 *iter. in marg. dex.* K¹, 1 conclusio *iter. in marg. sin.* V

¹⁰⁰ religiosos] *p.c.* V

¹⁰¹ et] *statuta add. sed del. V, sive add. sup. l.* V

¹⁰² ut patet] videlicet B

¹⁰³ inter] intra B

¹⁰⁴ quia] nam V

*Corelarium primum*¹⁰⁵. Licet circa viros religiosos in voto obediencie non possit dispensari, tamen potest in melius converti¹⁰⁶. Patet, quia tale votum obediencie potest commutari in curam pastoralis officii, quod est melius et perfectius, eo quod viri religiosi assumuntur in episcopos et in rectores ecclesiarum¹⁰⁷ parrochialium, que cura melior est quam obediencia, quia pluribus prodest.

*Corelarium secundum*¹⁰⁸. Cum viris religiosis¹⁰⁹, qui assumuntur in statum¹¹⁰ prelacionis,¹¹¹ non dispensatur in voto obediencie generalis¹¹². Patet, quia obediencia eciam respicit¹¹³ statum¹¹⁴ prelacionis in altero, cui obedire tenetur^{xx}. Nam omnem obedienciam, quam debebat prius suo superiori, debet domino pape et papa¹¹⁵ a sua obediencia non potest absolvere^{xxi}. Et ideo ille, qui sub prelato esse desistit¹¹⁶, non tenetur alicui obedire. Non est ex hoc, quod obligacio voti deficiat ex parte voventis, sed ideo, quia subtrahitur prelato ex parte altera, cui obedire tenebatur. Unde monachus, qui abbati¹¹⁷ | *K*² f. 27v| obedienciam¹¹⁸ promittit, si ipse fiet abbas, non tenetur obedire alteri¹¹⁹ abbati, qui iam non habet abbaciam^{xxii}. Papa eciam potest excipere monachum ab inferioris prelati subiectione, quod non est in voto¹²⁰ obediencie dispensare^{xxiii}, sed exemptio proprie potest dici,¹²¹ igitur corelarium verum.

¹⁰⁵ colerarium primum] colerarium 1 *iter. in marg. dex. V*

¹⁰⁶ converti] comutari *K*²

¹⁰⁷ ecclesiarum] ecclesiasticarum *B*

¹⁰⁸ corelarium secundum] 2 *iter. in marg. dex. V*

¹⁰⁹ viris religiosis] religiosis viris *V*

¹¹⁰ statum] officium *V*

¹¹¹ in statum prelacionis] *rep. B*

¹¹² obediencie generalis] generalis obediencie *V*

¹¹³ eciam respicit] eciam respicit *V*

¹¹⁴ statum] *om. B*

¹¹⁵ et papa] ipse eum *V, om. K¹, B*

¹¹⁶ desistit] quod *add. in marg. dex. V*

¹¹⁷ abbati] *p.c. V*

¹¹⁸ abbati obedienciam] obedienciam abbati *V*

¹¹⁹ alteri] altam *K*²

¹²⁰ voto] obiective *add. sed del. K*²

¹²¹ potest dici] dici potest *V, B*

Corelarium tertium¹²². Cum viris¹²³ religiosis¹²⁴ factis episcopis non¹²⁵ dispensatur de regularibus observanciis. Patet, quia adhuc tenentur ad¹²⁶ regulares observancias scilicet¹²⁷ ad illas, que non impediunt pastorale officium et que valent ad perfectionis¹²⁸ custodiam, sicut continencia, paupertas et similia huiusmodi, ad que adhuc remanent obligati et per consequens ad portandum habitum sue religionis, quod est¹²⁹ huius obligationis signum¹³⁰. Si¹³¹ sunt quedam, que officio pontificali repugnant, sicut est solitudo,¹³² silentium et alique abstinencie¹³³ et vigilie graves, ex quibus¹³⁴ impotentes¹³⁵ corpore redderentur ad exequendum¹³⁶ pontificale officium, ad huiusmodi non tenentur, [V f. 76va] ex¹³⁷ quo ad hoc¹³⁸ possunt dispensacione uti, qua¹³⁹ prelati religionum eciam in talibus dispensant^{xxiv}, igitur corelarium verum.

Corelarium quartum¹⁴⁰. Religiosi querentes dispensacionem pro voto obediencie circa suum pontificem, sic quod non sint sub observancia regularis discipline, peccant mortaliter. Patet, quia tales faciunt contra suam perfectionem¹⁴¹ et contra suum votum¹⁴², que erat eis lex, igitur peccant mortaliter. Consequencia tenet, quia faciens contra legem, est transgressor legis et per consequens peccat. [K¹ p. 248] Eciam tales

¹²² corelarium tertium] 3 iter. in marg. dex. V

¹²³ viris] p.c. K²

¹²⁴ religiosis] qui assumuntur add. sed del. K²

¹²⁵ non] add. in marg. dex V, om. K¹, B

¹²⁶ tenetur ad] om. B

¹²⁷ scilicet] sicut K¹, K²

¹²⁸ perfectionis] profectionis K²

¹²⁹ quod est] que K¹, que est K²

¹³⁰ signum] sed add. V

¹³¹ si] non add. K²

¹³² solitudo] similitudo B

¹³³ abstinencie] abstinencie K²

¹³⁴ quibus] quo V

¹³⁵ impotentes] in add. V

¹³⁶ exequendum] exequandum K¹

¹³⁷ ex] et K², V

¹³⁸ ad hoc] adhuc B

¹³⁹ qua] quia K²

¹⁴⁰ Corelarium quartum] 4 iter. in marg. sin. V

¹⁴¹ perfectionem] p.c. V

¹⁴² suum votum] votum suum V

religiosi nullam habent rationalem causam, propter [B p. 199] quam nolent obedire suo superiori, sed solum mala eorum voluntatis, que edificat ad Jehennam.

CONCLUSIO SECUNDA¹⁴³

Circa viros religiosos in voto continencie nulla dispensacio¹⁴⁴ potest intervenire. Patet exemplo beati Mathei Apostoli, qui consentire noluit, quod Epigenia¹⁴⁵ virgo Deo dicata¹⁴⁶, regi nuberet, qui se fieri¹⁴⁷ christianum¹⁴⁸ cum omni populo suo promittebat, quin potius mortem sustinuit^{xxv}.

Et probatur sic: illud, quod semel sanctificatum est Domino¹⁴⁹, non potest in alios usus¹⁵⁰ commutari, Lev. ultimo. Non enim potest aliquis prelatus¹⁵¹ Ecclesie facere, ut illud, quod est sanctificatum, amittat, etiam in rebus inanimatis, sanctificationem, puta, quod calix consecratus desinat¹⁵² esse consecratus, si maneat integer. Unde multo minus hoc potest¹⁵³ facere aliquis prelatus, ut homo Deo consecratus, quamdiu vivit, esse desistat¹⁵⁴. Et ideo non potest per aliquem prelatum Ecclesie¹⁵⁵, quod ille, qui votum solempne emisit, desistat ab eo, ad quod est consecratus. Papa enim non potest facere, quod ille, qui est professus religionem, non sit religiosus^{xxvi} et per consequens in voto continencie non potest dispensare, igitur conclusio vera.

¹⁴³ conclusio secunda] 2 iter. in marg. sin. K¹, conclusio 2^a iter. in marg. sin. V

¹⁴⁴ dispensacio] p.c. K²

¹⁴⁵ Epigenia] corr. in marg. sin. V, Eugenia a.c. V, Eufamia K¹, K², Eugenia B

¹⁴⁶ dicata] ditata B

¹⁴⁷ fieri] add. in marg. sin. V

¹⁴⁸ fieri christianum] christianum fieri V

¹⁴⁹ sanctificatum est Domino] Deo sanctificatum est V

¹⁵⁰ usus] om. B

¹⁵¹ prelatus] ee add. sed del. K²

¹⁵² desinat] desinet K²

¹⁵³ hoc potest] potest hoc V

¹⁵⁴ desistat] consecratus add. V

¹⁵⁵ Ecclesie] fieri add. V

Corelarium primum¹⁵⁶. Votum continencie in religiosis¹⁵⁷ non recipit recompensationem in commutatione. Patet per illud, Eccli. XXVI¹⁵⁸ [, 20]: *omnis ponderacio non est digna anime ponderantis*^{159xxvii}.

Corelarium secundum¹⁶⁰. Licet votum continencie circa viros religiosos non¹⁶¹ recipiat relaxacionem, tamen votum continencie in sacro ordine recipit dispensacionem. Prima pars patet ex conclusione, secunda autem [V f. 76vb] pars est beati Thome in 2^a 2^e, q. LXXXVIII¹⁶², ubi dicit, quod votum continencie “non est essentialiter innexum¹⁶³ ordini sacro, sed ex stauto Ecclesie. Unde videtur, quod per¹⁶⁴ Ecclesiam possit dispensari¹⁶⁵ in voto continencie solemnizato per susceptionem sacri ordinis. Sed votum continencie est essentialiter connexum¹⁶⁶ ordini et naturale statui religionis, per quam homo abrenunciat seculo totaliter Dei servicio mancipatus, quod non potest simul stare cum matrimonio, cui¹⁶⁷ incumbit necessitas procurande uxoris, prolis et familie, et rerum, que ad hoc requiruntur. Unde I Cor. VII [, 33], dicit Apostolus¹⁶⁸: *qui cum uxore est, sollicitus est, que sunt mundi, quomodo placeat uxori et divisus est*. Unde nomen monachi ab unitate sumitur et¹⁶⁹ oppositum ad divisionem predictam. Et ideo in voto solemnizato per professionem religionis non potest per Ecclesiam dispensari¹⁷⁰,^{xxviii} sed bene in voto continencie sacri ordinis¹⁷⁰ potest fieri dispensacio, igitur corelarium verum.

¹⁵⁶ Corelarium primum] 1 iter. in marg. sin. V

¹⁵⁷ votum continencie in religiosis] votum religionis continencie a.c. V, in add. in marg. sin. V

¹⁵⁸ XXVI] quod add. V

¹⁵⁹ ponderantis] continencis V, quia hoc magnum Dei, unde Sapiencie 8 [, 21] demum dicitur: non possum esse continens, nisi Deus det add. in marg. inf. V

¹⁶⁰ Corelarium secundum] 2 iter. in marg. sin. V

¹⁶¹ circa viros religiosos non] p.c. V

¹⁶² LXXXVIII] 88 add. bis in marg. sup. V

¹⁶³ innexum] annexum V, B

¹⁶⁴ per] p.c. V

¹⁶⁵ dispensari] dispensare B

¹⁶⁶ connexum] annexum K², V

¹⁶⁷ cui] cui rep. sed del. K¹

¹⁶⁸ dicit Apostolus] dicitur B

¹⁶⁹ et] quod est V, B

¹⁷⁰ continencie sacri ordinis] sacri ordinis continencie a.c. V

| K² f. 28r| *Corelarium tertium*¹⁷¹. Licet in voto religionis non dispensatur, tamen in voto continencie specialis¹⁷² non solemnisato dispensatur. Patet¹⁷³, quia votum continencie non¹⁷⁴ specialis¹⁷⁵ non diminuit¹⁷⁶ matrimonium iam contractum et hoc non est ex alio, nisi quod¹⁷⁷ in voto contiencie dispensatur^{xxix}, igitur corelarium verum. |B p. 200|

CONCLUSIO TERTIA¹⁷⁸

Circa viros religiosos in voto paupertatis nullo modo potest dispensatio intervenire. Patet primo de primo pastore beato Petro, qui noluit¹⁷⁹ dispensare circa Ananiam et Zaphiram uxorem eius,¹⁸⁰ ut dicitur Act. V [1–11]. Et patet eciam *Extra, De statu monachorum*, in fine illius *Decretalis, Cum ad monasterium*, ubi¹⁸¹ dicitur:¹⁸² “abdicio proprietatis sicut eciam custodia castitatis¹⁸³ adeo¹⁸⁴ tantum est annexa regule monachali, ut contra eam nec summus pontifex possit indulgere”^{xxx}. Et in principio istius *Decretalis* dicitur¹⁸⁵: “si proprietas apud quemquam¹⁸⁶ inventa¹⁸⁷ fuerit in morte¹⁸⁸, ipsa cum eo in signum perdicionis extra monasterium in sterquilinio¹⁸⁹ subterretur, |K¹ p. 249| id est sepeliatur, secundum quod beatus Gregorius narrat in *Dyalogo* se fecisse^{xxxix}”^{xxxii}. Et probatur sic: si

¹⁷¹ Corelarium tertium] 3 iter. in marg. dex. V

¹⁷² specialis] spiritualis B

¹⁷³ Patet] 4 iter. in marg. dex. V

¹⁷⁴ non] add. sed del. K², om. B

¹⁷⁵ specialis] spiritualis B

¹⁷⁶ diminuit] rep. in marg. dex. V, dirimit K²

¹⁷⁷ quod] quia V, B

¹⁷⁸ tertia] 3 iter. in marg. sin. K¹

¹⁷⁹ noluit] voluit K²

¹⁸⁰ Zaphiram uxorem eius] eius uxorem V, B

¹⁸¹ ubi] om. K¹, K², B

¹⁸² dicitur] om. B

¹⁸³ custodia castitatis] castitatis custodia a.c. V

¹⁸⁴ adeo] in add. sup. l. V, a Deo B

¹⁸⁵ dicitur] dicit K¹, K²

¹⁸⁶ quemquam] quemquem V, B

¹⁸⁷ inventa] in renta B

¹⁸⁸ in morte] om. B

¹⁸⁹ sterquilinio] sterquilinio K²

posset dispensari, sequitur, quod possent habere aurum et argentum. Consequens falsum et contra beatum Augustinum, qui dicit: qui communem vitam debent habere, nec denarium, nec aliquam rem privatam debent possidere, si cum Anania nolint¹⁹⁰ interire^{xxxiii}. [V f. 77ra] Et Gregorius narrat in quarto¹⁹¹ *Dyalogorum* de quodam sanctissimo viro Ysaac, qui dixit: monachus, qui possessiones in terra¹⁹² querit, non est monachus^{xxxiv}. Hinc est, quod¹⁹³ certis religionibus precipitur sub anathemate, ut nec denarium tangant¹⁹⁴ manu nuda, igitur conclusio vera.

C o r e l a r i u m p r i m u m¹⁹⁵. Religiosus, qui est episcopus, non absolvitur a voto paupertatis. Patet, quia nichil debet habere tamquam proprium, sed sicut dispensator communium bonorum¹⁹⁶ Ecclesie^{xxxv}.

C o r e l a r i u m s e c u n d u m¹⁹⁷. Proprietas a claustralibus omnino est fugienda et hoc propter duo. Primo, propter exemplum uxoris Loth, Gen. XIX [, 26], que *respiciens post se, versa est in statuam*¹⁹⁸ salis; sic claustralis concupiscens divicias mundi, quas simulat se reliquisse, vertitur in statuam¹⁹⁹ salis. Hoc²⁰⁰ exemplum revocat Dominus ad memoriam, Luc. XVII²⁰¹ [, 32], dicens: *memores estote uxoris Loth* et Luc. IX [, 62]: *nemo mittens manum ad aratrum et respiciens retro, aptus est regno Dei*, etc.

Secundo, propter illud, quod legitur Ios. VII^o de Achor, qui furratus est de anathemate in Iericho, scilicet *pallium coccineum*²⁰² *bonum valde*^{203 xxxvi}. *Iericho* interpretatur luna.²⁰⁴ *Mundum* significat²⁰⁵, qui mutabilis est ad modum lune et debet esse anathema²⁰⁶ religiosis. In illis rebus, que

¹⁹⁰ nolint] nolunt *a.c.* V

¹⁹¹ quarto] *om.* V

¹⁹² possessiones in terra] in terra possessiones V

¹⁹³ quod] in *add.* K², B

¹⁹⁴ tangant] tangat K²

¹⁹⁵ corelarium primum] Corelarium 1 *iter. in marg. sin.* V

¹⁹⁶ communium bonorum] bonorum communium V

¹⁹⁷ secundum] 3^m K², 2 *iter. in marg. sin.* V

¹⁹⁸ statuam] staturam B

¹⁹⁹ statuam] staturam B

²⁰⁰ hoc] hoc *rep.* K²

²⁰¹ XVII] 18 B

²⁰² coccineum] cocinium K¹

²⁰³ bonum valde] etc. V, *om.* B

²⁰⁴ luna] et *add.* V, B

²⁰⁵ mundum significat] significat mundum V

²⁰⁶ anathema] anathemata B

furratus est Achor, triplex proprietas intelligitur: in *pallio coccineo* conversatio exterior²⁰⁷ secularis: *pallium coccineum* furrantur, quando²⁰⁸ aliquid retinentulare in habitu vel in moribus; in argento, videlicet *ducentis ciclis argenti*,²⁰⁹ intelligitur proprietas rerum temporalium,²¹⁰ religiosi viri omnino prohibita et abrenunciata; in *regula aurea* intelligitur proprietas interior secundum voluntatem, quia regula, que a regendo dicitur, pertinet ad voluntatem, que habet regimen et imperium in homine.

In hac auctoritate²¹¹ quattuor²¹² sunt notabilia²¹³ religiosi: primo²¹⁴, quod Deus²¹⁵ dicit: *non ero ultra vobiscum donec conteratis eum, qui huius sceleris reus est*^{xxxvii}, in quo innuitur, quod Deus [B p. 201] contra totum conventum irascitur propter unum fratrem proprietarium, nisi percucitur²¹⁶ sicut Achor; unde est²¹⁷, quod ibi legitur: *Anathema in medio tui Israel est*,²¹⁸ *non potes stare coram hostibus tuis donec deleatur, qui hoc contaminatus est*²¹⁹ *scelere*,^{220xxxviii} in quo patet, quod propter hoc peccatum dyabolus habet potestatem precipitandi eos²²¹ in multa alia²²² peccata; 3^m²²³ est illud,²²⁴ quod dicit Iozue ibidem, quia *turbasti* [V f. 77 rb] *nos, exturbet*²²⁵ *te Deus in die hac*^{xxxix}, in quo notatur, quod propter turbacionem ceterorum non debent dimitti, quin talis irreligiosus²²⁶ et irregularis²²⁷ debite puniatur; quartum²²⁸

²⁰⁷ conversatio exterior] exterior conversatio K²

²⁰⁸ quando] qui B

²⁰⁹ videlicet ducentis ciclis argenti] om. B

²¹⁰ rerum temporalium] temporalium rerum K²

²¹¹ auctoritate] corr. in marg. sin. V

²¹² quattuor] om. B

²¹³ notabilia] notanda V

²¹⁴ primo] 1 iter. in marg. sin. V

²¹⁵ Deus] Deo K¹

²¹⁶ percucitur] p.c. K²

²¹⁷ unde est] a.c. V, secundum corr. in marg. sin. V

²¹⁸ Israel est] est Israel V, Ierusalem est K¹, est Ierusalem B

²¹⁹ est] hoc add. V

²²⁰ non potes – contaminatus est scelere] om. B

²²¹ eos] add. in marg. sin. V

²²² alia] om. V, B

²²³ 3^m] 3 iter. in marg. sin. V

²²⁴ illud] om. V, B

²²⁵ exturbet] conturbet V, B

²²⁶ irreligiosus] a religioso B

²²⁷ irregularis] irregulari B

²²⁸ quartum] 4 iter. in marg. dex. V

est, quod subditur: *lapidavit*²²⁹ *eum omnis Israel et cuncta, que illius erant, igne combusta*²³⁰ *sunt*^{x1}: in lapidibus increpacionum intelligimus, de quibus lapidandus est proprietarius, in igne intelligitur: zelus comune debent habere claustrales contra hoc vicium.²³¹ O quam detestabilis est proprietarius! Detestabilius tamen, si abbas et²³² |K² f. 28v| totus conventus unanimes²³³ consenciant et laborant in hoc vicio sceleratissimo sibi ipsis congregando ceteris fratribus pauperibus in eorum necessitatibus²³⁴ totaliter exclusis.

*Corelarium tertium*²³⁵. Abbas non potest dispensare cum monacho, quod habeat proprium vel quod habeat administracionem aliquarum possessionum, quas posset²³⁶ suas proprias convertere²³⁷. Patet, quia |K¹ p. 250| hoc non potest²³⁸ permittere, quod et ipse per se numquam tenetur habere, sed ipse numquam talia tenetur habere²³⁹. Patet hoc ex edicto generali monachorum, ubi dicitur^{240, 241}, ut “omnes magistram²⁴² regulam sequantur”^{xii} et ab hac lege nec abbas, nec prior excipitur. Et quavis abbas administracionem habeat rerum ecclesiasticarum, non tamen divinum²⁴³, unde: ‘monachus, habens proprium, non est monachus’.

Nam recte sicut²⁴⁴ homo constat ex eo, quod est animal rationale, mortale²⁴⁵ et christianus ex fide, spe et caritate, sic monachus ex obedientia, paupertate et castitate. Et si unus illorum terminorum deest, scilicet animal rationale, mortale non est homo vel si fides, spes et²⁴⁶ caritas deest, non est

²²⁹ lapidavit] lapidati K²

²³⁰ combusta] consumpta K²

²³¹ intelligitur zelus – vicium] *om.* K¹, V, B

²³² et] *rep.* K²

²³³ unanimes] unanimiter V

²³⁴ necessitatibus] necessitate B

²³⁵ corelarium tertium] Corelarium 3 *iter. in marg. dex. V*

²³⁶ posset] *ut add.* V, B

²³⁷ convertire] *in usum suum add.* V, B

²³⁸ potest] *add. sup. l.* K²

²³⁹ sed ipse – habere] *om.* B

²⁴⁰ monachorum ubi dicitur] *om.* B

²⁴¹ ubi dicitur] *scilicet* V

²⁴² magistram] *om.* B

²⁴³ divinum] dominum B

²⁴⁴ recte sicut] *sicut recte a.c.* V

²⁴⁵ mortale] *non est homo add. sed del.* K¹

²⁴⁶ et] *vel* V

christianus. Sic eciam²⁴⁷ de hiis tribus, si²⁴⁸ aliquod²⁴⁹ deest, non est monachus. Item de monacho ingrediente ad²⁵⁰ monasterium sic dicitur: “Res, si quas habet, aut prius²⁵¹ eroget pauperibus, aut facta solempni legacione conferat monasterio, nichil sibi reservans ex omnibus²⁵²”^{xlii}. Et ergo hec est forma, quod monachus non suscipitur, nisi omnibus renunciet et totaliter sibi nichil reservet²⁵³. Et hinc est, quod circa professiones²⁵⁴ monachorum canitur: “Regnum mundi et omnem ornatum seculi contempsit²⁵⁵”^{xliii} etc. Item beatus Bernhardus dicit²⁵⁶, in libro *De dispensacione et precepto*: cur nostra professio “hanc prerogativam meruit, quod appellatur secundum baptisma?”²⁵⁷^{xliv} Respondet: estimo, quod²⁵⁸ propter perfectam abrenunciacionem, per quam homo perfecte moritur in Deo²⁵⁹ et de novo²⁶⁰ generatur^{xlv}. Sed perfecta renunciatio consistit in nichil habendo, unde in regula beati Benedicti dicitur de filiis nobilium, quod parentes pueorum “promittant²⁶¹ sub iureiurando, quod numquam per se, numquam per suffectam^{262, 263} personam vel quolibet ei²⁶⁴ aliquid dent aut²⁶⁵ tribuent²⁶⁶ occasione²⁶⁷ habendi”^{xlvi}.

Corelarium quartum²⁶⁸. Questio, ut proponitur, est falsa, etc.²⁶⁹

²⁴⁷ si] *add. sup. l. K*²

²⁴⁸ si] *om. K*²

²⁴⁹ aliquod] aliquid *B*

²⁵⁰ ad] *add. sup. l. V, K*²

²⁵¹ prius] eas *add. V, B*

²⁵² ex omnibus] *om. V, B*

²⁵³ et ergo – nichil reservet] *om. B*

²⁵⁴ professiones] professionem *V, B*

²⁵⁵ seculi contempsit] scilicet *V, om. B*

²⁵⁶ dicit] *d add. sed del. K*²

²⁵⁷ baptisma] et *add. V, B*

²⁵⁸ quod] inquit *K*²

²⁵⁹ in Deo] *a.c. V, mundo corr. in marg. dex. V, B*

²⁶⁰ novo] *p.c. K*²

²⁶¹ promittant] permittant *K*¹, *K*²

²⁶² suffectam] *correx*i, suspectam *K*¹, *K*²

²⁶³ numquam per suffectam] vel vel per aliam *V*, vel per aliam *B*

²⁶⁴ vel quolibet ei] *om. V, B*

²⁶⁵ aut] vel *V, B*

²⁶⁶ tribuent] filiis *add. in marg. dex. V, add. B*

²⁶⁷ occasione] occasionem *B*

²⁶⁸ Corelarium quartum] *om. V, B*

²⁶⁹ etc.] *rep. K*²

- I holocaustum – Deo offert] Greg. M., *In Ezech.* 14, 15–17 (CCSL, 75, p. 685)
- II habet – bonum] cfr Arist., *Et. Nic.* 1, 8 (Bekker 1098b)
- III status – voluntatem] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 7, co. (*ed. Leonina*, 10, p. 497, col. 1–2)
- iv obediencia – caritatis] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 5, co. (*ed. Leonina*, 10, p. 494, col. 2)
- v dicitur – spiritu] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 4, sc. (*ed. Leonina*, 10, p. 493, col. 1)
- vi minus – amat] Aug., *Conf.* 10, 29 (CCSL 27, p. 176)
- vii status – amat] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 3, co. (*ed. Leonina*, 10, pp. 490–491)
- viii primo – paupertatis] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 8, co. (*ed. Leonina*, 10, p. 499, col. 1)
- ix obediencia – mactatur] Greg. M., *Moral.* 35, 14, linea 141 (CCSL 143b, p. 1792); cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 104, a. 3, co. (*ed. Leonina*, 9, p. 387, col. 2)
- x ad illud – datur] Hier., *Epist.* 125, 15 (CSEL 56, p. 133)
- xi quod fit – cadunt] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 8, co. (*ed. Leonina*, 10, p. 499, col. 1–2)
- xii totum suum – sui prelati] cfr Joh. Hus, *De ecclesia* 17 (ed. S. H. Thomson, p. 154)
- xiii obedite prepositis vestris] Hebr. 13, 17
- xiv per quam – continenciam] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 155, a. 1, co. (*ed. Leonina*, 10, p. 253, col. 1)
- xv dispensacio – declaracio] cfr Bonav., *In Sent.* II, d. 38, art. 2, q. 3, co. (*ed. Quaracchi*, 2, p. 823, col. 1); cfr Thom. Aqu., *Super. Sent.* IV d. 38, q. 1, art. 4, quaestiuncula 1, co. (*ed. F. M. Moos*, 4b, p. 204, col. 2)
- xvi dispensacio – consistit] Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 10, co. (*ed. Leonina*, 9, p. 265, col. 1–2)
- xvii et pertinet – eius corpus] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 12, co. (*ed. Leonina*, 9, p. 267, col. 2)
- xviii non est – dissipacio] Bernard., *Consid.* 3, 18 (vol. 3, p. 445)
- xiv dicit Bernhardus – et Deus] cfr Bonav., *In Sent.* II, d. 38, art. 2, q. 3 (*ed. Quaracchi*, 2, p. 822, col. 1)
- xx quia obediencia – tenetur] cfr Thom. Aqu., *Super. Sent.* IV, d. 38, q. 1, art. 4, quaestiuncula 1, ad. 5 (*ed. F. M. Moos*, 4b, p. 205, col. 2)
- xxi omnem – absolvere] cfr Bonav., *In Sent.* IV d. 38, art. 2, q. 3, co. (*ed. Quaracchi*, 4, p. 824, col. 2)
- xxii et ideo – abbaciam] cfr Thom. Aqu., *Super. Sent.* IV, d. 38, q. 1, art. 4, quaestiuncula 1, ad. 5 (*ed. F. M. Moos*, 4b, p. 205, col. 2)

- xxiii papa – dispensare] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 186, a. 8, ad. 3 (ed. *Leonina*, 10, p. 499, col. 2)
- xxiv regularibus – dispensant] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 185, a. 8, co. (ed. *Leonina*, 10, p. 484, col. 1–2)
- xxv exemplo – sustinuit] cfr Iac. de Voragine, *Legenda*, c. 140 (ed. *Th. Graesse*, p. 624–625)
- xxvi illud quod semel – religiosus] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 11, co. (ed. *Leonina*, 9, p. 264, col. 2)
- xxvii Ecclesiatici – ponderantis] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 11, s.c. 1 (ed. *Leonina*, 9, p. 264, col. 1)
- xxviii non – dispensari] Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 11, co. (ed. *Leonina*, 9, p. 265, col. 1)
- xxix licet – dispensatur] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 7, s.c. (ed. *Leonina*, 9, p. 253–254)
- xxx abdicatio – indulgere] *Decretum* 3, 35, 6 (ed. *E. Friedberg*, p. 600); cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 11, s.c. 2 (ed. *Leonina*, 9, p. 264, col. 1)
- xxxi Gregorius – fecisse] cfr Greg. M., *Dial.* 4, 52 (SC 265, p. 176)
- xxxii si paupertas – se fecisse] *Decretum* 3, 35, 6 (ed. *E. Friedberg*, p. 599)
- xxxiii qui communem – nolint interire] cfr Meff., *Sermones*, sermo 121 (ed. *Basileae*, 1487, p. 120b)
- xxxiv Gregorius – monachus] Greg. M., *Dial.* 3, 14 (SC 260, p. 306); cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 188, a. 7, arg. 4 (ed. *Leonina*, 10, p. 530, col. 1); Bonav., *Perfect. evang.* q. 2, art 2, co., sect. 20 (ed. *Quaracchi*, 5, p. 148, col. 1)
- xxxv religiosus – Ecclesie] cfr Thom. Aqu., *S.Th. Ila Ilae*, q. 88, a. 11, ad 4 (ed. *Leonina*, 9, p. 265, col. 2)
- xxxvi pallium – valde] Ios. 7, 21
- xxxvii non ero – reus est] Ios. 7, 12
- xxxviii anathema – scelere] Ios. 7, 13
- xxxix turbasti – die hac] Ios. 7, 25
- xl lapidavit – sunt] Ios. 7, 25
- xli omnes – sequantur] Bened., *Reg.* 3, 9 (SC 181, p. 454)
- xlII res – omnibus] Bened., *Reg.* 59, 24 (SC 182, p. 630)
- xlIII regnum – contempsi] *Corpus antiphonarium officii*, 7524 (vol. 3, p. 379)
- xlIV hanc – baptisma] Bernard., *Praecept. et disp.* 54 (vol. 3, p. 288)
- xlV estimo – generatur] cfr Bernard., *Praecept. et disp.* 54 (vol. 3, p. 288)
- xlVI promittant – habendi] Bened., *Reg.* 59, 3 (SC 182, p. 634)

FONTES

- Arist., *Et. Nic.* Aristoteles. *Ethica Nicomachea. Translatio Antiquissima libr. II–III sive ‘Ethica Vetus’, Translationis Antiquioris quae supersunt sive ‘Ethica Nova’, ‘Hofariana’, ‘Borghesiana’, Translatio Roberti Grosseteste Lincolnienensis sive ‘Liber Ethicorum’ (Recensio Pura et Recensio Recognita)*, edited by R. A. Gauthier (*ALPE*, XXVI, 1–3). Leiden–Bruxelles: Brill, 1972–1974.
- Aug., *Conf.* Augustinus Hipponensis. *Confessiones*, edited by L. Verheijen (*CC SL*, 27). Turnhout: Brepols, 1981.
- Bened., *Reg.* Benedictus Nursinus. *Regula*, edited by A. de Vogüé, (*SC*, 181–186.1). Paris: Cerf, 1971–1972.
- Bernard., *Consid.* Bernardus Claraevallensis. “De consideratione libri u.” In *Sancti Bernardi Opera*, edited by J. Leclerq, H. M. Rochais, vol. 3, 393–493. Romae: Editiones Cistercienses, 1963.
- Bernard., *Praecept. et disp.* Bernardus Claraevallensis. “Liber de praecepto et dispensation.” In *Sancti Bernardi Opera*, edited by J. Leclerq, H. M. Rochais, vol. 3, 253–294. Romae: Editiones Cistercienses, 1963.
- Bonav., *In Sent.* Bonaventura. “In Librum Sententiarum.” In *Doctoris Seraphici S. Bonaventurae Opera Omnia*, edited by PP. Collegii a S. Bonaventura, vol. 1–4. Ad Claras Aquas: Ex Typographia Collegii S. Bonaventurae, 1883–1889.
- Bonav., *Perfect. evang.* Bonaventura. “Quaestiones disputatae de perfectione evangelica.” In *Doctoris Seraphici S. Bonaventurae Opera Omnia*, edited by PP. Collegii a S. Bonaventura, vol. 5, 117–198. Ad Claras Aquas: Ex Typographia Collegii S. Bonaventurae 1891.
- Corpus antiphonarium officii* *Corpus antiphonarium officii*, Vol. 4: *Responsoria, versus, hymni et varia. Editio Critica*, edited by R.-J. Hesbert, Roma, Casa Editrice Herder, 1970 (*Series Maior Fontes*, 10).

- Decretum* *Corpus iuris canonici. Decretum magistri Gratiani*, edited by E. Friedberg. Lipsiae: ex Officina Bernhardi Tauchnitz, 1879.
- Greg. M., *Dial.* Gregorius Magnus. *Dialogorum libri IU*, edited by A. de Vogüé (SC, 260, 265). Paris: Cerf, 1979–1980.
- Greg. M., *In Ezech.* Gregorius Magnus. *Homiliae in Hiezechielem prophetam*, edited by M. Adriaen (CC SL, 142). Turnhout: Brepols, 1971.
- Greg. M., *Moral.* Gregorius Magnus. *Moralia in Iob. Libri XI–XXII*, ed. M. Adriaen (CC SL, 143A). Turnhout: Brepols, 1979.
- Hier., *Epist.* Hieronymus. *Epistolae 121–154*, edited by I. Hilberg (CSEL, 56/1). Vindobonae: F. Tempsky, 1918.
- Iac. de Voragine, *Legenda* Iacobus de Vorgaine. *Legenda aurea (vulgo Historia Lombardica dicta)*, edited by 2, Th. Graesse. Lipsiae: Librariae Arnoldianae, 1850.
- Ioh. Hus, *De ecclesia* Iohannes Hus. *Tractatus de ecclesia*, edited by S. H. Thomson, 1958, 1–237 (*Spisy Komenského evangelické bohoslovecké fakulty. Řada A, 22*).
- Meff., *Sermones* *Sermones Meffreth alias Ortulus regine de Sanctis*, edited by Basileae, apud Nicolaum Kessler, 1487, https://www.google.fr/books/edition/Sermones_Meffreth_alias_ortulus_regine/hDfiai3CZrcC?hl=fr&gbpv=0 (last accessed 03.06.2023).
- Thom. Aqu., *S.Th.* Thomas de Aquino. *Summa theologiae cum commentariis Caietani* (Ed. Leonina, 4–12). Romae: Ex Typographia Polyglotta, 1886–1906.
- Thom. Aqu., *Super. Sent.* Thomas de Aquino. *Scriptum super libros Sententiarum magistri Petri Lombardi episcopi Parisiensis*, vol. 1–4, ed. P. Mandonnet, M. F. Moos. Parisiis: Sumptibus P. Lethielleux, 1929–1956.

BIBLIOGRAPHY

Manuscripts

Kraków, Biblioteka Jagiellońska
1365, 1366, 1368, 1369
Città del Vaticano, Biblioteca Apostolica Vaticana
Vat.lat.14646

Medieval texts

Benedictus Hesse de Cracovia. "Tractatus brevior." In *Polskie traktaty koncyliarystyczne z połowy XV wieku*, edited by Waław Bucichowski, 29–42. Warszawa: Akademia Teologii Katolickiej, 1987. (*Textus et studia historiam theologiae in Polonia excultae spectantia*, 23).

Studies

- Baran, Wojciech. *Benedict Hesse of Cracow's Question about the Resurrection from the Commentary to Matthew's Gospel. Study and Critical Edition*, forthcoming.
- Baran, Wojciech. *Les Principia aux Sentences de Benoît Hesse de Cracovie (1428–1430)*. Etude et édition critique, forthcoming.
- Baran, Wojciech. *The lectio ultima on Peter Lombard's Sentences of Benedict Hesse of Cracow (1389–1456). An example of the relationship between the principia and the lectio ultima. Case study and critical edition*, forthcoming.
- Brinzei Calma M., *La définition du viator dans les commentaires des Sentences au XIVe siècle*, in: *Les innovations du vocabulaire latin à la fin du Moyen Âge : autour du Glossaire du latin philosophique (philosophie, théologie, science)*, edited by Olga Weijers, Iacopo Costa, and Adriano Oliva, 45–59. Turnhout: Brepols, 2010.
- Bucichowski, Waław, ed. *Polskie traktaty koncyliarystyczne z połowy XV wieku*. Warszawa: Akademia Teologii Katolickiej, 1987 (*Textus et studia historiam theologiae in Polonia excultae spectantia*, 23).
- Bukała Marcin, *Benedictus Hesse de Cracovia. De contractibus censuum reempcionum. Wstęp / Editoris Nota*. Warszawa, 2015.
- Catalogus codicum manuscriptorum mediae aevi Latinorum, qui in Bibliotheca Jagellonica Cracoviae asservantur*, edited by Maria Kowalczyk, Anna Kozłowska, Mieczysław Markowski, and others, vol. 9. Cracoviae: Bibliotheca Jagellonica, Księgarnia Akademicka, 2008.
- Chmielowska, Bożena. „Traktat Mateusza z Krakowa jako źródło w komentarzu Benedykta Hessego do Ewangelii św. Mateusza.” *Przegląd Tomistyczny* 14 (2008): 169–185.
- Fijałek, Jan. *Studia do dziejów Uniwersytetu Krakowskiego i jego Wydziału Teologicznego w XV wieku*. Kraków: Akademia Umiejętności, 1898.
- Rechowicz, Marian. *Święty Jan Kanty i Benedykt Hesse w świetle krakowskiej kompilacji teologicznej z XV w.* Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1958.

- Markowski Mieczysław. *Dzieje Wydziału Teologii Uniwersytetu Krakowskiego w latach 1397–1525*. Kraków: Wydawnictwo Naukowe Papieskiej Akademii Teologicznej, 1996.
- Ozorowski, Mieczysław. „Życie i działalność Benedykta Hessego.” *Studia Teologiczne* 16 (1998): 79–92.
- Poirel, Dominique. *Stemma codicum. La « méthode Froger » d'édition critique*. Turnhout: Brepols, 2022 (*Brepols Essays in European Culture*, 6).
- Slotemaker J. T., “Henry of Gorkum’s *Conclusiones Super IV Libros Sententiarum*: Studying the Lombard in the First Decades of the Fifteenth Century.” In *Mediaeval Commentaries on the Sentences of Peter Lombard*, edited by Philipp W. Rosemann, vol. 3, 145–173. Leiden: Brill, 2015.
- Wielgus, Stanisław. “Benedykt Hesse.” In *Encyklopedia filozofii polskiej*, edited by Andrzej Maryniarczyk and others, vol. 1, 94–96. Lublin: Polskie Towarzystwo Tomasza z Akwinu, 2002, <http://www.ptta.pl/pef/pdf/b/benedykth.pdf> (last accessed 02.04.2024), English version: <http://www.ptta.pl/pef/haslaen/b/benedykthesse.pdf> (last accessed 02.04.2024).
- Wisłocki, Władysław. *Katalog rękopisów Biblioteki Uniwersytetu Jagiellońskiego*, 2 vol. Kraków: Akademia Umiejętności, Drukarnia Uniwersytetu Jagiellońskiego, 1877–1881, vol. 1: <https://jbc.bj.uj.edu.pl/dlibra/publication/297832/edition/285039/content> (last accessed 02.04.2024); vol. 2: <https://jbc.bj.uj.edu.pl/dlibra/publication/297833/edition/285040/content> (last accessed 02.04.2024).
- Wojtczak, Hanna. „Benedykt Hesse – przedstawiciel naukowego środowiska krakowskiego w pierwszej połowie XV wieku.” *Folia Philosophica* 30 (2012): 69–88.
- Wojtczak, Hanna. *Benedykta Hessego Komentarz do Kategorii Arystotelesa, część 1*. Lublin: Towarzystwo Naukowe KUL, 2019.
- Wojtczak, Hanna. „Komentarze Benedykta Hessego do *Ars Vetus* w świetle nowych ustaleń.” *Przegląd Tomistyczny* 24 (2018): 595–609.