St Antonin of Florence on Justice in Buying and Selling
Introduction, Critical Edition, and Translation

by

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ABSTRACT

This dissertation presents an extensive introduction to the Summa of St Antonin (Antoninus, Antonino) of Florence and his teaching on justice in buying and selling. It also presents, for the first time, critical editions and English translations of three chapters of his Summa: 2.1.16 (On fraud), 3.8.1 (On merchants and artisans), and 3.8.2 (On the various kinds of contracts). St Antonin was a Dominican friar and archbishop of Florence from 1446 to 1459, and composed one of the most comprehensive medieval manuals of moral theology, his Summa. In his preaching and writing, Antonin sought to teach the merchants and artisans of Florence about the proper conduct of trade and exhorted them to practice virtue and moderation in the pursuit of profit.

The first part of this dissertation is an introduction with four chapters. Chapter One provides a brief literature review on St Antonin and a biography. Chapter Two is a study of his Summa: its conception, textual witnesses, and process of composition. This chapter demonstrates that the manuscripts traditionally considered to be the originals are indeed the author’s autographs, and offers the most extensive analysis of these manuscripts yet produced. Chapter Three expounds the development of scholastic teaching on justice in buying and selling in the thirteenth-century
faculties of canon law and theology. Chapter Four explains Antonin’s teaching: its social context in renaissance Florence; its content, sources, and method; and its purpose, namely, helping the clergy in their pastoral duties of preaching, hearing confessions, and resolving moral dilemmas. A postscript comments on Antonin’s place in the history of moral theology. The second part of the dissertation, the appendices, is the critical edition and English translation, preceded by an explanation of the edition and followed by tables illustrating the recensions of each chapter, as well as a description of Antonin’s handwriting.
ACKNOWLEDGEMENTS

Gratitude is one of life’s great pleasures. It is, therefore, my pleasure to obey custom and express gratitude to my benefactors at the conclusion of my doctoral studies. I have been blessed with many good teachers and mentors, especially during my years of study at the Centre for Medieval Studies in Toronto. To the lineage of medievalists in Toronto — among whom I single out in particular Fr. Leonard Boyle, O.P., and Étienne Gilson — I am profoundly indebted, and I hope that my own work may do some credit to that lineage.

At the head of the reckoning of my benefactors stands Dr. Lawrin Armstrong, formerly of Toronto, now of Bielefeld. The chance which led to my enrolling in Dr. Armstrong’s course on medieval law during my Master’s studies was indeed a turn of good fortune, for I took an instant liking both to the subject matter, which became my area of research, and to the instructor, who became my supervisor. During four years at the Centre, I had the pleasure of weekly seminars with Dr. Armstrong dealing with a variety of topics in medieval studies. In these discussions, which often took a turn into good-natured debate and sparring, I enjoyed good conversation, grew in my intellectual faculties, and sharpened my understanding of many subjects. A great deal of the thought which underlies this dissertation was worked out in those discussions. Also to Dr. Armstrong, as well as to Dr. Silano who shall be mentioned next, goes the credit for suggesting that I take a look at ‘Antonino’ and see if any of his autographs survive. I extend further thanks for the delightful hospitality which Dr. Armstrong and his wife Dr. Johanna Will-Armstrong showed me when I was in Europe for manuscript research. A final debt, and one dear to my heart, is for his book recommendations. Some of these have shaped my thought more, perhaps, than he expected.

Dr. Giulio Silano caused me to acquire a taste for reading Gratian. For this he has paid a price, since he also acquainted me with the late-medieval decretists to whom I became very devoted. Dante compares Hostiensis unfavourably to Gratian, and I believe Dr. Silano agrees with him. My hope for escaping their censure is that St Antonin can hold his own with Gratian.

Dr. Alexander Andrée, together with Dr. Armstrong and Dr. John Magee, taught me how to read medieval handwriting, work with manuscripts, and edit Latin texts. Without this
training I could do nothing. It is also likely that Dr. Andrée’s course in Latin palaeography was the most I have ever enjoyed taking a class. For introducing me to the pleasures of palaeography and calligraphy, and for other benefits besides, I am in his debt.

I have had several other mentors during the years of my university studies to whom I would like to express my gratitude: Joseph Goering and Alexander Callander Murray, of Toronto, and John Finlay and Mark Gabbert, of Winnipeg. Each encouraged and sharpened me, as ‘iron sharpeneth iron,’ and I doubt that I would be completing my PhD without them.

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I would also like to extend my thanks to the director and staff of the Museo di San Marco and to Luciano Cinelli, O.P., of Santa Maria Novella, who permitted me to consult and photograph the precious autograph manuscripts of St Antonin’s Summa, and allowed me generous time and freedom in working with them while I was in Florence. I hope to return.

All the way through my graduate studies I have had a comrade in arms, Samuel Klumpenhouver. The road has been a far happier one for his company, and he has taught me much and improved my work many times. It has truly been a rare gift to share so much in common, and to have such a friendship. I must also mention David Foley, whose advent in Toronto was of profit for me and for Medieval Studies there. I look forward to his scholarship.

There are some people who have helped my scholarship come to fruition through their beneficence towards me in many areas of life: I shall try to thank them by making a good use of

Finally, my father Brian and my mother Kelly. Beyond supporting and raising me, they have always encouraged my studies, and have helped to carry many burdens. For that I thank them with all my heart and will try always to honour them.

And St Antonin of Florence, who has earned my admiration, gratitude, and homage.

*Suscipiat Dominus hoc pietatis munus*
*ad laudem et gloriam nominis Sui*
*ad utilitatem quoque nostram*
*totiusque Ecclesiae suae sanctae.*
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**ABBREVIATIONS**

<table>
<thead>
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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AL</td>
<td>Aristoteles Latinus.</td>
</tr>
<tr>
<td>BNC</td>
<td>Biblioteca Nazionale Centrale.</td>
</tr>
<tr>
<td>Dig.</td>
<td><em>Digesta Iustiniani</em>.</td>
</tr>
<tr>
<td>LCL</td>
<td>Loeb Classical Library.</td>
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PURPOSE OF THE PRESENT WORK

St Antoninus or Sant’Antonino, O.P. — referred to herein by the English and French form St Antonin — is a moderately well-known figure in medieval and renaissance history. As archbishop of Florence from 1446 until his death in 1459, he governed the Florentine church and was a major figure in civic politics during the time when Cosimo de’ Medici ruled Florence in all but name. He has a place in art history as the founder of the Dominican monastery of San Marco in Florence, under whose supervision San Marco was decorated by the celebrated painter Fra Angelico, one of the Dominican friars there. Antonin’s house of San Marco was a spiritual home nourishing such later figures as Girolamo Savonarola and St Philip Neri. Through his prolific writings, Antonin’s influence extended yet more widely; and finally, his canonization in 1523 held him up to the universal Church as a model to follow and as an intercessor to invoke.

Of St Antonin’s writings, his four-volume Summa holds pride of place. It is one of the major medieval works of moral theology. It has been read and studied ever since it was completed circa 1454, and for scholars of more recent centuries has held interest for the investigation of both doctrinal and socio-historical questions. For scholars of the history of economic analysis and economic ethics, the Summa of St Antonin has long been counted among the more copious, influential, and accessible medieval sources. It is to this field of inquiry that this dissertation primarily contributes.

The purpose of the present work is to make available, for scholars and interested lay readers alike, St Antonin of Florence’s teaching on justice in buying and selling in as accessible and useful a form as possible. The successful reading of an author depends upon three things: the possession of a correct text, the understanding of the language, and the ability to make sense of the author’s doctrinal, historical, and literary references. To this end, it has three components. The foundation is a critical edition of the text of three chapters from Antonin’s Summa: 2.1.16 De fraudulentia (’On fraud’); 3.8.1 De merchantioribus et artificibus (’On merchants and artisans’); and 3.8.2 De diversis generibus contractuum (’On the various kinds of contracts’). The Latin text of these three chapters has been established and critically edited from original autograph manuscripts. This edition furnishes the most accurate text yet produced of these three chapters.
It also provides two *apparatus* which shall prove useful to readers and scholars. The *apparatus criticus*, in addition to indicating editorial interventions, indicates the traces of the author’s process of composition which remain in the manuscript. The *apparatus fontium*, which is a major new contribution to the scholarship on St Antonin, not only completes Antonin’s own source citations in modern format, but also indicates the probable or certain sources which Antonin draws upon for his teaching, insofar as the editor has been able to discover them. Finally, an English translation of each chapter has been included, again with the goal of making Antonin’s teaching as accessible as possible.

Finally, there is the extensive introduction. The introduction is aimed at explaining Antonin’s teaching on justice in buying and selling as it is transmitted in the three edited chapters. As Aristotle said, for a full understanding of a thing one must explain its four causes: efficient, formal, material, and final. Chapter one provides an introduction to the scholarship and a brief biography of the author St Antonin of Florence. Chapter two provides an overview of Antonin’s *Summa* as a whole, with a particularly detailed study of what the evidence of the autograph manuscripts reveals about the process of composition; this is the most thorough study of the autograph manuscripts that has yet been produced. Chapter three provides an introduction to the scholastic tradition of teaching on justice in buying and selling, from which Antonin acquired his material and method; this chapter shows the origins of the crucial doctrines which Antonin employs and which were common staples of the scholastic tradition, and contributes in particular to the scholarly literature on the ‘just price’ doctrine. Chapter four provides an overview of Antonin’s teaching in the three edited chapters, and provides an explanation of its social context and intended purpose; it concludes by proposing a preliminary response to the question whether Antonin’s teaching can be considered to express a capitalistic culture. The postscript offers a few observations on the significance of Antonin’s teaching for the history of moral theology.

The work, it is hoped, will make St Antonin’s teaching more widely known and accessible, particularly for historical scholars, but also for theologians. It also lays a foundation for the edition, publication, and study of further chapters of St Antonin’s *Summa*. 
Part One:

Introduction
1. ST ANTONIN OF FLORENCE

PREAMBLE. A BRIEF RESUMÉ OF SOURCES AND SCHOLARSHIP

An extensive discussion of the historical evidence for constructing a biography of St Antonin is provided by Raoul Morçay in the introduction to his *Saint Antonin* (discussed below). Morçay’s bibliographical and archival research laid the foundation on which modern scholars build. To this, major additions were made by Stefano Orlandi, O.P., in his *S. Antonino* and *Bibliografia antoniniana*. The interested reader will find references to further materials as well as more recent studies in the chapters by Finucane and Cornelison cited herein.

The first works of biography on St Antonin were written in the decades immediately following his death in 1459:

Saint Antonin had the good fortune to have, almost the day after his death, three biographers who had known him directly: his secretary Francesco da Castiglione, his bookseller Vespasiano da Bisticci, and his notary Baldovino de Baldovini.

These three *Vitae* form the central pillars supporting the edifice of Antonin’s biography: they were written by men who knew Antonin personally and were employed by him during the years when he was archbishop of Florence. Castiglione’s Latin *Vita* is the first and richest.


4 “Saint Antonin a eu la bonne fortune d’avoir, presque au lendemain de sa mort, trois biographes qui l’avaient particulièrement connu: son secrétaire Francesco da Castiglione, son libraire Vespasiano da Bisticci et son notaire Baldovino Baldovini.” Morçay, *Saint Antonin*, IV. All translations by Jason A. Brown, unless otherwise indicated.

Written in the years 1460–61, immediately after the death of St Antonin, Castiglione was both intimately acquainted with the archbishop’s affairs as his secretary — he lived and worked in the archiepiscopal residence⁶ — and was also highly educated in both humanistic and scholastic learning.⁷ Bisticci and Baldovini wrote about twenty years after the death of St Antonin, both in Italian. Bisticci provides the most living portrait of his subject.⁸ He had Antonin as a client, selling him the paper on which he wrote his *Summa* and *Chronicles*, and having copies of the former produced; he also knew the Dominicans of San Marco and conversed with Antonin there. Bisticci is the closest Antonin had to a Boswell; from him come snatches of conversation which reveal Antonin’s personality. Baldovini, notary to the archbishop, produced a *Vita* by compiling and translating from Castiglione, adding also some additions from his personal recollections; these original portions, first edited by Morçay, constitute a third contemporary source for certain events in the life of St Antonin.⁹

Beyond these true biographies, there are also contemporary and posthumous notices, recollections, and shorter *vitae*. For example, there is a brief mention of ‘Archbishop Antonino’ as one of the ‘noble and valiant’ men alive at the time (1450) in the diary of Luca Landucci, and a posthumous encomium for the archbishop written by Pope Pius II in his memoirs, the *Commentaries*.¹⁰ All of these biographical sources concern themselves primarily with Antonin’s

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⁶ There is extant an inventory of the archbishopric taken after the death of Antonin, 5 May 1459. It includes, after the contents of the “Chamera dove abitava detto Monsignore” and further sections, an enumeration of the “Chamera di messer Francesco da Chastiglione”: included are “1a lettiera et 1a materassa. 1a coltrice. 1o panno rosso. 1o ghuancale. 1o forzeretto voto. 1o bancho netto da scrivere et 1o deschotto. 1o cappellinaio. 1o descho a 4 piedi.” Edited by Raoul Morçay: “Autres documents,” appendix 3-2 in *Saint Antonin*, 498.

⁷ He was formerly Chair of Greek at the Florentine *studio*, joined the archbishop’s household in 1452, and received his doctorate in theology from the hands of the archbishop on 15 January 1459. Cornelison, *Art and the Relic Cult*, 21–2; Finucane, “Friar-Archbishop,” 168; Morçay, *Saint Antonin*, IVff.


tenure as archbishop of Florence. They say little about him as a youth or during the decades when he was working within the Dominican order for the advancement of the Observant reform. For those decades, which indeed encompass most of Antonin’s life — from his birth to his appointment as archbishop by Eugenius IV at about age fifty-seven in 1446 — the main narrative source is a brief chapter at the beginning of Castiglione’s Vita. The light which can be shone upon these dark years must be assembled from a diverse array of widely scattered sources: documents from archives, especially notarial and ecclesiastical archives; chronicles of Dominican houses; extant letters and sermons of Antonin predating his elevation to the episcopacy; and autobiographical comments in the author’s own writings. From these a relatively firm chronology of Antonin’s life has been established. Archival documents, letters, and other evidence becomes naturally more abundant covering the years when Antonin was archbishop of Florence, and heavily involved in ecclesiastical and communal affairs.

Thus, very briefly, for historical sources up to the turn of the sixteenth century. With the opening of a canonization process in 1516, a new phase of biographical literature began. This marked the end of the era of primary witnesses, with the last such testimony collected during the canonization proceedings. A compendium of these testimonies was assembled in 1519 by the procurator of the cause, Roberto Ubaldini da Gagliano, O.P., who at the same time wrote his own abbreviated Vita summarizing earlier biographies. From the canonization of Antonin in 1523, there commenced the era of hagiographical literature written to edify the reader and increase the fame of the newly-canonized saint. The first and most prestigious of these is that of Vincenzo Mainardi of San Gimignano, O.P., whom Clement VII commissioned to compose the official Vita together with the liturgical office for the feast of St Antoninus. These were approved by the pope and published in Rome in 1525. The Vita enjoyed further reprints as well as an

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12 Cornelison, Art and the Relic Cult, 24, 42 n104; Finucane, “Friar-Archbishop,” 168.
Italian translation. Mainardi drew upon Castiglione and Ubaldini’s *Vitae* and the latter’s canonization extracts, as well as some of the other notices written in the fifteenth century. However, Mainardi amplified and dramatized the events of the archbishop’s life; Morçay considered Mainardi’s biography to have become more fiction than fact. Mainardi set the mold for the *Vitae* of the later sixteenth, seventeenth, and eighteenth centuries, which, again according to Morçay, merely copy Mainardi without improving upon him and are not useful as sources for knowledge of Antonin’s life and works.

The era of critical scholarship was opened in the seventeenth century, with the first entry into the lists made by the Bollandists when they reached St Antoninus in the roll of saints on May 2nd: the first volume for the month of May was published in 1680, edited by Daniel Papebroch, S.J. Papebroch began the tradition of going back *ad fontes*, editing the *Vita* of Castiglione along with other sources from between 1460 and 1525.

It is worth pausing to note that during the two centuries after Antonin’s death in 1459, he was one of the most frequently printed authors in Europe: Peter Howard reports that during the incunable period, counting editions of all of Antonin’s works, he was second only to the Bible. Pope Sixtus IV is reported to have died († 1484) with the volumes of Antonin’s *Summa*

**Notes**


14 Morçay, *Saint Antonin*, XI–XIII. The sole exception granted by Morçay is Frosino Lapini, *Vita del gloriosissimo confessore e dottore singularissimo S. Antonino Arcivescovo di Fiorenza*, in *Specchio di conscienza. Opera di S. Antonino Arcivescovo di Fiorenza* (Florence: Bartolomeo Sermartelli, 1569), which adds an anecdote, not mentioned in any previous *Vita*, to the effect that Antonin was chosen for the see of Florence by Eugenius IV at the prompting of Fra Angelico; this anecdote derives ultimately, Orlandi has shown, from the canonization testimony. For references see Cornelison, *Art and the Relic Cult*, 32 n151. Cornelison has made use of the later lives for their testimony about the iconography associated with St Antonin’s cult, the history of his tombs at San Marco, and the construction of the new St Antoninus (Salviati) chapel. Cornelison, *Art and the Relic Cult*, 33 and passim.

15 At that time St Antoninus was honoured on 2 May, the day of his death; he was later moved to 10 May, the day of his burial.


beside his bed; over a century later, St Robert Bellarmine consulted Antonin’s treatise *de statu cardinalium* for advice about how to conduct his life upon his elevation to the cardinalate. It is sometimes reported that Antonin’s *Summa* was among the books burned by Luther, though this may be a confusion for the *Summa angelica*. The significance of Antonin’s *Summa* for the history of moral theology will be considered below in the postscript of this dissertation.

Textual criticism began to be applied seriously to Antonin’s body of writing in the mid-eighteenth century. At this time two teams of scholars, apparently independent of one another, made a concerted effort to re-publish and make available Antonin’s moral-theological teaching. These two projects produced the (to date) most recent and high-quality printed editions of Antonin’s *Summa*. The first team was that of the Dominican brothers Tommaso Mamachi and Dionisio Remedelli (assisted by Checherelli), based in Florence. Their goal was to publish Antonin’s *Opera omnia* edited from the surviving autograph manuscripts held at San Marco and Santa Maria Novella. They only succeeded in pushing through parts one and two (out of four) of the *Summa*. Their edition of these parts is the most accurate and critical edition produced up to this time; however, the volumes are now extremely rare. The other team was that of the Ballerini brothers, Pietro and Girolamo, of whom the more prominent is Pietro. The Ballerinis published a complete edition of the *Summa*, in four volumes, annexing to it some useful

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19 “The thought of renouncing the purple is constantly in my mind, but how I am to do it I cannot see. ... To introduce novelties into my way of living by reducing the number of my suite or adopting a simple style in dress would give the impression that I was ambitious to initiate reforms which the most austere and upright cardinals have neither counselled nor adopted. St Antoninus, for instance, teaches in his treatise *De Statu Cardinalium* that a certain degree of splendour is necessary, if the dignity of this sacred order is to receive its due meed of respect from the world at large. I am trying as hard as ever I can to keep my splendour and dignity as modest as may be. ...” Letter of June 16, 1599, translated by James Brodrick, S.J., *Robert Bellarmine: Saint and Scholar* (Westminster, MD: Newman, 1961), 173–4. The treatise cited is Antoninus, *Summa*, 3.22 (21 apud Ballerini) *de statu cardinalium et legatorum*.

20 *Sancti Antonini archiepiscopi Florentini ordinis praedicatorum Opera omnia ad autographorum fidem nunc primum exacta, vita illius, varii dissertationibus, et adnotationibus aucta*, ed. Tommaso Maria Mamachi and Dionisio Remedelli, *Summa* parts 1 and 2 in 4 vols. (Florence, 1741–56). The volumes were consulted in the capitular library of Florence. They are also held at the BNC.
material, including Castiglione’s *Vita*, copious doctrinal annotations and prefatory essays, and
an analytical index to the whole work.21

The Ballerinis’ motivation for re-publishing Antonin’s moral theology arose from the
state of Catholic moral-theological teaching at the time. Catholic theology and doctrine at the
broadest level were embroiled in a war of letters over Jansenism; within the discipline of moral
theology specifically, the intellectual civil war was being fought over what are called ‘moral
systems.’ The moral system at the centre of the controversy was ‘probabilism,’ advocated
primarily by the Jesuits, while extreme camps were represented on either side by ‘laxism,’ with
which label probabilism and the Jesuits were tarred, and ‘rigorism,’ associated with the
Jansenists.22 The seventeenth and eighteenth centuries were also years of controversy in
Catholic economic and social teaching; the debate over usury specifically became connected to
the controversy over Jansenism and probabilism/laxism. For example, in their effort to check
laxist tendencies in moral theology, Pope Alexander VII and Innocent XI in the late seventeenth
century condemned two propositions countenancing titles to usury on loans.23 Pietro Ballerini
was involved in both these controversies: on moral systems he was a supporter of probabilism,24
and on usury the Ballerinis were “among the last defenders of scholastic economics.”25
Ballerini’s edition brought Antonin into both these fields of battle: Ballerini prefaced part one of
the *Summa* with essays on Antonin’s position in relation to moral systems as a probabilist;26 he

21 Sancti Antonini archiepiscopi Florentini ordinis praedicatorum *Summa theologica in quattuor partes
distributa*. . . . ed. Pietro Ballerini, 4 vols (Verona, 1740; facs. repr. with prologue by Innocenzo Colosio,
22 Stefania Tutino, *Uncertainty in Post-Reformation Catholicism: A History of Probabilism* (New York:
Oxford University Press, 2018), 352–4. This controversy would not be settled until the intervention of St
Alphonsus Liguori in the later decades of the eighteenth century, proposing ‘equiprobabilism.’ Ibid., and
23 John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge, MA: Harvard University Press,
1957), 355–56.
25 Raymond de Roover, *San Bernardino of Siena and Sant’ Antonino of Florence: The Two Great
6 n11.
26 Ballerini, vol. 2, praelectiones 1 and 2. For examples of Antonin’s moral system, see the chapter
prefaced part two with “a sharp attack on modern usury.” The edition, published in Verona, coincided with the sale of a bond issue at 4 per cent by the city: “there broke out a lively public controversy over the morals of the subscribers to the bonds.” Pope Benedict XIV addressed himself to resolving the conflict, reasserting scholastic usury doctrine, with the encyclical *Vix pervenit* to the bishops of Italy, 1 November 1745.

A new phase of historical interest in St Antonin began in the nineteenth century, when scholars dedicated themselves to greater labours in manuscript-hunting and archival research. Two outstanding examples are the publication of many newly-edited letters, and the discovery of the hitherto-unknown work *Opera a ben vivere* (‘The Art of Living Well’), a manual of the spiritual life written for two Florentine widows. Editions of *opuscula* continue to be produced.

The crowning achievement of this archival research came with the work of the Rev. Raoul Morçay, canon of Tours and professor at the Institut Catholique de Paris († 3 Oct. 1939). All scholars of St Antonin owe a tremendous debt to Morçay. Along with several other important publications, Morçay produced the greatest work of scholarly biography on St Antonin which has yet been accomplished: his *Saint Antonin: fondateur du couvent de Saint-Marc, archevêque de Florence, 1389–1459* (Tours: Mame et Fils, 1914). In this work, Morçay brought to bear an enormous amount of newly-mined archival and documentary material, as well as

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29 This encyclical’s application was later extended to the universal Church by a decree of the Holy Office, 28 July 1835. Ibid., 357.  
31 *Opera a ben vivere con altri suoi ammaestramenti*, ed. Francesco Palermo (Florence: Cellini, 1858). A French translation of this edition was later published, which is the version consulted: *Une règle de vie au XVe siècle*, trans. Thiérard-Baudrillart (Paris, 1921).  
information and inferences drawn from Antonin’s own writings, to greatly extend the limited picture of Antonin drawn by the original Vitae. Morçay’s Saint Antonin remains today “the fundamental biography.”

In the past century an abundance of scholarship has been produced on St Antonin. It is convenient to delineate five genera of scholarly interest: doctrinal-literary; historical-biographical; political-institutional; social-anthropological; and artistic-cultural. The first two streams have been amply represented in the scholarship of every era since Antonin’s passing. A change in approach occurred, however, in the mid-twentieth century, which becomes identifiable after the 1960s. Up to then, the predominant streams of interest for readers and interested persons generally, including scholars, were primarily in St Antonin as a saint and as a teacher. A saint: that is, a man who lived a human life so exemplary in virtue that he is held up by the Church as a model for imitation; and, therefore, the facts, memories, and monuments of whose life were worthy of great interest. This applies, of course, to the biographies of St Antonin written immediately after his death, but also to works of critical historical research. Catholic scholars who valued Antonin as a saint had reason to be motivated to study the historical sources and attempt to unearth new evidence about his life, as exemplified by the Rev. Morçay’s scholarship.

Antonin has also been valued and sought out as a teacher since the middle years of his life. During his lifetime, his writing was a part of his whole cura animarum, the pastoral care which he undertook of his flock, whether that encompassed his Dominican brothers or the whole people of Florence. When the man was taken from life, his writing remained as the repository of that teaching and pastoral care, and interested people had recourse to it for direction, edification, and, particularly among scholars, for his doctrine as a specialist in moral

theology. This doctrinal interest was a motive for textual criticism and studies of Antonin’s oeuvre, exemplified in the eighteenth century by Ballerini and in the twentieth century by Bede Jarrett and W. T. Gaughan. The distinguishing note of the old sort of interest in Antonin as teacher is that his doctrine is sought out as still valid, applicable, and possessing authority.

Efforts in historical-biographical research undertaken with a pious motive yielded the fundamental scholarly biographies and research tools on St Antonin. Doctrinal-literary studies premised on the enduring validity of Antonin’s doctrine yielded publications on particular questions of interest: philosophical, theological, moral, political, and social.

A watershed was crossed some time in the middle decades of the twentieth century. Three other genera of scholarly interest came into the foreground, and this coincided with an overall change in the approach to scholarship across all genera.

One indicator of a change in the character of scholarship is that the earlier scholars were very often clerics, frequently though not exclusively Dominicans, pursuing degrees or teaching at Catholic institutions of higher learning. Since about 1965, though clerics are still represented — the most productive specialist on St Antonin working in English today is a cleric — and Dominicans continue to produce important scholarship, the majority of scholarship on Antonin, it seems fair to say, is now carried out by lay men and women who are not associated with a specifically Catholic institution.

The methodological watershed is well illustrated by the way that scholars of the new approach qualify works born of the old approach. Here is how David S. Peterson, one of the

38 For example, the publications already discussed by Papebroch, Morçay, Orlandi, etc.
39 To Jarrett and Gaughan many names can be added, e.g., Carl Ilgner, *In S. Antonini Archiepiscopi Florentini sententias de Valore et de Pecunia Commentarius* (Breslau: Typis Ephemeredes “Schlesische Volkzeitung,” 1902).
40 For example: Papebroch (S.J.); Ballerini (secular); Morçay (secular); Gaughan (C.M.); Pierre Michaud-Quantin (secular).
41 Mamachi, Remedelli, and Checherelli; Bede Jarrett; James B. Walker; R. Creytens; Innocenzo Colosio; Stefano Orlandi.
42 Peter F. Howard (secular). Also Mons. Giuliano Agresti (secular, archbishop of Lucca).
43 For example, Thomas Kaeppeli and Emilio Panella; Leonard Boyle; Luciano Cinelli.
major contemporary scholars of St Antonin, writing in 1985, described the scholarship of the first half of the twentieth century: “Morçay drew together most of the essential facts of Antoninus’s life within a pious frame of interpretation which Orlandi and Calzolai have shared and supplemented with additional documents.”

Trexler described Calzolai’s work as “clerical.”

Similarly, Anne Huijbers in her 2018 book *Zealots for Souls*:

The only monograph on Antoninus’s world chronicle, written by James Bernard Walker in 1933, has to be used with care, since the author completely adopted the rhetoric of Antoninus’s hagiographical biographers in his evaluations. For instance, he claimed in his introduction that Antoninus ‘threw himself with such eagerness into the work of bringing the faithful back to the observance of their religious obligations that his reputation for holiness of life was spread far and wide (7).’ There are several passages like this ...

The old ‘pious frame of interpretation’ was not necessarily replaced by hostility. Peterson’s work, though not the first to depart from this frame, signalled that departure this way: “If the present work implicitly challenges some of his interpretations, it is in its insistence that Antoninus must be approached not simply biographically, or in terms of his piety, but by

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In similar vein: “Though, as usual with many of these saints’ biographies, there is more than a hint of the hagiographical, Morçay is less prone to this than others, ...” Finucane, “Friar-Archbishop,” 168 n1.


48 Exemplary is Cornelison’s treatment of the claims by Antonin’s first biographers that his body remained incorrupt while he lay in state for eight days after death. *Art and the Relic Cult*, 18–19.
treating him in the context of Florentine ecclesiastical development.”

What replaced the pious frame might be described broadly as methodical agnosticism, or methodical distance.

Since the 1960s, doctrinal-literary and historical-biographical scholarship has continued to be produced. Some of this is of very high quality, particularly on Antonin’s economic teaching. Of the three newer areas of interest, political-institutional scholarship is less abundantly represented: the major work in English is Peterson’s dissertation “Archbishop Antoninus.” Social-anthropological and artistic-cultural studies are now probably dominant.

The essays collected and published in 2012 by Cinelli and Paoli in Antonino Pierozzi, though organized in a threefold division, nevertheless do encompass the five genera employed here: part one, vita e contesto storico-sociale, includes both historical-biographical and political-institutional essays; part two, opere, is focused on doctrinal-literary essays; part three, culto ed arte, on artistic-cultural essays; social-anthropological themes are prominent throughout, but particularly in the third part. For the purposes of this dissertation, a great deal of groundwork and food for thought has been provided by the scholarship of Peter F. Howard, whose work straddles the doctrinal-literary and social-anthropological genera.

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50 See Pius X, Pascendi, para. 30 (84–85).
55 His initial research question, at the outset of studying Antonin, was: “What is the interrelation between sociological and ideological elements in society?” Howard, *Beyond the Written Word*, 2, quoting...
1. Biography of St Antonin

The present chapter is not concerned with providing a comprehensive account or new critical evaluation of Antonin’s biography. The purpose of the narrative of Antonin’s life in this chapter is to provide a basic introduction to the author whose teaching is the subject of this dissertation, with bibliographical indications for further reading. Its additional aim is to point out some aspects of Antonin’s life which are of particular relevance for understanding his writing, especially his economic teaching in the *Summa*: the motives, skills, means, limitations, and qualities, insofar as they are evident, which made his writings what they are. The hope is that this chapter will both contribute to the reader’s understanding of St Antonin’s economic

H. J. W. Drijvers, “Hellenistic and Oriental Origins,” in *The Byzantine Saint*, ed. S. Hackel (London, 1981). Howard’s other publications are cited below, *passim*. There are a number of books and articles which carry the burden that I have declined here. Some of these were mentioned and evaluated above.


teaching through providing some explanation of its efficient cause, and please the reader through acquaintance with a congenial and admirable man.57

St Antonin, that is, Antonio di ser Niccolò Pierozzi, was born in the last week of March 1389,58 in a house in Florence mere steps away from the Duomo in what is now the Via dello Studio.59 His given name was Anthony, and this is how he always referred to himself: in Italian Antonio, in Latin Antonius. But early in his life he acquired the diminutive nickname Antonino (Antoninus). Today he is known by the nickname: to Italians he is Sant’Antonino, in the liturgical calendar St Antoninus.60 Following Morçay, it is written here ‘Antonin,’ a form used in both French and English. The origin of the nickname is customarily said to be his small stature.61

His parents were Ser Niccolò Pierozzi and Madonna Tommasa di Cenni di Nuccio.62 Antonin was one of seven children born of Niccolò’s three marriages, four daughters and three sons, but only Antonin and two older sisters outlived their father, who died in 1414. We know little about Antonin’s mother. Since she died in 1395, when he was only about six years old, she could have little influence on his upbringing. Antonin’s father must be counted as his first formative influence.

57 Most of the major biographical studies have been consulted, as well as the fifteenth-century Vitae of St Antonin. The sources most extensively used in composing this biographical chapter are Castiglione, Vita Beati Antonini; Bistici, “Arcivescovo Antonino;” Cornelison, Art and the Relic Cult; Finucane, “Friar-Archbishop;” as well as some of Antonin’s own writings.

58 Morçay argues that the best conjecture has Antonin born at the end of March, between 25 March and 1 April. This produces agreement between the testimony of Castiglione that Antonin was seventy years old in April 1459, and the testimony of F. Lapini that Antonin was born in 1389, Florentine style. Morçay, Saint Antonin, 13.

59 Finucane, “Friar-Archbishop,” 168; Cornelison, Art and the Relic Cult, 34 n6. This house was part of the dowry of Antonin’s mother Tommasa. Morçay, Saint Antonin, 16. A stone plaque on the house, surmounted by a bust of a haloed St Antonin, reads: DOMUM HAC ORTU EDUCATIONE ET SANCTITATIS TYROCINIO DIVI ANTONINI ARCHIEPISCOPI FLORENTINI INSIGNEM ESSE EX ANTIQUIS TABULIS COMPERTUM EST. ANNO S. MDCCXXXI.

60 Vespasiano always calls him Antonino. Bistici, “Arcivescovo Antonino,” para. 1 (1:171). When citing sources published before 1600, reference will be provided to internal divisions of the text (e.g., book, title, chapter, paragraph) followed by the page number, within parentheses, of the edition consulted.

61 “Sstrument corporis non magnus, ossibus ac nervis magis quam carne suffultus.” Castiglione, Vita Beati Antonini, c. 1 para. 1 (314).

Niccolò Pierozzi, a Florentine himself, was a member of the prestigious Guild of Notaries. In that guild he had a long career and was honoured with a number of offices, including, in 1388, 1396, and 1408, the “supreme dignity of proconsul, which gave him in public ceremonies the first rank after the priors of the commune.” On the basis of Niccolò’s testament, Morçay describes him as “an honest man, methodical and pious. While conducting the affairs of others with conscientiousness, he did not at all neglect his own.” He held a small property in the area of Siena which he increased bit by bit throughout his career, as his fortune permitted, until at the end of his life the manor was large enough for two families. He was in the habit of writing memoirs in a ricordanza in his leisure hours; sadly, these have perished. The Pierozzi family was both prosperous and pious. One of Niccolò’s sisters entered a convent, which one of his daughters later entered as well; two of his sons embraced the religious life; another of his daughters, a married woman, became a Dominican tertiary. Niccolò himself did pious works, contributing to the construction of the Duomo and giving alms to hospitals.

It seems clear, considering Antonin’s life and writings, how much both tangible and intangible he inherited from his father: “the methodical character, conscience, spirit of order,

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64 “… et se vit investi trois fois, en 1388, 1396 et 1408, de la dignité suprême de proconsul, qui dans les cérémonies publiques lui donnait le premier rang après les prieurs de la commune.” Morçay, Saint Antonin, 14.
65 “… un honnête homme, méthodique et pieux. Tout en faisant avec conscience les affaires de autres, il ne négligeait point les siennes.” Ibid., 14.
66 “As his kinsfolk were well-to-do, he gave them nought from the archbishopric, saying that these goods were not his, but belonged to the poor.” English from William George and Emily Waters, trans., The Vespasiano Memoirs: Lives of Illustrious Men of the XV Century (London: Routledge, 1926; repr., Toronto: University of Toronto Press, 1997), 163; Bistitici, “Arcivescovo Antonino,” para. 15 (1:189). The translation by George and Waters has been consulted throughout, and is quoted frequently; however, as it is not always a reliable translation, and silently abbreviates the original, it has always been checked against Bistitici’s Italian, and sometimes eschewed.
Antonin did make an exception to provide for his nephews, who had been in his service as archbishop: “On 30 April the notary Ser Soletto di Filippo di Teo drew up a testament in which Antoninus willed 350 florins to his nephews on the condition that they donate a portion of that sum to the poor.” Cornelison, Art and the Relic Cult, 16–17.
67 The foregoing from Morçay, Saint Antonin, 14–15.
and the meticulousness of a notary,” as Morçay puts it. Antonin’s oft-remarked qualities as an administrator put one in mind of Ser Niccolò who carefully stewarded and built up the family property over the years. There is also a discernible resemblance in Antonin’s handwriting to Italian notarial and curial scripts, which may well show another relic of paternal influence.

As an introduction to Antonin’s character as a boy, the description given by Francesco da Castiglione may suffice:

He was gifted with much intelligence and abundant memory; of a serious disposition, extremely meek and quiet, not large in bodily stature, built up more of bones and nerves than flesh. As a boy he was studious in religion, frequenting church and hearing the Divine Word: he began already then to devote time assiduously to prayer and contemplation. The boy is said also to have formed the habit of going to the figure of the crucifix located in the church of Orsanmichele, as it is called, for a long time each day, and praying there suppliant on bended knees for so long that many people beholding this were astonished that in a mere boy there should be such tolerance in prayer and such constant perseverance. And when there were litanies and public processions, he would follow the Friars Preachers, to whom he was already attracted, with much gravity and modesty. In elementary school, in which he excelled his contemporaries to a remarkable degree, his companions who are still alive do not recollect him ever doing anything immature: for there was already then, in his conduct, speech, and carriage, precocious age and immense gravity.

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68 “Vivante image de son père, au contraire, il héritera de lui le caractère méthodique, la conscience, l’esprit d’ordre et la minutie d’un notaire.” Morçay, *Saint Antonin*, 16.

69 Antonin’s handwriting is discussed below, Ch. 2. Compare Figure 1 in that chapter with tav. 105 (Italian ‘littera minuta cursiva’) and 109 (‘mercantesca diritta’) in Paolo Cherubini and Alessandro Pratesi, *Palaeografia Latina: Tavole*, Littera Antiqua 10 (Vatican City: Scuola Vaticana di Paleografia, Diplomatica e Archivistica: 2004).

70 “Is multa solertia, plus memoria valuit; ingenio gravis, mitisque admodum ac taciturnus, statura corporis non magnus, ossibus ac nervis magis quam carne suffultus. In ipsa pueritia religionis studiosus, ecclesiam et auditionem divini verbi frequentabat: coepitque jam tum orationi assidue contemplationique vacare: Ferturque adhuc puer ad figuram Crucifixi, quae in ecclesia S. Michaelis in horto, sic enim appellatur, sita est, longo tempore singulis diebus accedere consuevisset, ibique supplix ac genibus flexis diutius orare; adeo ut plurimi id cernentes admirarentur tantam esse in pueru tolerantiam in orando, et in perseverando constantiam. Cum vero letaniae ac processiones publicae fieren, Fratres
We know from the foregoing that Antonin was sent to school — *ludus litterarius*, “elementary” or perhaps “grammar school” — but beyond that the specifics of his childhood education are conjectural. Morçay supposes (merely hypothetically) that Antonin may have studied at the elementary school at Santa Trinità where Paolo Toscanelli would have been his contemporary; this school gave the place of honour to mathematics and first principles of geometry. On the other hand, in favour of a grammar school, Antonin gives us a brief, self-deprecating remark in the *proemium* of the *Summa* about his early education:

I confess that I had no guide in grammar except in my boyhood, and he was a poor teacher. I had no one in any other faculty, except for part of dialectic, and that rather intermittent. But I had no master directing my studies after my entrance.

Although this passage is often dismissed as a (false) humility topos, and has been subjected to resourceful interpretation as a piece of rhetoric, reason is not opposed to accepting

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Praedicatores, quibus jam tum afficiebatur, multa cum gravitate ac modestia sequebatur. Numquam in ludo litterario, in quo supra coaetaneos suos mirum in modum proficiebat, quidquam puerile a sociis, qui adhuc superstites sunt, in nostra civitate fecisse memoratur: erat enim jam tum in ejus moribus, sermonequo ac gestu corporis, praematura senectus gravitasque immensa.” Castiglione, *Vita Beati Antonini*, c. 1 para. 1 (314). He was also a sickly child, suffering from a hernia and fevers which sometimes put his survival in doubt. Finucane, “Friar-Archbishop,” 169; see Castiglione, *Vita Beati Antonini*, c. 1 para. 4 (315).

72 Morçay, *Saint Antonin*, 16.
73 “Ducem fateor me non habuisse in grammaticalibus nisi in pueritia et debilem preceptorem. Nullum habui in alia facultate excepta parte dialectic et satis interrupte. Sed nec principem mihi studium imperantem ex prelatione.” Antoninus Florentinus, *Summa*, 1 *proemium* (N fol. 3v–4r; Ballerini col. 3–4). The method employed herein for citing the *Summa* of St Antoninus (Antoninus Florentinus) is modelled on the modern method of citing medieval legal texts, namely with arabic numerals separated by periods proceeding from largest textual unit to smallest: i.e., part, title, chapter, section, paragraph. Thus part 1, title 1, chapter 1, section 1, would be cited 1.1.1.1. Following this citation, the location of the cited text in the manuscripts and/or printed editions is provided within parentheses, preceded by the relevant *siglum*.

The slightly obscure *ex prelatione* has been variously interpreted by different scholars. I have followed J. B. Walker: “Antonius confessed ... that after his entrance he was dependent almost wholly upon his own industry.” Walker, ‘Chronicles’ of Saint Antoninus, 6. Cfr Howard, *Beyond the Written Word*, 35 n67.

74 Howard, *Beyond the Written Word*, 35–7.
it as straightforward testimony that Antonin received a primarily grammatical education. Marchetti points out that this would have involved studying Latin based on Donatus.\textsuperscript{75}

The processions of the Friars Preachers mentioned by Castiglione would have been those of the brothers of Santa Maria Novella, the prestigious Dominican house in Florence.\textsuperscript{76} In that very house there resided, at that time, “the religious most in the public eye in Florence in the first years of the fifteenth century,” brother John (Giovanni) Dominici.\textsuperscript{77} It was his encounters with John Dominici that drew Antonin to religion, as Castiglione relates:

But when he had reached the age of puberty, he turned his soul to pursuing a religious life; moved, as he would often tell us, by the preaching of that most outstanding man Brother John Dominici, who out of the Order of Preachers was later, his virtues so demanding it, made a cardinal of the Holy Roman Church. The singular virtues and doctrine of this man, and above all his intelligence and acute nature, Anthony would praise to the skies in highest terms.\textsuperscript{78}

Antonin himself, in his \textit{Chronicles}, confirms the rôle Dominici played in his own life:

I could be convicted of ingratitude if I were found to have forgotten that magnificent man, praiseworthy in everything, who attracted me to religious life ... I speak of Dom. Br.

\begin{itemize}
\item \textsuperscript{75} Marchetti, “Cronologia della vita e delle opera,” 9.
\item \textsuperscript{76} “Of the religious orders in Florence, the Dominicans were the most active and distinguished in the late Trecento and early Quattrocento. ... A more significant index of distinction is the number of Florentine Dominicans who became bishops. Twelve held sees between 1360 and 1430, and another (Leonardo Dati) was elected general of the order. ... The biographical researches of Stefano Orlandi reveal that a high proportion of friars attached to S. Maria Novella received degrees in the various Italian studia of the order, while several had studied theology in Paris.” Gene Brucker, \textit{Renaissance Florence}, 2nd ed. (Berkeley: University of California Press, 1983), 199–200.
\item \textsuperscript{78} “Cum autem ad pubertatis annos pervenisset, animum ad religiosam vitam capessendam convertit; motus, ut saepius nobis narrabat, praedicationibus praestantissimi viri Fratris Joannis Dominici, qui ex Ordine Praedicatorum postea, ejus virtutibus ita postulantibus, sanctae Romanae Ecclesiae Cardinalis effectus est: cujus viri singulares virtutes atque doctrinam, in primisque solertiam et acumen ingenii summis in caelum laudibus extollebat Antonius.” Castiglione, \textit{Vita Beati Antonini}, c. 1 para. 2 (314).
\end{itemize}
John Dominici of Florence, cardinal of Ragusa, who, beyond exceptional dignity in the Church of God, shone in his speech with learning and wisdom and in holiness of life.\textsuperscript{79} 

Antonin likely enough heard Dominici preach in Florence during Lent.\textsuperscript{80} Antonin records the powerful impression made by the preacher:

He exhibited in matter and method of evangelizing great gravity and a kind of majesty: his voice resonant like a trumpet, he did not raise it or lower it but applied it strongly, not only teaching clearly and delighting the listeners; but also touching them, softening even hard hearts.\textsuperscript{81}

When fifteen years old, Antonin approached Dominici at Santa Maria Novella asking to take up the Dominican habit. This episode is recounted briefly by Castiglione:

When Anthony had approached him wishing to take up the habit ... that most prudent man perceived a boy, sharp indeed of mind and of good character, but of tender age: he directed him to wait some years yet, until he be capable of bearing the austerity of religion. And when the boy, asked to what branch of learning or faculty he devoted his labour, replied that he took great pleasure in reading the Decretum, the man said, “Go: when you have committed the whole Decretum to memory, then you shall be admitted.”\textsuperscript{82}

\textsuperscript{79} “Ingratitudinis argui possem, si obitus inuenirer illius magnifici et per omnia laudabilis viri, qui me sua doctrina predicationis ad religionem, de qua sermo extat, attraxit, dominum dico fratrem Ioannem Dominici de Florentia, cardinalem Ragusinum, qui ultra dignitatem eximiam in ecclesia Dei, scientie et sapientie sermone ac morum sanctitate effulsit.” Antoninus, \textit{Chroniques}, tit. 23 c. 11 §. 3 (106).

\textsuperscript{80} “Predicavit eximie quadragesimis multis, Venetiis, Florentie permaxime et in alis civitatibus de diversis materiis. ... Unum solum quadragesimale vidi eius recollectum, ubi cum themate occurenti proponebat versus psalmorum, ...” Ibid. (107).

\textsuperscript{81} “Exhibebat autem in materia et modo evangelizandi magnam gravitatem et quasi maiestatem: vox eius sonora quasi tuba; nec extollebat [eam] nec supprimebat, sed valde imprimebat, non solum aperte docens et delectans, sed et flectens, corda eciam obdurata emolliens.” Ibid. (108). This passage is also translated in Howard, \textit{Beyond the Written Word}, 232–3 n36.

\textsuperscript{82} “Ad hunc cum suscipiendi habitus causa accessisset Antonius (ille enim tunc Fesulis ecclesiam B. Dominici ac eum Conventum, qui nunc extat, a fundamentis condebat [\textit{Vita 2 \& 3:} dum regularem Ordinis observantiam reformaret,] visus est hominii prudentissimo puer, acutus quidem ingenio ac bonae indolis, sed aetate tenellus: jubet illum adhuc aliquot annis exspectare, donec ad perferendam religionis austeritatem sufficiat. Et quoniam interrogatus ab eo, cuinam scientiae aut facultati operam...”
Where did this youth of fifteen years acquire a taste for reading Gratian’s casebook of canon law? It may be that his interest sprang out of his father’s involvement in the legal profession. Perhaps also from the preaching of John Dominici: Antonin reports (though he was not present for it) that Dominici once took as the subject of a Lenten cycle the rules of law contained in the title de regulis iuris in the canonical collection the Liber sext, drawing a great crowd of admiring listeners, “expounding them with a theme from a fitting Gospel or Epistle.”

J.B. Walker, in his study of the Chronicles of St Antonin, raises the question whether “committed to memory” meant verbatim memorization or merely memorization by summary conclusions. Three pieces of testimony suggest, though not with compulsive force, verbatim memorization. First, Castiglione’s report of the outcome:

I should not dare to assert definitely what I am about to tell — for Anthony never directly told us such things about himself — but, as evidence of his singular memory, this report was generally circulated about him: the youth is said then to have left the man, and when a year had passed to have returned to him, having made the Decretum so

daret, respondit, se Decreti lectione plurimum delectari: Vade, inquit, cum totum Decretum memoriae mandaveris, tunc in ordine admitteris. [Vita 2: Nos, inquit Ioannes, scholares Canonistas in Ordinem nostrum non admittimus, nisi universo Decreto memorato: tu ergo, fili, ita facito: deinde poteris ad nos securior redire.”] Castiglione, Vita Beati Antonini, c. 1 para. 2–3 (314), with annotations supplied from Ubaldini and Mainardi by Papebroch on page 315.

The words of Dominici in Latin form a loose rhyming couplet. In English one might playfully render them:

“Go read the book of Grat’s decree;  
Master it: then I shall admit thee.”

83 On Gratian’s Decretum as a casebook, it is to be hoped that illuminating remarks will be published soon by Giulio Silano in the introduction to his translation of the Decretum (Toronto: Pontifical Institute of Mediaeval Studies, forthcoming); cfr his discussion “The Sentences as a Medieval Casebook,” in Giulio Silano, trans., Peter Lombard: The Sentences, 4 vols, Medieval Sources in Translation 42, 43, 45, 48 (Toronto: Pontifical Institute of Mediaeval Studies, 2007–10), 1:XIX–XXX.

84 “Et inter alia una quadragesima Florentie in ecclesia cathedrali omnes regulas iuris, que habentur in lib. Vlo, bis dietim predicavit cum magnio concursu audientium, unam de mane, aliam de sero, proponendo cum themate evangelii vel epistole concurrentis, admirantibus cunctis.” Antoninus, Chroniques, tit. 23 c. 11 §. 3 (107).

85 Walker, ‘Chronicles’ of Saint Antoninus, 5 n4.
familiar that, being questioned on any part of the book, he would satisfy him in an astonishing manner.\textsuperscript{86}

That Antonin had actually memorized the Decretum is also attested by witnesses in the process of canonization — one a doctor decretorum, another a disciple of Antonin and successor as prior of San Marco — and is cited as a kind of miracle: that Antonin should have, without any formal instruction or doctoral studies, emerged as an expert universally learned in both sacred theology and jurisprudence, so much so that his writings can stand among those of the Doctors of the Church, shows that, although certainly owed in large measure to Antonin’s own virtues and human qualities, over and above these his learning must be the fruit of a divinely infused gift.\textsuperscript{87} The bull of canonization speaks in the same terms.\textsuperscript{88} Finally, in support of verbatim memorization, Walker himself concludes, based upon Antonin’s use of patristic texts

\textsuperscript{86} “Non ausim affirmare quid loquar (nam ipse Antonius numquam de se talia nobis narrasset) sed in signum singularis memoriae, vulgo haec de illo fama ferebatur. Dicitur enim adolescens tunc ab homine discessisse, transactoque anno ad eumdem, ita Decreto familiari effecto, rediisse, ut, in quacumque ejus libri parte illum interrogasset, mirum in modum homini satisfaceret.” Castiglione, \textit{Vita Beati Antonini}, c. 1 para. 3 (314). This episode is represented in some iconography of St Antonin, e.g., Cornelison, \textit{Art and the Relic Cult}, plate 5.16: soffit fresco by Alessandro Allori, 1583–88, in the St. Antoninus (Salviati) Chapel, San Marco, Florence.


drawn from the *Decretum* in his *Chronicles*, that this is most likely. In the *Summa*, Antonin uses texts drawn from the *Decretum* in the same manner.

Antonin would not be defeated. Having accomplished the extremely difficult feat of memorizing the *Decretum* — “which, because of its bulk, could hardly even be read by someone in so short a space of time” — Antonin’s wish was granted:

Then indeed no longer repelled, but very eagerly received, in the sixteenth year of his life, taking up the habit of Blessed Dominic and of the Preachers, he *put on the new man, who is created according to God.*

Thus far Antonin’s youth up to his entry into the Order of Preachers at the hands of John Dominici. The resemblance of the son to his natural father has already been noted; one can also notice a resemblance to his spiritual father. There are many similarities between extant

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89 “Extracts from the writings of the Fathers and ecclesiastical writers were drawn, not only from Vincent, but in two instances (in the case of St. Augustine) probably direct from the works of the author, and in two others (in the cases of Sts. Hilary and Augustine) through the *Book of Sentences* of Peter Lombard, and, what appears most extraordinary, a large number through the *Decretum* of Gratian. Anyone familiar with Gratian, of course, knows that the extracts of any doctor or writer are in widely scattered places. To compile a florilegium, therefore, from this source was most unusual. It proves quite conclusively that Antoninus, the canonist, had mastered his subject, and appears to offer some evidence that he had memorized the *Decretum* (the test of his religious vocation), not merely after the manner of summarized conclusions, but word for word. Scholastics of the Middle Ages were remarkable for their well-developed memories. Unless, therefore, Antoninus utilized a manuscript with such an index that he could therewith select from the text of the *Decretum* and attribute to their respective authors the many thousand passages that entered into the *Chronicles*, he would seem to have memorized Gratian word for word.” Walker, *‘Chronicles’ of Saint Antoninus*, 75–6.


90 The place of the *Decretum* in Antonin’s work shall be discussed below, Ch. 3.


92 “Tum vero non jam repulsus, sed avidissime suscepsit, sextodecimo aetatis suae anno, assumpto B. Dominici ac Praedicatorum habitu, novum induit hominem qui secundum Deum creatus est [Ephesians 4:24].” Castiglione, *Vita Beati Antonini*, c. 1 para. 3 (314).
descriptions of the conduct and reputation of Dominici and that of Antonin in his adulthood. Antonin describes Dominici as having become highly learned in logic, philosophy, theology, and canon law (also mathematics) through his own industry, without ever having taken a doctorate; he firmly but uprightly rebuked vice; he prayed devoutly, and carried out the liturgical offices fervently; in his dignity of rank he yet maintained humility in dress, abstinence in food and drink, constancy in work, friendliness to the lowly and the poor, and reverence for the great; he was a great counselor in every kind of issue; cheerful of face yet chaste, circumspect, and carrying himself with gravity; he supported the poor generously and did not possess books of his own either for reading or for preaching, not even a Bible. These are all qualities noted of Antonin as well: for example, they are described in the memoirs of Vespasiano da Bisticci and Pius II. Finally, like Antonin, Dominici considered the care of souls to be foremost among his duties, in obedience to which “he was unwearied in many labours: in lecturing to others, in preaching to the people, and in hearing confessions.”

The main tracks which Antonin would follow in his life seem to have been laid down quite early: more or less by the time he was sixteen. He provides an edifying example of how steady obedience to duty, to superiors, and to God can be the engine of a highly constructive, fruitful, and by all accounts happy life.

At the time of Antonin’s acceptance, the Order of Preachers had developed rival camps: the Observants, a development of the late fourteenth century, were attempting to reform the order, whose general quality and rigour had lapsed, by observing the primitive precepts and constitutions. The Friars Minor (Franciscans) were similarly divided, and Antonin’s contemporary St Bernardino of Siena was a partisan of the Franciscan Observants. Antonin, entering the Dominicans as a disciple of John Dominici, was initiated into the Observant lineage.

93 Antoninus, *Chroniques*, tit. 23 c. 11 §. 3 (106–8).
95 “In laboribus plurimis indefessus, in legendo aliis, in predicando populis, in audiendis confessionibus.” Antoninus, *Chroniques*, tit. 23 c. 11 §. 3 (108).
reaching back to Bl. Raymond of Capua (c. 1330–1399) and St Catherine of Siena (1347–1380).97 Dominici had received approval from Pope Innocent VII in 1405 to establish an Observant house dedicated to St Dominic at Fiesole, overlooking Florence from the nearby hills, in which Antonin was destined to be among the first brothers; but, while awaiting its foundation, Antonin was sent to Cortona to make his profession and noviciate. After his novice year, he entered the newly-founded convent of San Domenico of Fiesole in 1406.98

His formation in the usual course of Dominican studies for *fratres communes* was interrupted by political and ecclesiastical conflicts occasioned by the Great Schism. When Alexander V was put forward as pope by the Council of Pisa in 1409, the territory of Fiesole went over to his obedience; the brothers of Dominici’s new foundation there, being in the obedience of Gregory XII, were expelled from the territory, and Antonin had to relocate to Foligno.99 The Great Schism and the lamentable corruption within the Church and society at this time were a painful trial for the Christian world; something of the torment of conscience and interpersonal strife endured may be inferred from this note which Antonin appended to his account of the Schism in the *Chronicles*:

> Many disputations were argued over this matter, many booklets were written to make the argument for either side. Each side or obedience possessed, the whole time this schism lasted, men as learned as can be in Sacred Scripture and canon law, and also very religious men, and, what is more, even shining with miracles; and the question could not ever be settled without leaving most people with lingering doubts. Now although it is necessary to believe that, just as the Catholic Church is one not plural, so also its pastor, the Vicar of Christ, is singular, according to that text of John 10, “there shall be one fold and one shepherd”; nevertheless if it should happen that through a schism more than one supreme pontiff is created or nominated at one and the same time, it does not seem to be necessary for salvation to believe that it is this one or that one, but rather one or the

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97 “The space Antoninus devoted [in his *Chronicon*] to Giovanni Dominici and Catherine of Siena reveals the importance he attributed to both of them, who came to be seen as genuine ‘Observant pillars’.” Huijbers, *Zealots for Souls*, 159.
99 Ibid., 12.
other of them, that is, whoever was canonically admitted to the office. But which of the two was in fact canonically elected, one is not bound to know, just as one is not bound to know canon law; but in this the people may follow their elders or prelates.\textsuperscript{100}

During the course of his career, Antonin moved often among Dominican houses. After Foligno in 1409, he was at Cortona in 1413 where he was ordained to the priesthood; he was prior of Cortona from 1418 to 1421, then of Dominici’s foundation, San Domenico of Fiesole, 1421–24. He was then called upon by the vicar general of the Observants of Tuscany and Naples, who sent him to Naples as visitator, then prior, of San Pietro Martire. He remained in Naples until 1428 or 1429.\textsuperscript{101}

His activity as a writer begins to be known from his time in Naples, through his first surviving written treatise, the \textit{Confessionale} called from its incipit “Omnis mortalium cura.” This instruction manual for the sacrament of confession, written in Italian for a Neapolitan gentleman, was directed at advising lay men and women.\textsuperscript{102} He later revised and expanded it into more developed manuals directed to the clergy.\textsuperscript{103} This first surviving extant composition is in keeping with all of Antonin’s other known writing: he is exclusively a writer of \textit{pastoralia}, literature dedicated to and serving the \textit{cura animarum}.\textsuperscript{104} An overview of Antonin’s written

\textsuperscript{100} “\textit{Multe disputationes facte sunt circa istam materiam, multi libelli editi pro utriusque partis defensione. Peritissimos viros in sacra pagina et iure canonico habuit toto tempore illo quo duravit hoc scisma utraque pars seu obedientia, ac eciam religiosissimos viros; et, quod maius est, eciam miraculis fulgentes, nec unquam sic potuit questio illa decidii, quin semper remaneret apud plurimos dubia. Nam etsi necessarium sit credere, sicut unam esse catholicam ecclesiam non plures, ita et unicum eius pastorem, vicarium Xpisti, juxta illud Ioannis, X: “Fiet unum ovile et unus pastor,” tamen [si] contigit plures per scisma creari seu nominari pontifices summos uno et eodem tempore, non videtur saluti necessarium credere istum esse vel illum, sed alterum eorum, qui scilicet fuerit canonice assumptus; quis autem fuerit canonice electus, non tenetur quis scire, sicut nec ius canonicalicum, sed in hoc populi sequi possunt maiores suos seu prelatos.” Antoninus, \textit{Chroniques}, tit. 22 c. 2 (8).
\textsuperscript{102} Bisticci, “Arcivescovo Antonino,” para. 1 (1:172).
\textsuperscript{103} Antonin’s manuals for confession are often confounded together under the single title \textit{Confessionale}. They are distinguished by their incipits: “Omnis mortalium cura,” “Curam illius habe,” and “Defecerunt.” These works will be discussed below, Ch. 2.
\textsuperscript{104} For a fresh assessment of this literature and the boundaries of the genre \textit{pastoralia}, see Samuel J. Klumpenhouver, “The \textit{Summa de penitentia} of John of Kent: Study and Critical Edition,” (PhD diss., University of Toronto, 2018), esp. Ch. 2 “John of Kent and Medieval Pastoralia.”
works will be provided below as a preamble to Ch. 2; their dates and occasions of composition are omitted here, with a few exceptions, in the course of the present chapter.

After Naples, Antonin was sent to be prior of the important Dominican community of Santa Maria sopra Minerva in Rome. There, in 1430, Antonin oversaw the translation of the remains of his spiritual grandmother St Catherine of Siena (canonized in 1461), to a sculpted white marble tomb in the basilica.

The pope who would eventually summon Antonin to the archiepiscopal see of Florence, Eugenius IV, was elected in 1431 while Antonin resided in Rome. Eugenius IV evidently took notice of him, and called upon him for assistance. Antonin states in his Summa that during this time he was appointed by Eugenius IV as a member of the tribunal of the Rota: the pope’s court with final jurisdiction over all ecclesiastical cases. He later became auditor general.

In the late 1430s Antonin played a crucial role in a signal cultural event of European history: the foundation of the Dominican house of San Marco in Florence. This was formerly a Silvestrine monastery, but the lax morals of the house were becoming a scandal, and Cosimo de Medici proposed that the Dominicans take it over. This would give them a base where they could carry out ministry in the city of Florence. After some negotiation, Eugenius IV granted the monastery to the Dominicans in 1436 and Cosimo de Medici endowed it so that a new building could be constructed to house the brothers. The construction was accomplished by Michelozzo Michelozzi, and the monastery was decorated by the celebrated painter Fra Angelico (Bl. Guido or Giovanni da Fiesole) and his brother the miniaturist Fra Benedetto (Benedetto da Fiesole). In 1437 Antonin was made vicar general of the Observant Dominicans in Italy — citra alpes — and

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106 Cornelison, Art and the Relic Cult, 12.

“This is an interesting claim, given the constitution of Eugenius’s predecessor Martin V (1417–31), which directed that only well-known doctors of law who’d taught for at least three years after the doctorate were to appointed to the Rota.” Ibid., 170, citing James A. Brundage, The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts (Chicago: University of Chicago Press, 2008), 376–77.

from that time he resided at San Marco. Castiglione writes that Antonin, as vicar general, governed “with great diligence and severity.”\textsuperscript{109} In 1439 he became prior of Fiesole, to whom San Marco was subordinate, remaining in that post until 1444 when he handed it off to Br. Giuliano Lapaccini.\textsuperscript{110} During this time, the new Dominican foundation was being constructed and built up in stages. Cornelison writes:

Antoninus worked closely with Cosimo and Lorenzo de’ Medici as Michelozzo and Fra Angelico renovated the church, rebuilt the convent, added the library to house Niccolò Niccolis’ humanist book collection, and carried out its famous fresco and panel paintings. The style of Michelozzo’s designs for San Marco’s choir, first cloister, and dormitory and that of Fra Angelico’s cell frescoes conform closely to Antoninus’ preference for piety and simplicity in art and architecture. Antoninus sought to enforce the same artistic ideals elsewhere.\textsuperscript{111}

San Marco was under the prior of the house of Fiesole until July of 1445, when, with Giuliano Lapaccini as prior and Antonin as vicar of the Observants in Italy, it was separated and gained its own prior.\textsuperscript{112} Cosimo de’ Medici (1389–1464), an exact contemporary of St Antonin,\textsuperscript{113} patron of San Marco, kept a personal cell there where he could make retreats, and through his life he was a friendly visitor to the brothers there.\textsuperscript{114} Antonin likewise had a cell at San Marco for the rest of his life, including during his tenure as archbishop.\textsuperscript{115} After his death,

\begin{itemize}
\item \textsuperscript{109} Finucane, “Friar-Archbishop,” 175, quoting: “... magna cum diligentia ac severitate Provinciam gubernavit.” Castiglione, \textit{Vita Beati Antonini}, c. 1 para. 4 (315).
\item \textsuperscript{110} The foregoing from Finucane, “Friar-Archbishop,” 170.
\item \textsuperscript{111} Cornelison, \textit{Art and the Relic Cult}, 15–16.
\item \textsuperscript{112} The Latin separation document is reproduced and transcribed with an Italian translation in \textit{Gli autografi di S. Antonino Pierozzi e del B. Angelico nell’atto della separazione del convento di S. Marco in Firenze dal convento di S. Domenico di Fiesole concluso nel luglio del 1445}, ed. P. Vincenzo Chiaroni, O.P. (Florence: Tipografia Giuntina, 1955). See plates 3–5 below, Ch. 2, where the document is discussed as a sample of Antonin’s handwriting.
\item \textsuperscript{113} Cornelison, \textit{Art and the Relic Cult}, 11.
\item \textsuperscript{114} Finucane, “Friar-Archbishop,” 170.
\item \textsuperscript{115} Bistics quotes Antonin as saying in 1458, during an encounter to be narrated below, “I will go to my cell in S. Marco, of which I have the key beside me, and rest there in peace...” George and Waters, \textit{Vespasiano Memoirs}, 161–2; Bisticci, “Arcivescovo Antonino,” para. 11 (1:185).
\end{itemize}
the autograph manuscripts of his *Summa* and *Chronicon* were kept in this cell into modern times, and displayed publicly on his feast day as relics.\(^{116}\)

The place of San Marco in the history of Europe is owed, above all, to its being the nursery of great and venerated souls, among them St Antonin, Girolamo Savonarola, and St Philip Neri; second, to its treasures of art, especially the frescoes of Fra Angelico; and finally, to its library, which was the first public library of modern Europe. The collection of Niccolò Niccoli, the largest in Florence, was bequeathed to the care of a committee of trustee-executors with the stipulation that it be kept intact and open to the public. Cosimo de’ Medici, a trustee, arranged to have the books given into the care of the brothers of San Marco.\(^{117}\) Brother Giuliano Lapaccini was instrumental in organizing and building up the collection. Antonin probably began the composition of both the *Summa* and the *Chronicle* in approximately 1444, coincident with the founding of the library of San Marco.\(^{118}\) San Marco’s library provided an enormous amount of literature which Antonin could digest and make use of in his writing. Speaking of Antonin after his death, Vespasiano notes that “He had no books of his own, not even a breviary, ... The books he needed he borrowed from S. Marco or S. Domenico.”\(^{119}\)

In 1439, the ecumenical council called for the purpose of reuniting the Greeks with the Latin Church was moved from Ferrara to Florence; there, Antonin participated in the council and San Marco hosted the Dominican delegation.\(^{120}\)

In 1442, Antonin founded a lay confraternity called the *Buonomini* or “Good Men” of San Martino. Its twelve members dedicated themselves to charitable ministry to *poveri vergognosi*: those who had fallen on hard times and were too ashamed to beg. They came to the aid mainly


\(^{117}\) Ullman and Stadter, *Public Library*, 4–12.

\(^{118}\) Dates of composition discussed below, Ch. 2.

\(^{119}\) George and Waters, *Vespasiano Memoirs*, 163; Bisticci, “Arcivescovo Antonino,” para. 14 (1:189). Note that George and Waters misunderstand and mistranslate the sentence which is omitted at the ellipsis; that sentence is discussed below, Ch. 2, where Bisticci’s word *iscartabegli* is translated ‘volumes’ or ‘manuscripts’.

of the working poor, especially textile workers, as well as aristocratic families.\textsuperscript{121} The Medici family were generous contributors to the Buonomini. This confraternity still exists today.\textsuperscript{122}

At this point in his life it is clear that Antonin’s reputation had become illustrious and his name was beginning to be known throughout Italy, if not throughout the Christian world. During these years his skill in directing consciences, resolving doubts, and rendering just judgments in difficult cases earned him the nickname \textit{Antoninus Consiliorum}, ‘Antonin the Counsellor.’\textsuperscript{123} This is where things stood when the archbishop of Florence, Bartolomeo Zabarella, died in August 1445 and Eugenius IV was confronted with the task of choosing the next archbishop. The Florentines, including Cosimo de’ Medici, submitted a list of five candidates to the pope, asking that, at the least, the city of Florence be provided with one of her own sons as bishop. Eugenius passed over the candidates and, after time in deliberation, chose Antonin the Counsellor.\textsuperscript{124}

The motive for Eugenius’s choice of Antonin is a disputed point among scholars: Morçay believes “that the pope chose a non-patrician in order to give Antoninus independence from the commune’s squabbling anti- and pro-Medici factions.”\textsuperscript{125} Peterson and Finucane find this to be too simple an explanation,

\begin{footnotes}
\item[121] Cornelison, \textit{Art and the Relic Cult}, 15.
\item[123] “Tanta enim erat in eo sacrarum litterarum cognitio, tanta consuetudo, tanta denique in consulendo experientia, ut non solum cives, verum et advenae plurimi, Principes ac Praelati, de rebus gravissimis ejus sententiam plurimi facerent. Ob quam rem etiam antea Frater Antoninus consiliorum appellari ceperat: sic enim ut plurimum diminutive, antequam Pontifex fieret, vocari consueverat.” Castiglione, \textit{Vita Beati Antonini}, c. 2 (317).
\end{footnotes}
given the complex relationships already in place between Florentine leaders of various political persuasions and the Observant Dominicans. Peterson suggests that the pope bypassed the other candidates, some clearly Medici partisans, because by now he’d grown hostile (for political and fiscal reasons) to the city that had sheltered him from 1434 to 1443, and also that he wanted to assert papal independence in such nominations.  

In the bull of 10 January 1446 appointing Antonin, Eugenius stressed the quality he had shown as an effective administrator in Florence and Rome. 

Antonin was reluctant to accept the dignity. He did not wish to govern one of Italy’s largest and wealthiest archdioceses, but preferred the quiet life. Messengers were dispatched to him, but when the rumour reached his ears Antonin attempted to flee the burden by going into hiding. The messenger who found him, having read the pope’s brief and delivered the news, expected a tip from the beneficiary: Antonin replied, “I won’t give anything in return for bad news, and worse you could not bring. ...” Antonin maintained his resistance long; but, being urged by many citizens of Florence and many prelates, and sternly commanded by the pope on pain of excommunication, Antonin perceived that it was the will of God and

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128 Letter of the Florentine Republic to Antonin after his election, 24 January 1446 (modern style), in “Autres documents,” appendix 3-2 in Morçay, Saint Antonin, 439; see also Aliotti’s letter to Antonin, ibid., 440.
129 “... We have no money; nothing but these capes.” George and Waters, Vespasiano Memoirs, 157.
131 “E perché egli conosceva la sua natura, che’ egli non accetterebbe, oltre all’ avere sua Sanctità datoglielo motu proprio, id est di sua propria volontà segnatolo, fece un briefe, dove gli comandava sotto pena di scomunicazione che l’ accetasse; ...” Bisticci, “Arcivescovo Antonino,” para. 2 (1:173).
132 “Dirò qui in questo luogo quello che udii da papa Nicola, quando era vescovo di Bologna. Disse che papa Eugenio gli disse, che in tutto il tempo del suo pontificato mai ignuna vocazione di benefici aveva comandata sotto pena di scomunicazione, per persona che gli accettasse, se non solo a frate Antonino, conoscendo la sua natura, che noll’ arebbe accettato altrimenti.” Ibid., para. 3 (1:174).
reluctantly accepted the episcopal dignity. Vespasiano reports that he heard, via Nicholas V, that Eugenius was accustomed to say:

... he had only made three prelates with an easy conscience: the Patriarch of Venice, the Bishop of Ferrara and Fra Antonino. Eugenius was full of praise of Antonino, having known him long. Pope Nicolas was the same.\footnote{132}{George and Waters, \textit{Vespasiano Memoirs}, 158; Bisticci, “Arcivescovo Antonino,” para. 3 (1:174).}

Antonino received episcopal consecration at Fiesole and entered Florence in a procession made as simple as possible, though conforming to Florentine \textit{adventus} rituals, in March 1446.\footnote{133}{Cornelison, \textit{Art and the Relic Cult}, 12–13; Castiglione, \textit{Vita Beati Antonini}, c. 1 para. 8 (316).} All through his tenure as archbishop he maintained a friar’s simplicity in dress, food and drink, and household expenditures. His self-enforced poverty and restraint has often been noted. Vespasiano’s words are representative:

He wore a friar’s habit and slept in a friar’s bed in a linen shirt. He would have no arras cloths nor screens at the door, which he wished to be open to whoever would see him. ... He engaged a vicar of a disposition like his own: no better man in all Italy. He kept no more servants than he wanted, and no saddle-horses but one little mule, which he borrowed from S. Maria Nuova. The income of his see was fifteen hundred scudi, but he spent on himself only five hundred florins. The rest he gave to the poor.\footnote{134}{George and Waters, \textit{Vespasiano Memoirs}, 158; Bisticci, “Arcivescovo Antonino,” para. 3–4 (1:175–6).}

Pius II, in his memoirs (Commentaries), wrote this encomium:

The sanctity and death of Bishop Antonino of Florence: It was at this time that Antonino, the archbishop of Florence, went to meet his maker. A member of the Dominican Order and a man worthy of remembrance, he conquered avarice, trampled on pride, knew absolutely nothing of lust, consumed food and drink only sparingly and never gave in to anger or envy or any other passion. He was a brilliant theologian and wrote several books which were praised by scholars; he was a popular preacher even though he was violent in his denunciation of sin; he reformed the morals of clergy and laity; he worked hard to settle quarrels; he did his best to rid the city of feuds; he distributed the revenues of his church among the poor of Christ, but to his relatives and connections, unless they were very needy, he gave nothing. He used only glass and clay dishes and he desired his household (which was very small) to be content with little and to live by the precepts of philosophy. At his death he was accorded a splendid public funeral. In his house they found nothing but the mule he used to ride and some cheap furniture; the poor had taken everything else. All of Florence was sure that he had passed to a life of bliss — nor should we imagine their belief was unfounded.

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137 Howard questions this translation of *doctrina theologica emicuit*: “To refer to Antoninus’s theological teachings as worthy of praise does not necessarily mean that he was “a brilliant theologian” (as a recent English translation rendered Pius II’s Latin text).” Howard, *Aquinas and Antoninus*, 4 n4. The phrase might be rendered: “he stood out for his theological teaching.”

138 The funeral was conducted by Pius II himself.

139 “De Antonio praesule Florentino eiusque sanctimonia ac morte. Per idem tempus migravit in Domino Antonius, ecclesiae Florentinae archiepiscopus, Ordinis Predicatorum professor, vir memoria dignus. Domuit avaritiam, calcavit superbiam, libidinem prorsus ignoravit, potu ciboque parcissime usus est; non irae, non invidiae, non alteri passioni succubuit; doctrina theologica emicuit, scripsit plura volumina quae docti laudant; praedicator acceptus in populo quamvis scelerum insectator vehemens; corexit cleri et populi mores, lites diligenter composuit, inimicitias (quoad potuit) ex urbe pepulit; proventus ecclesiae inter Christi pauperes distribuit; in cognatos et affines suos, nisi admodum inopes essent, nihil contulit; vitreis ac fictilibus tantum vasis est usus; familia, quae parva illi fuit, contentari modico voluit et ad philosophiae leges vivere. Mortuo nobile funus ex publico ductum. In domo nihil repertum est praeter mulum quo insedere solitus erat et vilem supellectilem; cetera manus pauperum asportavere. Civitas (nec vana putanda opinio est) ad vitam illum migrasse beatam putavit.” English and Latin from Pius II, Commentaries, 2.29.1 (1:318–321).
Antonin’s tenure as archbishop is by far the best documented portion of his life. His administration of the archdiocese has been the object of detailed study in recent years. From the moment of his consecration he took an active interest in shepherding his flock and improving the government of the diocese: he called a synod in April of 1446, and, beginning in August, “he carried out visitations of 149 churches in twenty-nine of his fifty-six rural parishes.” For present purposes, notice will be taken of some of Antonin’s chief priorities and motivations as bishop.

He promoted many charitable endeavours, succouring his people, especially the poor, in times of natural disaster and famine. On the other hand he was careful and stringent in his administration of justice.

He made no distinction between rich and poor, and always gave equal justice. One day Cosimo de’ Medici came to him asking him to favour a case he had in hand, and he replied that, if Cosimo had right on his side, he wanted no help from anyone.

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140 See the discussion of the evidence for Antonin’s biography above.
142 “His vicar continued the work into the 1450s.” Finucane, “Friar-Archbishop,” 171–2.
143 “At that time there was scarcity in Florence, and town and country alike suffered great want. He caused a vast quantity of bread to be baked and instructed the officials to give it, not only to the manifest poor, but also to those who were ashamed to let their distress be known. ... He did so many charitable works privately that all seemed well provided for in spiritual and temporal needs.” George and Waters, Vespasiano Memoirs, 159; Bistici, “Arcivescovo Antonino,” para. 5 (1:177–8).
Castiglione writes that as archbishop, supervising all sorts of litigation and accusations, he displayed “severity ... joined with mercy.” He was a violent denouncer of sin. He was zealous for sound doctrine and for chasing corrupt teaching and evil influence out of his diocese. In his treatise of spiritual direction addressed to Lucrezia Tornabuoni, Antonin tells a parable of a gardener who has let wild plants invade his garden, and now wishes to restore it to a good state: “he will first cut the wood, thorns, and weeds, ... second, he will tear up and extirpate all the roots and shoots which remain in the soil of the garden.” Antonin carried this parable into practice in tending the garden of his archdiocese. Bisticci tells the following story, only one of several examples of Antonin acting quickly and zealously against what he thought improper, sinful, or unjust.

One afternoon, after officiating at the Church of S. Stefano, he passed by the loggia of Buondelmonte, where he overthrew the tables at which some gamesters were playing, and there was not one of those fellows who did not bend the knee to him and look ashamed at having been caught gambling.

Morçay, indeed, notes several cases of appeals from Antonin’s judgments being heard in Rome, the appellants alleging that Antonin’s judgment was too severe; as well, “after his

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146 In addition to the examples discussed herein, see George and Waters, Vespasiano Memoirs, 159; Bisticci, “Arcivescovo Antonino,” para. 6 (1:179–80); Castiglione, Vita Beati Antonini, c. 3 para. 24 (320).
147 Widow of a son of Cosimo de Medici and mother of Lorenzo the Magnificent.
149 This is how Finucane describes Antonin’s zeal. Finucane, “Friar-Archbishop,” 175.
150 George and Waters, Vespasiano Memoirs, 159; Bisticci, “Arcivescovo Antonino,” para. 6 (1:179).
151 “Autres documents,” appendix 3-2 in Morçay, Saint Antonin, 446, 469–70, 482, 487, 490–91; cited in Finucane, “Friar-Archbishop,” 175.
badgering of the clergy of Arezzo to come up with part of a subsidy, a spokesman for the Aretines asked the pope to curb Antoninus’s zeal so that he’d “go easier” on his clergy.”

Baldovini, his notary, records the case of a heretic condemned by Antonin in 1450 and submitted to the podestà for execution. This Giovanni da Montecatini was a doctor “well known for his evil opinion of the Catholic faith and teachings of the Church.” Finucane provides the following account, based on Baldovini’s testimony:

He was also thought to call up demons in his house in Florence’s San Lorenzo parish. He and his followers resembled heretical Fraticelli, little sons of the devil—“figluoli del diavolo.” A group of high clergy, including theologians and Antoninus’s vicar, interrogated Giovanni as he lay at home in his sickbed. He claimed that Nicholas V was not the true pope and that priests consecrated by Florence’s archbishop weren’t true priests and couldn’t consecrate the body of Christ. ... The attending clergy urged him to change his mind, but he was so stubborn (tanta dura cervice) that he neither confessed nor detested his errors. Out of compassion, Baldovini writes, Antoninus allowed him a certain term (unspecified) to think things over (not uncommon in such trials). Giovanni refused to budge. A platform was built outside the entrance to the cathedral, from which Antoninus and other prelates pronounced judgment. The heretic and invoker of demons was handed over [to] Florence’s podestà Niccolò Vitelli, who committed him to the flames. His books of necromancy, chiromancy, and demonic invocations were also burned. Thus Giovanni died a “martyr to the devil” as the archbishop looked on. Gene Brucker claimed that he was “the only man to die in Florence for his beliefs in the 110 years between the execution of fra Michele da Calci (1389) and Savonarola (1498).”

According to Castiglione, this execution was unpopular among the Florentines, yet Antonin withstood the disapproval of the people. “Nothing could move him from the ways of

155 “… quem haeretica pravitate infectum deprehenderat, non approbantibus id multis civibus, flammis concremandum esse adjudicavit.” Castiglione, Vita Beati Antonini, c. 3 para. 24 (320).
strict justice,” says Vespasiano,\textsuperscript{156} “He was of such severity that, having understood the truth of a thing, he stood firm and constant, and did not change for anything.”\textsuperscript{157}

Antonin was “fearless when battling clerical and lay factions, standing up to Cosimo and the commune, as well as his own recalcitrant clergy, on various issues.”\textsuperscript{158} This is best illustrated by a celebrated episode in Antonin’s time as archbishop, when he condemned the Medici régime’s rigged elections. In July 1458 Antonin affixed to the Duomo a notice, written by his own hand,\textsuperscript{159} commanding on pain of excommunication that “the city’s Medici-manipulated elections should take place by secret, not open, voting. Otherwise, warned Antoninus, God would punish Florence with \textit{pestilentia} and other evils.”\textsuperscript{160} The episode is recounted by Bisticci:

He strongly denounced the Florentine practice of taking an oath without any intention of keeping it, and he often admonished the Signoria thereanent, as well as condemning it to the citizens and preaching against it, condemning also the public use of the ballot beans after having sworn the oath of secrecy. In 1458, seeing that the breaking of the oath was generally overlooked and the vote rendered public, he proposed as a remedy to put up notices in all the churches that every vote should be given secretly, under pain of excommunication. Certain of the leaders were much perturbed ... [and sent] some prominent citizens to threaten him. Five of these waited on him and began to denounce him for what he had done, whereupon he replied that he had only played the part of a good pastor by saving their souls from damnation for perjury. This made them more furious than ever, though the archbishop spake gently and with humility. Then they threatened to deprive him of his see, and he at once began to laugh. “For God’s sake, I beg you, do this at once. You will do me a great favour and lift a great burden from my shoulders. I will go to my cell in S. Marco, of which I have the key beside me, and rest …

\textsuperscript{156} George and Waters, \textit{Vespasiano Memoirs}, 161; Bisticci, “Arcivescovo Antonino,” para. 10 (1:182).
\textsuperscript{157} “Ed era di tanta severità che intesa la verità d’una cosa, istava fermo e constante, e non se ne \textit{mutava} per nulla.” Bisticci, “Arcivescovo Antonino,” para. 1 (1:172).
\textsuperscript{158} Finucane, “Friar-Archbishop,” 171.
\textsuperscript{159} Baldovini, \textit{Vita di S. Antonino}, 430.
\textsuperscript{160} Finucane, “Friar-Archbishop,” 172.
there in peace. Such a deed would please me beyond anything.” ... Neither prayers nor
threats could move the archbishop.161

The archbishop’s carriage in the confrontation with threatening citizens shows his zeal
and firmness alloyed with humility, patience, and longsuffering.

These episodes show Antonin acting as administrator and governor of his diocese. On
behalf of Florence, Antonin also headed embassies to Rome and other cities several times.162
Despite his having to deal with mixed ecclesiastical and secular business as a matter of routine,
this did not render him worldly. He devoted himself steadily to prayer, and was particularly
attentive to his duties of saying the Office and taking part in the liturgies in the Cathedral:
“What leisure he had he spent in saying the office or in giving audience to those who asked for
it, and always rose before sunrise. ... He attended all the services at the cathedral and always
remained till the end.”163

Outstanding above all, however, was Antonin’s labour in the cura animarum, the pastoral
care for souls entrusted to him.164 Antonin’s writings throughout his life show a dedication to
directing souls towards sanctity and educating both the laity and clergy, to lead them to shun
evil, to do good, and to gain the most fruit from their prayer and reception of the Sacraments.165
The assumption of responsibility for the archdiocese of Florence only widened the scope of
Antonin’s pastoral care, and increased the weight of obligation upon his shoulders. As
mentioned, he began an extensive visitation of the parishes upon taking up his diocese, and

161 George and Waters, Vespasiano Memoirs, 161–2; Bisticci, “Arcivescovo Antonino,” para. 11
(1:184–5); The text of the archbishop’s edict (“edipto”), in Italian, is provided by Baldovini, Vita di S.
162 George and Waters, Vespasiano Memoirs, 160; Bisticci, “Arcivescovo Antonino,” para. 9 (1:181–
2).
163 George and Waters, Vespasiano Memoirs, 159; Bisticci, “Arcivescovo Antonino,” para. 6 (1:179).
164 “Confession and preaching were the exercises he specially favoured, and in the one and the
other he brought forth very great fruit.” “Attese a dua esercizi molto necessari: l’ uno fu il confessare, l’
1 (1:172).
165 Antonin’s Opera a ben vivere is divided into three parts: Purification, Virtue, and Prayer. In the
third part, Antonin provides direction on, e.g., how and when to fast, when to go to confession, when to
receive communion, how to give alms, what office to pray, spiritual reading, what to do in church for the
offices and for Mass. Antoninus, Règle de vie, passim.
found that “several country churches were in a sorry state, with absenteeism, dilapidated fabric, and in some cases parishioners who were ‘virtual infidels.’”\footnote{Finucane, “Friar-Archbishop,” 172, citing Peterson, “Archbishop Antoninus,” 30, 590–91.} He took numerous measures for reforming the life and morals of the clergy and improving their education.\footnote{Bisticci, “Arcivescovo Antonino,” para. 4 (1:176–7).} Antonin’s 1455 Constitution, “typical of the injunctions issued by conscientious prelates throughout the Middle Ages,” is discussed briefly by Finucane based on the study by Trexler.\footnote{Finucane, “Friar-Archbishop,” 173, citing Trexler, who discusses the constitutions with an edition of the Italian texts, “Episcopal Constitutions of Antoninus,” 244–72.} He encouraged his clergy “to instruct the laity in the basic elements of the faith and regularly to administer the sacraments.”\footnote{Finucane, “Friar-Archbishop,” 172–73.} Antonin’s treatises and manuals were composed to contribute to the pastoral care of his clergy and to enable them to provide formation for their own flocks, especially through confession, preaching, and directing souls.\footnote{Ibid., 174, citing Christopher Black, Church, Religion, and Society in Early Modern Italy (New York: Palgrave Macmillan, 2004), 95, 258 n26.} This is the case above all with the Summa and Chronicles, both largely composed during his tenure as archbishop.

He worked at his Summa, a book which proved so useful and beneficial to the Christian faith. In spite of his heavy task of office he wrote the greater part of it while he was archbishop, by his prudent use of his time.\footnote{George and Waters, Vespasiano Memoirs, 159; Bisticci, “Arcivescovo Antonino,” para. 6 (1:179).}

He corresponded with several widows as their spiritual director and advocate in temporal affairs, as part of his episcopal responsibility for widows and orphans; he composed several treatises on the spiritual life for these women.\footnote{Mention has already been made of the Opera a ben vivere.} He was widely known for his devotion to and aptitude for resolving doubtful cases of conscience:

\begin{quote}
“A hundred years later, Cardinal Gabriel Paleotti (d. 1597) thought their vernacular versions [of his Confessionales] appropriate for the parish priest’s library.” Ibid., 174, citing Christopher Black, Church, Religion, and Society in Early Modern Italy (New York: Palgrave Macmillan, 2004), 95, 258 n26. Finucane’s description of Antonin’s Summa here is on the loose side; it is questionable that Antonin’s work follows “the same methodical scholastic structure of logical analysis as laid down by his spiritual mentor Aquinas.”
\end{quote}
People came to consult him about contracts, as to whether they were lawful or not, ...
when he had heard all, he decided at once which contracts were lawful.\textsuperscript{173}

This question, ‘which contracts were lawful,’ is an example of a case for which Antonin provided a written treatise in his \textit{Summa}, disseminating solutions to common \textit{dubia} which he had often received. This treatise, \textit{Summa} 3.8.2, is one of the chapters edited below.

Vespasiano reports that not only was there a general desire about for Antonin to be made cardinal,\textsuperscript{174} but in the conclave which resulted in the election of Nicholas V (1447), Antonin received several votes. ‘Had he been elected he would assuredly have reformed the Church.’\textsuperscript{175} But these advancements he wished absolutely to avoid, always protesting his desire, for the sake of peace and the salvation of his soul, to return to his cell as a humble friar.\textsuperscript{176} Even before his death, Castiglione claims, Antonin’s “repute as \textit{sanctus} was acknowledged by the pope, prelates of the curia, and all the people of Italy.”\textsuperscript{177} Castiglione reports three miracles performed by Antonin during his lifetime: causing iron at a foundry to resist melting, a physical cure through prayer, and ending a blight of sterility in Castiglione’s family, “on the brink of extinction.”\textsuperscript{178}

In his final year, having reached age seventy, Antonin had become (Vespasiano reports) “old and greatly weakened by fasting and vigils.”\textsuperscript{179} He contracted a fever and died tranquilly at the episcopal residence at Montughi, just outside the Florentine city walls, on 2 May 1459 while Pope Pius II was visiting Florence.\textsuperscript{180} His last words are said to have been: \textit{servire Deo}

\begin{thebibliography}{99}
\textsuperscript{173} George and Waters, \textit{Vespasiano Memoirs}, 159; Bisticci, “Arcivescovo Antonino,” para. 5 (1:178).
\textsuperscript{174} Bisticci, “Arcivescovo Antonino,” para. 8 (1:181).
\textsuperscript{176} Bisticci, “Arcivescovo Antonino,” para. 8 (1:181).
\textsuperscript{177} Finucane, “Friar-Archbishop,” 177, quoting: “... antea dum viveret, ab omnibus Italiae populus omnique Romana Curia (de Praefatis loquor summisque Pontificibus) Sanctus appellabatur.” Castiglione, \textit{Vita Beati Antonini}, prologus (313).
\textsuperscript{178} Finucane, “Friar-Archbishop,” 177, citing Castiglione, \textit{Vita Beati Antonini}, c. 5 (323–5).
\end{thebibliography}
regnare est, “To serve God is to reign.”¹⁸¹ There are a number of testimonies cited, both in the *Vitae* and in the canonization process, of people claiming to have witnessed the ascension of Antonin’s soul into heaven at the hour of his death. A Dominican tertiary reported:

a celestial vision in which she also saw Christ surrounded by saints and angels. The visionary nun reported that Thomas Aquinas was among the saints in attendance and next to him a vacant seat was reserved for Antoninus.¹⁸²

Six bishops, part of the entourage of Pius II, carried his remains to the cathedral, where the pope celebrated Mass.¹⁸³ After the funeral, Antonin was carried to San Marco and lay in state while multitudes came to kiss his hands and feet, for which the pope even granted an indulgence.¹⁸⁴ The body was not buried until eight days after his death.¹⁸⁵ Nevertheless, Castiglione reports, the body remained fresh, fragrant, and free of signs of rigor mortis.¹⁸⁶ He was buried, as he had wished, in the monastery of San Marco wearing his friar’s robe.¹⁸⁷ Attestations of Antonin’s miraculous intercessions began immediately, and his cult flourished in Florence, centred around San Marco, in subsequent decades.¹⁸⁸

The process for Antonin’s canonization was opened in the early decades of the sixteenth century. In 1513, Giovanni de Medici was elected pope as Leo X. While visiting Florence in 1516,
he was approached after Ash Wednesday Mass by his cousin the Archbishop of Florence, Giulio de Medici; as well as

the prior and gonfaloniere di giustizia of the Republic, Piero di Niccolò Ridolfi; and the master general of the Dominicans, Tommaso de Vio (Cajetan). In the names respectively of the Florentine Church, the Signoria and the people of Florence, and the Dominican order, the trio formally requested that Leo open a process for Antoninus’s canonization.\textsuperscript{189}

Leo granted their request and an ad hoc committee began taking testimonies at once. After this initial (first) process, a second and third were undertaken at a more leisurely pace after Leo left Florence, with Br. Roberto Ubaldini da Gagliano, O.P., friar of San Marco, chronicler, and follower of Savonarola, as official procurator of the canonization process.\textsuperscript{190} After three sets of testimony had been collected and the matter thrashed out in several consistories, the next pope, Adrian VI, canonized Antonin on Trinity Sunday, 31 May 1523, in a joint ceremony for Antonin and Benno of Meissen (c. 1040–1106) in Old St Peter’s, Rome.\textsuperscript{191} The bull of canonization was delayed for reasons unknown, and it was Giulio de Medici, one of the original trio requesting Antonin’s canonization process, who promulgated the bull a few


\textsuperscript{190} Finucane, “Friar-Archbishop,” 185–6, 168; Cornelison, Art and the Relic Cult, 24. “The information they [Lorenzo Pucci and his clerical colleagues] gathered, as well as Castiglione’s Life of St. Antoninus, the Additiones, and Verini’s laud to Antoninus, were admitted as evidence in the canonization hearings.” Cornelison, Art and the Relic Cult, 41 n103.

months later as Pope Clement VII, on 26 November 1523, the day of his papal coronation.\footnote{Cornelison, \textit{Art and the Relic Cult}, 28.} This bull merely confirmed and announced the fact that Adrian VI had canonized Antonin on May 31st. Antonin’s feast, originally May 2, today stands on May 10th in the Tridentine liturgical calendar. About one hundred and thirty years after Antonin’s death, in 1589, his tomb in San Marco was opened to prepare for a translation of the body. He had been buried dressed as a simple friar, with only a pallium to show his archiepiscopal status. Much of the substance of the body remained—some friars claimed that (even after 130 years) he looked like the images familiar to them. ... The body [was] redressed not as a friar but in sumptuous archiepiscopal gear, with fine footwear and vestments of silk and satin, silver and gold ornamentation, a pectoral cross, a beautiful miter, and on the right hand a ring of sky-blue sapphire. According to custom, the friar’s simple garb was retained (and hidden) under the archiepiscopal finery.”\footnote{Finucane, “Friar-Archbishop,” 203.}

For the translation, the body was exhibited to the multitudes and processed through the streets of Florence. Antonin was laid to rest again in San Marco, in a new altar-tomb at the centre of a chapel built and decorated by the patronage of the Salviati brothers, relatives of the Medici.\footnote{Ibid., 205. This chapel is the main subject of Cornelison, \textit{Art and the Relic Cult}, passim.} There, in a glass coffin, surrounded by a cycle of frescoes, sculptures, and other images in his honour and \textit{ad maiorem Dei gloriam}, Antonin’s body remains today.

* * *

Et io, che fui suo notaio et della sua corte et lungo tempo a presso di lui conversai, ricordare non mene posso sanza lagrime, vedendo me et la dolcie patria privati di tanto padre.\footnote{Baldovini, \textit{Vita di S. Antonino}, quoted in Morçay, \textit{Saint Antonin}, IX.}
And I, who was his notary in his court and closely conversed with him, cannot remember him without tears, seeing that me and our sweet homeland are deprived of such a father.
2. The Summa

Preamble. The written works of St Antonin

The teaching of St Antonin on justice in buying and selling takes its formal cause from the overall work of which it is a part and an expression. Explaining this work — the Summa — is the burden of this chapter. Its argument is that St Antonin’s Summa is fundamentally a Recollectorium, that is, a ‘collecting-box’ of material useful for pastoral care, especially for preaching, hearing confessions, and consulting in the court of souls, within which Antonin collected material from a wide range of theological, moral, and juridical literature, including also, in some form, his own written works: sermons, treatises, guides to confession, and histories.

First, by way of preamble, the Summa must be located in its place within Antonin’s whole literary corpus. Any attempt to present even summary descriptions of each of Antonin’s written works would unduly extend this preamble. Let it suffice merely to indicate the broadest outlines of Antonin’s literary activity through his life, as known from his extant writings.¹

As a member of the Friars Preachers, Antonin’s earliest literary activity was presumably the writing of sermons. Sermons are, indeed, among his oldest extant writings: a collection at the Biblioteca Nazionale Centrale (BNC) in Florence contains a cycle of sermons for the Lent either of 1427 or 1430. During the same era Antonin also began producing the works he would be most known for, namely manuals of confession and moral theology. His first true opus was written during his sojourn in Naples, and published April 1429: this is the Italian Confessionale directed to lay faithful, called from its incipit “Omnis mortalium cura,” or popularly Specchio di coscienza. In the next decade Antonin would produce two further practical directories for use in confession:² first, another in Italian, this time directed to priests, called by its incipit “Curam

¹ For basic information and bibliographical orientation on each of Antonin’s written works see Lapidge et al., CALMA, Antoni 1; Kaeppeli and Panella, SOPMA, 1:80–100, 4:27–31; Orlandi, Bibliografia antoniniana.

² So described by Morçay in Dictionnaire d’histoire et de géographie ecclésiastiques, s.v. “Antonin (Saint).”
illius habe,” or popularly Medicina dell’anima; the second, in Latin, likewise directed to priests, called “Defecerunt” and completed before July of 1440. This latter work is Antonin’s most popular by far, to judge by the number of manuscript copies, printed editions, and vernacular translations (Italian, Spanish, Croatian). From the 1430s Antonin also began writing opuscula addressing problems of moral theology. Although these opuscula are often described as theologica, they tend to specialize in problems with a strong juridical component. In this genre are counted the Tractatus de cambiis, Tractatus de censuris ecclesiasticis sive de excommunicationibus, Tractatus de restitutione, and a famous one against female luxury, De ornatu et habitu mulierum.

From at least the 1440s other clerics began submitting queries, dubia, and cases of conscience to Antonin ‘the Counselor’ for his resolution: from circa 1440 date 69 Conclusiones et decisiones in foro conscientiae replying to questions submitted by Br. Dominic de Catalonia, O.P. Further collections of such responses and consilia are extant. Antonin likewise received requests for spiritual direction from lay men and women; his solicitude to such lay women, especially widows, produced a series of works of instruction about the spiritual life which were not made public and survived only in the one or two copies owned by the original recipients. These include the Regola di vita cristiana (dello stato vedovile), directed to Ginevra de’ Cavalcanti in 1441; the Opera a ben vivere of circa 1455, which survives in two autograph manuscripts, written for Dianora Tornabuoni and her sister Lucrezia, mother of Lorenzo the Magnificent; and the recently-discovered Trattato della nave. An idiosyncratic work within his oeuvre is the Trialogus inter Iesum et duos discipulos euntes in Emmaus, an exegetical and apologetic work expounding the Messianic prophecies of the Old Testament as applying to Jesus Christ.

The conclusion and crowning achievement of Antonin’s writing comes with the Summa. He laboured over it during much of the final two decades of his life, from perhaps 1440 to 1459. Often treated as a separate work alongside the Summa is the Chronica (Chronicles), a history of

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3 Howard, Beyond the Written Word, 22–24; Kaeppeli and Panella, SOPMA, no. 256.
4 The crucial studies, with partial editions, are Creytens, “Les cas de conscience;” Creytens, “Les ‘consilia’ de s. Antonin.”
5 Morçay, “Antonin (Saint);” Thiérard-Baudrillart, Règle de vie.
7 Orlandi, Bibliografia antoniniana, XXIV–XXV.
the world in three volumes. However, it will be seen below that the *Chronica* should actually be considered a part and continuation of the *Summa*. It will also be seen that most or all of Antonin’s previous moral-theological writings were incorporated into the *Summa* in some form. It may truly be said, then, that the *Summa* represents the sum of Antonin’s literary estate. The present chapter will proceed by examining the *Summa* in four sections: first by introducing the conception of the *Summa*, its title, purpose, and structure; second by establishing the most important textual witnesses by demonstrating that five volumes now held at San Marco and Santa Maria Novella in Florence are the author’s own original autograph manuscripts; third by providing codicological descriptions of these textual witnesses; and finally by probing what these textual witnesses reveal about the process of composition of the *Summa* by way of concluding the argument of this chapter.

1. **The Conception of the Summa**

The *Summa* of St Antonin, like many works of medieval literature, does not go under a uniform title fixed by the author. It has been described as a *Summa* since it first saw the light of day, and this is the immutable element in the work’s title in manuscripts and editions, though the author himself applied some alternative designations, as will be seen. Today, and since at least the sixteenth century, it has been common to qualify the *Summa* with various adjectives at the discretion of the editor or publisher. The most common are *Summa moralis,* Summa theologica, and *Summa doctrinalis.* Of the three, *Summa moralis* is the most appropriate, and matches best the character and purpose of the work. However, the best-attested title in the

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8 The major studies are Walker, ‘Chronicles’ of Saint Antoninus; Morçay, Chroniques. This work goes under various titles, including Chronicae, Chronicon, and Summa historialis.
9 Mamachi, 1:1–2; Kaeppele and Panella, SOPMA, 1:80, 4:28.
10 Ballerini, 1: title page; Howard, *Beyond the Written Word*, XI. Leonard Boyle, O.P., employs *Summa Theologica Moralis* in the preface to Howard, *Beyond the Written Word*, VII.
manuscript tradition would appear to be the simplest: *Summa fratris Antonii.* This is how the work is referred to in notes on the flyleaves or first folios of the original manuscripts to be discussed below. Thus:

Originalia prime partis Summe fratris Antonii de Florentia ordinis predicatorum archiepiscopi Florentini.\(^{13}\)

Originalia secunde partis Summe fratris Antonii de Florentia archiepiscopi Florentini.\(^{14}\)

<\(\text{T}\)ertia pars Summe domini Antonii archiepiscopi Florentini assumpti ab ordine predicatorum.\(^{15}\)

Likewise Castiglione says that Antonin called his ‘massive book and great volume’ a *Summa.*\(^{16}\) In light of these, the best-justified course of action is to refer to the work simply as the *Summa* of St Antonin of Florence (Antoninus Florentinus).

There are two yet older designations, however, which go back to the author himself in process of composition; they throw some light on the conception of the work, and lend support to the argument which runs through this chapter. These designations are *Recollectorium* and *Formica.*\(^{17}\) The allusion to the *Formica,* ‘Ant,’ is employed in Antonin’s preamble to the *Summa,* in which he develops an extended comparison of himself to an ant, “foraging over the years and

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\(^{13}\) *N* fol. 1r, hand G. The hands A and G will be identified in section 2 below.

\(^{14}\) *M*: flyleaf 2r, hand G.

\(^{15}\) *M*: flyleaf 2v, hand G. The first half of the autograph manuscript of part four having been lost, it cannot be verified if a similar note was written on its first folios.

\(^{16}\)*... ingenti libro magnoque volumini, quam Summam appelavit.* Castiglione, *Vita Beati Antonini,* c. 4 (322); quoted in Howard, *Beyond the Written Word,* 30 n49, and Orlandi, *Bibliografia antoniniana,* X.

\(^{17}\) Noted by Orlandi, *Bibliografia antoniniana,* X.
gathering together the fruits of a lifetime’s experience and reading.”

He takes Proverbs 30:6–8 as his theme for explaining the *Summa* and its conception, purpose, and method:

Go to the ant, O sluggard, and consider her ways, and learn wisdom: Which, although she hath no guide, nor master, nor captain, Provideth her meat for herself in the summer, and gathereth her food in the harvest.19

The full passage from Antonin’s preamble will be translated and discussed shortly. For the moment, attending to the question of the title of the work:

... Therefore, no more or less of blame or praise ought to be ascribed to me than to the collectors of texts or copyists of books written by others. Hence I did not wish to apply my name nor a title to the work, unless in contempt, as one might want to name a most miserable ant, a despised animal, when telling a tale to someone.20

If he refused to give it a title, how then does the author himself refer to the work? In the course of this passage, in addition to the key word *formica*, the work is referred to as a *recollectio* and as a *collectorium*. Another witness to this is found in the original manuscripts of Antonin’s *Chronicles*. At the front of the third volume, in the *tabula titulorum et capitulorum*, the following explanation is read:

Tertium istud uolumen partis historialis, que est quinta respectu totius Recollectorii, continet materiam de quibusdam doctoribus et libris eorum et sententiis notabilioribus. Exinde continuatur historia ab Innocentio 3o qui fuit circa annum Domini millesimum

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18 Howard, *Beyond the Written Word*, 32 n58; see more generally Ch. 1 and 2 of the same.
ducentesimum, usque ad presens, scilicet annum millesimum quadringentesimum quinquagesimum octauum.\textsuperscript{21}

This was written in 1458, after the four parts of the \textit{Summa} had been largely or entirely finished. Two points are notable here. First, this provides further confirmation that the \textit{Chronicles} were always considered by Antonin as a continuation of the \textit{Summa} itself: “the historical part, which is the fifth with respect to the whole.”\textsuperscript{22} Second, Antonin refers to the whole \textit{Summa} by the word \textit{Recollectorium}. Another manuscript, not autographic but donated to the convent of San Marco in 1465, witnesses to the same:

\begin{quote}
Secundum volumen huius partis historialis, quod est quintum volumen totius operis quod dicitur Recollectorium seu Formica, continet gesta noningentorum annorum, videlicet a Constantino magno et Silvestro papa qui fuerunt anno domino 310 usque ad Fredericum 2\textsuperscript{um} imperatorem et Innocentium 3\textsuperscript{um} papam.\textsuperscript{23}
\end{quote}

There is, then, evidence that the oldest designation of the work, and the one used by the author himself, is \textit{Recollectorium} (Collecting-Box);\textsuperscript{24} or more fancifully \textit{Formica} (Ant).

This evidence is not rehearsed in order to argue for adopting \textit{Recollectorium} or \textit{Formica} as the designation for the work in scholarly discourse. \textit{Summa} is, clearly, the standard title adopted during the author’s own lifetime by his Dominican brothers and contemporaries — just as the

\textsuperscript{21} Florence, Biblioteca Santa Maria Novella, I.B.55 fol. Ir; quoted from Orlandi, \textit{Bibliografia antoniniana}, XVIII, 70. Based merely on Orlandi’s descriptions of the autographs of the \textit{Chronicles} (\textit{Bibliografia antoniniana}, 65–71), a reasonable hypothesis is that this note was written by Antonin himself; for Giuliano Lapaccini died on 23 February 1458 modern style (Kaepelli and Panella, \textit{Scriptores ordinis praedicatorum}, 3:56). A fuller explanation of this hypothesis is developed below.

\textsuperscript{22} This is also how Castiglione characterized the relationship of the \textit{Summa} and \textit{Chronicles}. “Summam appelavit. ... Quam etiam quinque partitam esse voluit. Et in prima parte de anima in genere ... In quinta vero historiam a principio orbis conditi usque ad tempora sua complexus est.” Castiglione, \textit{Vita Beati Antonini}, c. 4 (322).

\textsuperscript{23} Florence, Biblioteca Laurenziana, cod. S. Marco n. 363 (vol. two of the \textit{Chronicles}), fol. Ira; quoted in Orlandi, \textit{Bibliografia antoniniana}, XVIII, 72–3. According to Orlandi, this manuscript appears to be written by the same hand as the manuscripts of the \textit{Chronicles} volumes one and three held at the BNC, MS. II. I. 375 and 376. The latter manuscript’s incipit likewise describes it as the ‘historical part’: “Titulus iste est decimus octavus partis historialis ...” Ibid., 72–3.

\textsuperscript{24} See \textit{DMLBS}, s.v. “recollectio,” “collectorium.”
work’s author, despite being baptized Antonius, came to be called Antoninus. There is nothing improper about continuing to call it the Summa of Antoninus. But the author’s own term, Recollectorium, does illuminate his conception of the work and his purpose in composing it. Thus, in his preamble, Antonin writes:

Indeed, when I was poised between the summer and autumn of my life, I deemed that it would be necessary to gather together some things for my sustenance from the harvest of doctrines; lest, if I should happen to reach the winter of old age, I falter from hunger. For old age is fogged by weak memory and sight; and, with the body’s members exhausted and occupations sometimes multiplied, it has not the strength nor the time for paging through piles of books. But sensing that a certain sluggishness had entered into my bones, to shake it off I considered that the ant, contemptible creature and smallest of animals, is yet wiser than the wise, and therefore to be imitated: for although she hath no guide nor master in her work, nevertheless she provideth for herself for the winter time while she is able to run about. I confess that I had no guide in grammar except in my boyhood, ... But drawn by the hunger and sweetness of truth, especially of moral wisdom, I have collected a few things which appealed to me from what it occurred to me to read. For neither does the ant gather all the food that she finds, nor the more precious, but rather what she knows is suited to her. Therefore the sublime theories enclosed in libraries I have left to the masters and those accomplished in learning. But what I have judged apt as material for preaching, for hearing confessions, and for consulting in the court of souls, I took up from many doctors in theology or experts in law; not intending to compose elegant verses, since I am unschooled and ignorant of every science, but to make a collection in the tradition of the friars, for me and for my confrères who were with me, whose disposition does not soar to higher things, to whom a wealth of books is not always available, and from whom occupations take away the possibility of roaming

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25 This sentence and the following two, in which Antonin explains how, like the ant, he had no guide, master, or captain in his education, are translated and discussed above, Ch. 1.
through books. ... Therefore, no more or less of blame or praise ought to be ascribed to me than to the collectors of texts or copyists of books written by others.26

The author here has given a brief statement of the conception of the *Summa*. Antonin’s stated motive was the “hunger and sweetness of truth, especially of moral wisdom,” which led him to prepare a collection drawn from “the harvest of doctrines,” to provide for himself in his old age, for his brother friars, and for others with needs similar to his own. Its orientation is towards the pastoral duties of the friars, namely “preaching, hearing confessions, and consulting in the court of souls,” and this is the principle which has guided the selection of material. It is a collection of material taken from “many doctors in theology and experts in law,” providing a digest and reference work for those whose time or station does not permit them the possibility of “roaming through books.” The nature of the *Summa* as a kind of miniature library, meant to provide a digest of many shelves worth of books, brings to mind the extraordinarily rich library holdings available to St Antonin, during the last fifteen years of his life, at San

26 “Equidem inter estatem et autumpnum etatis constitutus, arbitratus sum necessarium fore ex frumentis doctrinarum quedam recolligere ad mei substentationem: ne, si contingeret ad yemalem senectutem deuenire, fame deficerem. Senilis enim etas membra debilitata caligatur, et exausis corporis membris, occupationibus aliquando multiplicatis, non ualet nec am tempus uacat ad reoluendum multitudinem librorum. Intelligens autem in ossibus meis pigritiam insitam, ad eam excutiendam considerauit formicam inter animalia minimum et despicabile, sed sapientius sapientiorem illam esse, et ideo imitandam: cum enim non habeat ducem nec preceptorem in opere suo, prouidet tamen sibi pro iemis tempore cum potest discurrere. Ducem fateor me non habuisse in grammaticalibus, nisi in pueritia, et debilem preceptorem. Nullum habui in alia facultate excepta parte dialectice, et satis interrupte, sed nec principem mihi studium imperantem ex prelatione. Audita tamen et suauitate tractus ueritatis, precipue moralis sapientie, ex his que mihi occurrerunt legenda, pauca recolle uiui. Neque enim formica omnia inuenta cibaria colligit nec pretiosiora, sed que nouit sibi congrua. Illas igitur sublimes theorias in librariis comprehensas, magistris et scientia perfectis dimisi. Que autem iudicaui apta ad materias predicationum, et audientiam confessionum, et consultationem in foro animarum, accepit a doctoribus pluribus in theologua uel iure peritis; non intendens indoctus et omnis scientie ignarus poeemata condere, sed recollectionem facere more fratrum, pro me et meis similibus qui nec instituerunt aliorum, nec librorum semper copia datur, et occupationes facultatem subtrahunt ad discurrendum per libros. ... Non igitur plus minusue uituperations uel laudis mihi debet ascribi, quam collectoribus lectionum, uel scriptoribus librorum ab aliis editorum.” Antoninus, *Summa*, 1 prohemium (N fol. 3v–4r, hand G). Howard’s translation of most of this passage has been consulted with profit: Howard, *Beyond the Written Word*, 37 n76; 32 n57; 35 n67; 39 n86; 41 n89; 32 n58; 40 n87.
Marco.27 The labour which he spent digging through books in the library there, digesting, excerpting, and copying material suitable for ‘those like him’ from the most important books of canonistic and theological scholarship, can be counted among Antonin’s acts of charity or almsgiving during his lifetime: for by doing so, he provided instruction and teaching out of his own wealth for those poorer than he in leisure and in books.28

It is a collection “in the tradition of the friars.”29 The nature of the texts employed in this tradition can be grasped from Michèle Mulchahey’s meticulous study of Dominican education before 1350.30 Mulchahey defines three genera of texts employed in the Dominican educational tradition: preaching aids, tools for biblical exegesis, and aids to the confessor (manuals of moral theology). Of these, the one to which Antonin evidently does not see his Summa contributing is tools for biblical exegesis. But the other two genera go to the heart of the matter. The Summa is indeed a collection in the tradition of the friars: for the aid of the confessor it provides a manual of moral theology and casuistry, “the first of its kind embracing the study of moral theology on such a comprehensive plan.”31 In its individual chapters it provides many of the sorts of aids for preaching described by Mulchahey: model sermons; florilegia of Church Fathers, modern

27 “In qua re illud sane multa admiratione dignum est ... potuisse tot librorum volumina, tam variis materiis conscripta, tot Doctorum ac sacrorum Canonum testimoniiis et auctoritate firmata conscribere.” Castiglione, Vita Beati Antonini, c. 4 (322); quoted in Howard, Beyond the Written Word, 47 n14.

28 This point is also made by Peterson in Grendler, Encyclopedia of the Renaissance, s.v. “Antoninus.” Another quotation from Antonin is illuminating: “So compilers of sentences from various books tend to irritate people to whom outstanding ability and plenty of leisure gives the chance of seeking out rich and honey-sweet doctrines in the original texts. But since these [compilers] aim to provide for their own and others’ deficiency, it does not seem that they should be reproached since they do not do harm to those [authors], but, rather, further enlarge their glory by introducing to the dull-witted for their general erudition what they have never been able to see by chance in their dispersed state.” Antonin, Summa, 1 prohemium (N fol. 4r–4v); Howard’s translation, Beyond the Written Word, 45 n9.

29 For the original more fratrum Ballerini prints amore fratrum (Ballerini, 1:4); scholars discussing Antonin’s preamble have often been misled by Ballerini’s text here.


doctors, and to an extent even ancient pagan authors (Antonin’s sources will be discussed below, Ch. 3); collections of *exempla*; and instructions on the art of preaching. That the *Summa* was fundamentally conceived and designed ‘for preaching’ is a major component of Howard’s argument in *Beyond the Written Word*. The argument need not be developed here; its accuracy will soon become evident, and it will be brought into play in later chapters.

In the same preamble Antonin describes the structural form of the *Summa*:

> But I have imposed some kind of order — even if not very serious since I am unschooled in method — so that the material may be more easily found. For I separated it into four principal parts, intending to go through the vices and virtues, dividing also each part into titles, and the titles into chapters, and the chapters into paragraphs.

Thus the component parts of the *Summa*. It is customary in printed editions to introduce another level of division into sections (§§), intermediate between Antonin’s chapters and paragraphs. The concise and clear way to cite places in the *Summa*, then, is with arabic numerals descending from largest unit to smallest: part, title, chapter, section, paragraph. All such citations herein refer to the divisions of the text in Ballerini’s edition, except where otherwise noted. Scholars of Antonin’s *Summa* should take Ballerini’s edition as the common reference point, despite the shortcomings of the text it transmits, for the sake of consistency.

Returning to the quadripartite division of the *Summa*:

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32 Howard, *Beyond the Written Word*, esp. Ch. 2, “For Preaching.” Several chapters of Howard’s book, along with subsequent publications, are devoted to exploring how Antonin’s “habit of mind” as a preacher, combined with the oral culture of renaissance Florence, shaped the composition of the *Summa* and molded Antonin’s ‘theologies.’ Howard, *Beyond the Written Word*, 259–262. See also idem., *Aquinas and Antoninus*; idem, “Antonino e la predicazione nella Firenze rinascimentale,” in Cinelli and Paoli, *Antonino Pierozzi*, 333–346.

33 “Aliqualem uero ordinem, etsi non multum seriosum ignarus ordinem, posui pro faciliori inuentione materiarum. Nam distinctum in quatuor partes principales feci, de uitiis et uirtutibus recitare intendendo, et quamlibet partem in titulos, et titulos in capitula, et capitula in paragraphos distinguendo.” Antoninus, *Summa*, 1 prohemium (N fol. 4v).

34 This is an application of principles developed for citing Roman and medieval legal texts: see James A. Brundage, “The Romano-Canonical Citation System,” appendix 1 in *Medieval Canon Law* (London: Longman/Routledge, 1995), 190–205.
In the first part are treated certain general matters, namely the soul and its powers as well as their subjects: the passions as the sources [of sins], sins in general and their effects, the various laws by which vices are forbidden and virtues prescribed.\(^{35}\)

Part one of the *Summa* is the most philosophical component. The material and method of treatment owe a great deal to St Thomas Aquinas.\(^{36}\) This part falls into three main treatises: *On the soul and its powers*, \(^{37}\) *On sin*, \(^{38}\) and *On laws*.\(^{39}\) This plan is not simply copied from Aquinas’s *Summa theologiae*; but it does adapt the basic organization of the *prima secundae*. The *prima secundae* deals, after man’s last end, with the powers of the soul and the passions, followed by a *Treatise on habits* (where Aquinas deals with the nature of sin), and a *Treatise on law*. Antonin follows this arrangement of the material, but precedes it with a treatment of the soul, dealt with by Aquinas in the *prima pars* in a *Treatise on man*. Antonin’s *Treatise on law*, however, shows a greater depth of interest and knowledge of the wealth of medieval jurisprudence, particularly evident in his inclusion of a treatment of *The rules of law* (from the decretal collections) as the final title of part one.\(^{40}\) This follows a precedent set by Antonin’s mentor John Dominici, who preached a Lenten cycle on the rules of law.\(^{41}\)

Continuing through the parts of the *Summa*:

In the second part: the vices in their species, namely the eight capital vices and their daughters and species; restitution, oaths and perjury, vows and their transgression, infidelity and its species, and superstitions; for each vice proposing corresponding sermons, and afterwards what pertains to cases of conscience and the exposition of the

\(^{35}\) “Et in prima parte quedam generalia, uidelicet de anima et potentiis eius, que subjecta eorum habentur: de passionibus tamquam principiis eorum, de peccatis in genere et effectibus eorum, de multiplicibus legibus quibus uittia prohibentur et uirtutes precipiuntur.” Antoninus, *Summa*, 1 *prohemium* (N fol. 4v). The translation of this passage presents some difficulties. Cfr Howard, *Beyond the Written Word*, 63 n89.

\(^{36}\) Noted by Morçay, “Antonin (Saint).”

\(^{37}\) Antoninus, *Summa*, 1.1–5: *De anima in comuni, De potentiis anime, etc*. Titles listed at N fol. 5r.

\(^{38}\) Ibid., 1.6–10: *De causis peccatorum et passionibus, De peccato, etc*. N fol. 6r.

\(^{39}\) Ibid., 1.11–20: *De lege in comuni, De lege eterna, De lege naturali, etc*. N fol. 6v.

\(^{40}\) Ibid., 1.20: *De regulis iuris, et habet unum capitulum cum omnibus regulis iuris que sunt in decretalibus et libro 60 cum glossis*. N fol. 6v.

\(^{41}\) See above, Ch. 1.
material. And as a theme a Psalm verse is taken because it is readily at hand and in ready use in the Church; and more profitable doctrine for all the material.42

The second and third parts of the Summa have tended to capture more attention from moral theologians and historians than the other two parts. Antonin’s treatment of greed (2.1 de avaritia) is especially renowned, for it is very compendious and was particularly useful to Antonin’s contemporaries in as much as it provides a digest of up-to-date magisterial opinions on subjects of urgent controversy.43 It has been noted before that at the level of structure Antonin in his second part has not followed Aquinas’s plan of the secunda secundae, the moral part of Summa theologiae, despite this being a fundamental reference point for moral theology, especially among Dominicans. Aquinas proceeds through his moral material in order of the seven cardinal virtues: faith, hope, charity, prudence, justice, fortitude, and temperance. Antonin does devote a major place to the seven virtues in part four of the Summa; but in this second part, he proceeds instead through the eight capital vices: greed (followed by a treatise on restitution), pride, vainglory, lust, gluttony, wrath, envy, and sloth, followed by the treatises on lies and perjury, vows, and infidelity. Antonin nevertheless cites Aquinas as a preeminent authority, frequently following his doctrine and sententie in dealing with his material, as is seen in the chapters edited below.

This departure from Aquinas’s order of treatment in the secunda secundae, and from Aquinas’s overall pedagogical plan in the Summa theologiae, has provoked some scholars to view Antonin’s stated reliance on Aquinas as hypocritical, and to view Antonin as in some sense betraying Aquinas, injuring his legacy, and undercutting what should have been a salutary influence exerted by Aquinas on the development of moral theology. Such criticisms, not so much of Antonin in particular as of moralists generally from the fourteenth to the early

42 “In secunda parte: de uitiis in specie, uidelicit de octo capitalibus et eorum filiabus et speciebus; de restitutione, de iuramento et perjuris, de uotis et transgressionibus eorum, de infidelitate et speciebus eius et superstitionibus; ad singula uitia singulas predicationes ponendo, et postea que pertinent ad casus conscientie uel declarationem materie. Et pro themate sumitur uersus Psalmi, quia magis in promtu occurrit, et magis ecclesie in usu; et compendiosior doctrina ad omnem materiam.” Antoninus, Summa, 1 prohemium (N fol. 4v). Cfr Howard, Beyond the Written Word, 63 n89.
43 Discussed at greater length below in Ch. 4.
twentieth century, have been frequently issued by proponents of new approaches to moral theology. This is the substance of Mark Jordan’s brief critique of Antonin in his book *Rewritten Theology*. This is not the place to develop a full response to this critique; Peter Howard has already issued a worthy rejoinder to Jordan in his own *Aquinas and Antoninus*. However, there


45 “I hold that rewriting Thomas erases a decisive feature of his texts, namely, their pedagogical structure. ... One of the deliberate structural accomplishments of Thomas’s *Summa* is to reject an organization according to the seven capital sins. ... Yet not a few treatises on the seven capital sins were composed by excerpting Thomas — his deliberately scattered remarks gathered together, just as deliberately, into the treatise he refused to write. More grandly, the masterworks of fifteenth-century Dominican morality cite Thomas’s *Summa* respectfully and actively resist its structural innovation. the *Theological Summa* of Antoninus of Florence refers to Thomas ostentatiously for many of its definitions and a few of its arguments, but it rewrote Thomas in two ways. First, Antoninus’s entire *Summa* is concerned only with moral matters. Antoninus makes moral teaching a separate species of theology rather than an integral portion of it. Second, more importantly, Antoninus organizes his *Summa* not according to the structure of Thomas’s *secunda pars* or either of its sub-parts, but according to a series of older schemata, including both the Ten Commandments and the seven capital sins.” Mark D. Jordan, *Rewritten Theology: Aquinas after His Readers*, Challenges in Contemporary Theology (Oxford: Blackwell, 2006), 6, 9–10.

This is not accurate: the Ten Commandments are not employed in Antonin’s *Summa* as an organizing principle, and the seven virtues are so employed in part four. Jordan’s description actually applies to Antonin’s *Confessiole* “Defecerunt.” This point is made by Howard, *Aquinas and Antoninus*, 6. Indeed, Antonin says, in the prologue of part two, that transgressions of the Ten Commandments can be reduced to the seven capital vices. “Capita VII [i.e. draconis Apoc. 12] sunt VII uitia capitalia que dicuntu mortalia, que occidunt animam, cum filiabus suis, et ad ipsa reducuntur transgressiones X preceptorum signata per cornua X.” Antoninus, *Summa*, 2 prologus (M: fol. 11r, hand G).

46 “An example of what seems to be an entrenched tendency to read Antonin’s *Summa* out of context, and therefore misread and misconstrue him, can be found in Mark Jordan’s important and provocative book ...” Howard, *Aquinas and Antoninus*, 6. The burden of *Aquinas and Antoninus*, originally an Etienne Gilson lecture at the Pontifical Institute of Mediaeval Studies, is to reveal Antonin’s intended audience and purpose in writing the *Summa*, inspired by a similar study of Aquinas by the Rev. Boyle: Leonard E. Boyle, O.P., *The Setting of the Summa theologiae of Saint Thomas*, Etienne Gilson Series 5 (Toronto: Pontifical Institute of Mediaeval Studies, 1982).
is a certain facileness in this critique of Antonin and other moralists, insofar as it lacks recognition that these authors wrote for a different purpose, to fill a need not supplied by Aquinas’s *Summa theologiae*; and similarly it seems to involve a certain closed-minded want of interest in useful developments later authors may have contributed by shaping the matter in their own mold.

The method of dealing with the vices in the second part follows a regular template: first a ‘corresponding sermon’ for each vice, taking a Psalm verse as the theme — “because in moral matters particular sermons are more useful”47 — followed by “what pertains to cases of conscience and the exposition of the material.” Antonin sums this up as proceeding *primo per modum predicatioinis, deinde per modum doctrine.*48 Antonin’s treatment of his material in parts two and three will be discussed more fully below, in chapters three and four.

Coming to the third part of the *Summa*:

In the third part: the various states of life whether of layfolk or clerics, churches and the individual sacraments, ecclesiastical censures, and the states of those undergoing purgatory and of the blessed.49

The third part of the *Summa* is perhaps the most distinctively Antonine. The treatment of the moral life according to the different states of life or *status* in which people could be placed is not an innovation of Antonin; however, the length, care, and detail of the treatment in the third

47 “Nunc autem, quia in materia morali sermones particularsunt utiliores, ideo in hac secunda parte agetur de singulis uitiis in particulari, ...” Antoninus, *Summa*, 2 prologus (M1 fol. Iir, hand G). Antonin applies this advice about the usefulness of sermons to the prologue of part two itself. Apart from brief introductory remarks about the contents of part two and the other parts of the *Summa*, the whole prologue is an explication of the theme *Tu contribulasti capita draconum in aquis: tu confregisti capita draconis.* “Thou didst crush the heads of the dragons in the waters. Thou hast broken the heads of the dragon.” Psalm 73:13–14. He provides an outline of different Scriptural figures which can be applied in a moral sense to the capital vices, e.g., seven heads of the dragon in Apocalypse 12, seven lepers or blind men and women found in Scripture; and likewise the application of the theme *Tu contribulasti* to the Blessed Virgin Mary through an explanation of the angel Gabriel’s salutation *Ave.* Ibid.


49 “In tertia parte: de statibus uaris tam laicorum quam clericorum, de ecclesiis et sacramentis singulis, et de censuris ecclesiasticis, et statibus purgandorum et beatorum.” Ibid., 1 prohemium (N fol. 4v). Cfr Howard, *Beyond the Written Word*, 63 n89.
part (to say nothing of its sagacity) does seem to have made Antonin’s *Summa* stand out. Castiglione’s characterization of Antonin’s teaching makes one think immediately of the third part of the *Summa*: “He not only wrote about universal things, but he also adapted doctrine, coming down to the particulars, to our very way of living, to the basic practice of the specifics of human life.”50 The specifics to which Antonin descends in this part are indicated by the title headings: *married people, the continent, temporal lords, soldiers and on the various kinds of war, doctors and scholars, advocates and procurators, merchants and artisans* (this includes, in addition to the two chapters edited below [3.8.1–2], e.g., a discussion of farmers and of fishing as licit recreation),51 *secular and ecclesiastical judges, the dying, hostellers and on jurisdictions and other pertinent things, churches and their patrons, clerics and the divine offices, the sacraments of the Church, the benefited, religious, confessors, preachers, prelates* (with titles on bishops, archbishops, patriarchs, cardinals, legates, and supreme pontiffs),52 *universal councils, a treatise of several titles on excommunications and censures*,53 and finally, *on God and the state of the blessed, on the various states of those having been taken*,54 on the punishment of purgatory.

Continuing the comparison to Aquinas: the plan of Antonin’s third part has only a loose correspondence to the latter part of the *Summa theologiae*. The *secunda secundae* closes with a *Treatise on acts which pertain especially to certain men*, in which the various lay states are treated only at the most general level; the *tertia pars* and *supplementum* again deal with some of the same material in a roughly similar order (e.g., sacraments, ecclesiastical censures, those undergoing purgatory and the blessed); but these are largely subordinated to other priorities — particularly

50 “Non enim de universalibus tantum rebus scripsit: verum etiam ad particularia quaeque descendens, ad hunc nostrum vivendi usum et ad singularem quamdam humanae vitae operationem, doctrinam accommodavit.” Castiglione, *Vita Beati Antonini*, c. 4 (322); translated by Howard, *Beyond the Written Word*, 52 n40.
52 Ibid., 3.19–22.
54 *De diversis statibus comprehensorum*: ibid., 3.31. In context it appears that this title deals with the different human beings and angelic spirits who now reside in heaven.
in the *tertia pars*, whose overarching subject is the Incarnation of the Second Person of the Trinity.

   In the fourth part: virtue in general and in species, the cardinal and theological virtues in species, and their parts or things annexed to them; and if there is time, the seven gifts and grace will be dealt with.\(^\text{55}\)

   The fourth part appears to have been the least copied, and therefore, presumably, the least read; which is unfortunate, since it would appear to contain a great deal of Antonin’s practical teaching on ascetic theology and illustration of the moral life as a life of virtue supported by grace. After a title *on virtue in general*, the first half proceeds through the virtues of prudence, fortitude, temperance, justice, charity, hope, and faith.\(^\text{56}\) Time enough was provided to the author to deal with divine grace and the seven gifts of the Holy Spirit: these form the second half of this part, proceeding through the gifts of wisdom,\(^\text{57}\) intellect, counsel, fortitude, fear, piety (incorporating a lengthy treatise on the Blessed Virgin Mary), and knowledge (*scientia*).\(^\text{58}\)

   Turning now from the structure of the *Summa* to the circumstances of its conception. Antonin states that he conceived the project of the *Summa* “when I was poised between the summer and autumn of my life.” This vague reference to his age is the most precise indication available of when Antonin first put his hand to composing the *Summa*. Morçay supposes that “between the summer and autumn of my life” would be towards Antonin’s fiftieth year, circa 1440, and this has been accepted among scholars as a reasonable terminus post quem for practical purposes.\(^\text{60}\) No direct evidence contradicts this except the possible attraction of reading

\(^\text{55}\) “*In qua parte: de uirtute in genere et specie, de uirtutibus scilicet cardinalibus et theologicos in specie, et de earum partibus seu eis adnexis, et si tempus erit, agetur de septem donis et gratia. Restaret de articulis, si uita comitetur, que non minor ceteris erit. Qui inde aliquid utilitatis hauserit, pro eo oret ad Dominum nostrum.*” Ibid., 1 *prohemium* (*N* fol. 4v). Cfr Howard, *Beyond the Written Word*, 63 n89.

\(^\text{56}\) Antoninus, *Summa*, 4.1–8.

\(^\text{57}\) Two titles deal with these as a whole before their individual treatment: Ibid., 4.9–10.

\(^\text{58}\) The gift of wisdom is dealt with in the latter chapters of 4.10, *De donis Spiritus sancti*.

\(^\text{59}\) Ibid., 4.11–16.

\(^\text{60}\) So Lapidge et al., *CALMA*, Antoni 1.18; Kaeppeli and Panella, *SOPMA*, no. 239.
Antonin’s reference as equivalent to “midway in our life’s journey,” i.e. in about Antonin’s thirty-fifth year (circa 1425). What is clear is that Antonin spent many years working on the *Summa*:

I have worked on it enough over many years, even though interrupted by many responsibilities, not of great value perhaps, yet time-consuming; whence, sometimes for months and years I left this work untouched, often taking time from it, now for sustaining the body, now for my duties as a prelate (in which I, though unworthy, have long been occupied), now for the exercise of religion, namely prayer and meditation.

The author himself declares when the work was completed, in a colophon given in the penultimate paragraph of part four:

It should be noted that in treating of the the last three gifts (of the Holy Spirit) the order of enumeration set out by Isaïas was not preserved: and for this reason, so that the lengthier material would be placed last. And therefore the gift of ‘fear’ was dealt with earlier, then afterwards ‘piety’ much more extensively by reason of the material annexed to it, namely about the Virgin Mary. And finally ‘knowledge’ was dealt with. To which [i.e., to the title *de scientia*] is added a large work divided because of its length into two

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62 The Biblical lifespan is “threescore years and ten.” Ciardi, ibid., 21.

63 “Laboraui et ego satis per multos annos, et interrupte propter occupationes, etsi non magni ualoris, tamen tempus exigentes; unde aliquando per menses et annos opus dimisi, tempus sepe furando, aliquando necessarium corporis substentationi, aliquando exercitationi prelature, in qua diu indignus permansi, aliquando decentie religionis, scilicet orationis et meditationis.” Antoninus, *Summa*, 1 prohemium (N fol. 4r); also translated in Howard, *Beyond the Written Word*, 30 n48.

Castiglione confirms, without any greater specificity, that the writing of the *Summa* took ‘a long time.’ Speaking of Antonin’s last illness and death: “Imposuerat etiam non multo antea extremam manum ingenti libro magnoque volumini, quam Summam appellavit. Quam longo tempore, magno labore, multoque artificio conscriptam (ut paullo post docebo) non ad meatus siderum naturaeque occultas vires demonstrandas, sed ad dandum edocendamque salutis scientiam ediderat ...” Castiglione, *Vita Beati Antonini*, c. 4 (322); quoted in Howard, *Beyond the Written Word*, 30 n49, and Orlandi, *Bibliografia antoniniana*, X.
volumes, not strictly of histories but also of many other things from sacred Scripture and the notable sayings of saints, and even some pagans, containing deeds from the beginning of the world up to the present time, namely the year of the Lord 1454 from the Incarnation; if, that is, life shall accompany me to completing what has so far been brought up to the year of the Lord 600, namely up to the death of Gregory the Great and the reign of the Emperor Phocas. For since, as was said, it pertains to the gift of knowledge to conduct oneself well 

*in the midst of a crooked and perverse generation*, and to know how to discriminate things to be believed from things not to be believed, things to be done from things not to be done, so that good things be approved and evil things disapproved, how very much, then, can the deeds of our forebears be of help towards this! ... But let an end be made to this, the fourth part, which is about the virtues and the gifts of the Holy Spirit.

It is clear, then, that the author considered the *Summa* finished in 1454. In addition to this colophon, references within the *Summa* itself to dates and dateable events, combined with records of its binding and copying, permit the construction of a rough chronology for the

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64 At this place Ballerini writes “in tria volumina” (4:1290), transmitting an updated text reflecting the final three-volume division of the *Chronicles*.

65 Ballerini writes “MCCCCV” (4:1291), which must be a typographical error.


67 “Notandum quod in tractando de tribus ultimis donis non est seruatus ordo enumerationis positus ab Ysaia, et ratio fuit, ut prolixior materia posterius poneretur. Et ideo prius de timore, postea de pietate multo diffusior ratione materie adiuncte, scilicet de Virgine Maria. Et demum de scientia actum est. Cui additur magnum opus distinctum propter sui longitudinem in duo volumina, non precise historiarum sed et multorum aliorum de scripturis sacris et dictis notabilibus sanctorum, sed et aliorum gentilium, continens gesta ab initio mundi usque ad presens tempus, scilicet anni Domini ab incarnatione 1454, si tamen uita fuerit chomes ad perficiendum quod iam perductum est usque ad annum Domini sexcentesimum, scilicet usque ad mortem Gregorii magni et imperium Foce. Cum enim, ut dictum est, ad donum scientiae perteinet bene conversari in medio nationis praue et peruerse, et scire discernere credenda a non credendis et agenda a non agendis, ut bona assumantur et mala renuantur, quamplurimum ad hoc possunt iuuare precedentium gesta. ... Sed finis sit huic 4° parti que est de uirtutibus et donis Spiritus Sancti.” Antoninus, *Summa*, 4.16.1 para. penult. and ult. (Ms fol. 277v, hand A). Also translated in Howard, *Beyond the Written Word*, 31 n54.
composition of individual parts and titles of the Summa. These will be discussed below in the final section of this chapter, “The Composition of the Summa.” First, however, the most important textual witnesses of the Summa will be introduced, and a crucial question about them answered: are these autograph manuscripts?

2. Textual Witnesses: Demonstration of Autographic Status

About fifty-four manuscripts of the Summa (each manuscript typically a single part) were described by Orlandi in 1961; some additions to this list have been made by subsequent research. The age of print began during the last season of Antonin’s life, and the Summa, along with his other works, was printed in several incunable editions; it has been printed about twenty times in total, with the last two editions in the eighteenth century (discussed above, Ch. 1). The most important and interesting textual witnesses, however, are the original manuscripts prepared by the author himself, which he called scartabelli — an obscure word, perhaps translateable as ‘volumes’ or ‘manuscripts.’ These manuscripts, five in total (the third part being divided into two volumes), preserved by Antonin’s Dominican brothers, are today held at San Marco (parts two to four) and Santa Maria Novella (part one), along with the originals of the Chronicles. These five manuscripts of the Summa are designated herein N M₁ M₂ M₃ M₄. They have traditionally been considered autographs by scholars. The rest of this chapter is dedicated to demonstrating that these manuscripts are indeed autographs; describing them; and exploring what they can reveal about the process of composition of the Summa.

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68 Orandi, Bibliografia antoniniana, 25–64; Kaeppeli and Panella, SOPMA, 1:80, 4:28; Lapidge et al., CALMA, Antoni 1.18.
69 Orandi, Bibliografia antoniniana, 295–305; see also the other reference works just cited.
70 Mamachi; Ballerini.
71 Evidently related to the Italian scartabellare, “to skim through.”
These five volumes have been described as autographs, *manu propria scripta*, ever since their original production. That alone is sufficient to prompt a presumption in favour of their status as autographs. However, it will be worthwhile to make the presumption of autograph status as secure as possible, since it is the justification for the procedure adopted herein of editing chapters of the *Summa* solely from the autograph volume as if it were a *codex unicus*. The decisive proof of autographic status rests upon a palaeographical examination of the hands in the manuscripts and comparison to extant documents known to have been written by Antonin *manu propria*. By this means $N M_1 M_2 M_3 M_4$ can be shown to be the originals prepared by St Antonin himself, written in large part by his own hand.

First, a word about the palaeographical terminology employed. In classifying scribal hands, that nomenclature is employed which was first proposed by Lieftinck and subsequently expanded by his disciples Gumbert and Derolez.\(^3\) This nomenclature distinguishes, first, three families or *genera* of medieval scripts: early-medieval, gothic, and humanistic. Only the latter two pertain to manuscripts of the *Summa*. As to gothic scripts, the Lieftinck-Gumbert-Derolez system classifies gothic scribal hands based on their treatment of a defined set of letter-forms: a in one or two compartments, b h k l with or without loops, f and straight s standing on the baseline or descending below it. The various combinations of these letter-forms in extant manuscripts yield six regular gothic script types: *textualis, semitextualis, cursiva antiquior, cursiva* (i.e. *recentior*), *hybrida, semihybrida*. These six types are employed here to classify gothic hands found in the manuscripts under discussion.

The only one of Derolez’s script types which requires special attention here is his category *semihybrida*.\(^4\) This category embraces scripts which “often mix Cursiva and Hybrida elements;”\(^5\) their characteristic letter-forms are single-compartment a, f and straight s descending below the baseline — these are *cursiva* letter-forms — and finally, ascenders on b h

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\(^3\) This nomenclature is explained in detail and employed in Albert Derolez, *The Palaeography of Gothic Manuscript Books: From the Twelfth to the Early Sixteenth Century* (Cambridge, 2003).

\(^4\) Important remarks for present purposes, ibid., 163–5, 171.

\(^5\) Ibid., 23.
k l sometimes looped (like *cursiva*) sometimes loopless (like *hybrida*). One variation on Derolez’s nomenclature is employed here in connection with this script type. Derolez says that:

many scribes were hesitant in their treatment of the ascenders in this kind of script and appear to have been indifferent in their tracing of looped or unlooped ascenders, either because they relapsed time and again into writing the customary Cursiva, or because the distinction held no significance for them. For other scribes, on the contrary, the writing of looped and loopless ascenders adheres to a strict rule. To all of these cases, whether conforming to a strict rule or not, we will apply the term Semihybrida as a classification of this intermediate type between Cursiva and Hybrida.76

In the discussion which follows, for hands which suggest scribes writing a *cursiva* script and merely “indifferent in their tracing of looped or unlooped ascenders,” the term *cursiva* is employed, with the inconsistent use of loops noted. In such cases the letter-forms are those of Derolez’s *semihybrida*, but it is useful here for the sake of clarity to keep in the foreground the basically *cursiva* character of the script at hand. *Semihybrida* will be preferred for hands which appear to write a fundamentally *hybrida* script, yet with inconsistent ascenders.

1. The hand A at M: fol. 66v and M: fol. 69r

Turning to the examination of hands. A difficulty presents itself immediately upon examining these manuscripts: there is plainly more than one hand at work, but the number of distinct individuals to whom these hands belong is not obvious. It is well known that a competent medieval scribe had “a command of a variety of scripts appropriate to different functions and occasions.”77 Likewise, within the manuscripts, sometimes a change in the character of the writing is visible in the look of the page as a whole — a change in the angle of ascenders and descenders, for example, or in the degree of shading — but not necessarily evident in the letter-forms, such that it is possible that the same scribe is writing with a different

76 Ibid., 163.
pen, or the same pen after a good sharpening, or on a writing surface of different quality. In other words, a change in the character of the letters on the page need not compel the conclusion that a different individual is writing. On the other hand, a reasonable expectation that Antonin sometimes employed secretaries to draft documents, to transcribe fair copies, and to take dictation, leads one to expect that even in the original manuscripts some or all of the work would not be strictly speaking an author’s autograph. Difficulties like these have led to some diversity of opinion among modern scholars in assigning autographic status to this or that manuscript of Antonin’s works. There are two main points of disagreement: first, whether the hand that wrote the *tabulae capitulorum* for these volumes of the *Summa* is the hand of Antonin himself;\(^78\) second, whether a collection of Antonin’s sermons held at the BNC of Florence is an autograph.\(^79\) The first point shall be discussed below. The second is not of prime concern for this dissertation, though it may be addressed in a future article.

For the immediate purpose of demonstrating that this edition is based on autograph witnesses, the difficulties just discussed are surmountable. It is sufficient to identify the hand which wrote the chapters edited below, namely *Summa* 2.1.16 and 3.8.1–2. The opening of *Summa* 2.1.16 is in manuscript *M*\(_1\) located at fol. 66v (incipit: *De fraudulentia que commictitur*); the opening of 3.8.1 is in manuscript *M*\(_2\) at fol. 69r (incipit: *Exibit homo ad opus*). The hand which wrote both of these folios wrote all, or very nearly all, of the chapters 2.1.16 and 3.8.1–2. This, then, is the primary hand whose identity is at stake for this edition. This hand shall be called ‘A’. After identifying the hand of these two folios, the prominence of this hand throughout the five manuscripts as a whole will be discussed.

The general characteristics of hand A will now be described. See plates 1 and 2.

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\(^{78}\) This hand also wrote the notes describing these manuscripts as *originalia*, numerous notes for copyists within the volumes, and some sections and chapters of the text. Orlandi thought that this was Antonin’s own hand, against the general opinion of scholars. The question of the identity of this hand is dealt with in Panella, “Catalogo,” following the lead of Pomaro, “Censimento,” 306–7. Panella’s argument is expounded below and accepted as successful.

\(^{79}\) Florence, BNC, Conv. soppr. A. 8. 1750, fol. 1r–61v: *Incipit quadragesimale quod intitulatur convertimini editum a venerabili patre fratre Antonino ser Nicolai de Florentia ordinis praedicatorum. Dominica LXXa* (fol. 1r). The debate about whether this manuscript is an autograph has yet to be resolved; opinions are rehearsed in Howard, *Beyond the Written Word*, 128–30.
Plate 2: M: fol. 69r (Antoninus, *Summa*, 3.8.1), hand A
This hand A writes a *cursiva* at the *media* or *currens* level of execution. The letter-forms are typical of Italian *cursiva*, but with both looped and loopless ascenders. The *a* is always single-compartment, *b d h k l* have both looped and loopless forms, and *f* and straight *s* descend below the line. Minims have a slight leftward slant. The uncrossed 2-shaped Tironian *et* is consistent with Italian origin, as are the quite vertical angle of the *f* and straight *s*, the rather pointed descenders, and the absence of hairlines and horns. In these latter characteristics and in the general look of the page, the hand suggests *Cancelleresca* written in a casual fashion. The hand does not write for display, but functionally and with some speed; yet not too rapidly for legibility. Nearly all the letter-forms are traced in a single stroke, the main exceptions being *e* and *r*. The scribe’s haste, however, is not such as to result in letters collapsed or distorted beyond recognition: the only example of this is the lobe of *a* and *q*, which can become compressed to a mere diagonal line. As a rule, the letters’ shapes are always discernible, and though the page is not beautiful the writing is quite legible. Writing on pages without ruling, the scribe nevertheless keeps to fairly straight lines, with regular height and spacing. The lines are close, with only a minimum of vertical space, and extend across the page in a single column leaving regular margins. The ink is brown, varying from light to almost black, usually towards the middle of the spectrum. In general there is little shading, and no alternation of bold strokes and hairlines; the one exception being the body of *f* and straight *s*, whose ductus often produces a heavy top with descender tapering to a point. The presence of these heavy *f* and *s* forms contribute to the overall distinctive look of A’s mise-en-page.

The hand A makes somewhat heavy use of abbreviations, though not excessive. The stock of abbreviations and their application conform to the standard practice of Italian scribes writing scholastic texts. Punctuation is minimal. At the sentence level, small units are indicated by periods (*punctus*), larger units by an initial majuscule letter; paragraphs and sections are introduced by paragraph marks, whose shape is a plain gibbet. Biblical quotations are sometimes underlined. New chapters begin with a space left for a decorated initial, which is

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always absent. The scribe also makes frequent deletions, corrections, and additions, employing all the typical means available to a medieval scribe. Small deletions are usually made by merely crossing out letters or words, larger deletions by marking a section with the label uacat. Additions are often inserted in any of the four margins, and their placement in the text is indicated with a tie-mark; different forms of tie-mark are employed, necessary because A at times makes four or even more marginal additions on a single page.

A detailed discussion of this hand’s individual letter-forms, as well as samples of its majuscules, arabic numerals, and abbreviations, is provided in Appendix 6.

2. Comparison with Antonin’s hand

An extensive sample of the handwriting of St. Antonin of Florence is extant in an original document recording the separation of the convent of San Marco of Florence from the convent of San Domenico of Fiesole, formerly united under a single prior. A facsimile of the document has been published by Chiaroni; it provides the ideal sample for the identification of hand A. The document was prepared in July of 1445. It records the consent of the Dominican brothers to the separation, each of whom affixed his signature to the document. The comparison of Antonin’s hand in this document against the hand A was suggested by Panella. Facsimiles of the document itself are provided here (plates 3–5), followed by a complete transcription.

82 “Riproduco in tre tavole il prezioso documento originale in cui S. Antonino Pierozzi scrive di sua mano e narra come egli sia riuscito ad ottenere la separazione del Convento di S. Marco in Firenze dal Convento di S. Domenico di Fiesole uniti per 9 anni sotto un unico Priore. ... Il documento cartaceo in fol. che misura centim. 29 x 32, faceva parte della “Miscellanea seconda” che apparteneva all’archivio del Convento di S. Marco. Nel 1876 passò al Museo di S. Marco e il Milanesi se ne valse per riprodurre la firma autografa del Beato Angelico ne “La scrittura di artisti italiani”. Quando poi la Miscellanea suddetta fu assegnata nel 1883 alla Biblioteca Laurenziana il documento fu staccato per esser conservato nel Museo di S. Marco. Oggi si trova nella Biblioteca della Soprintendenza alle Gallerie di Firenze.” Chiaroni, Gli autografi, pref.
84 Also transcribed in Chiaroni, Gli autografi, 11–12. Places where Chiaroni transcribes differently, apart from mere orthography, are noted herein.
Plate 3: Chiaroni, Gli autografi, tav. 1
Plate 4: Chiaroni, Gli autografi, tav. 2
Plate 5: Chiaroni, *Gli autografi*, tav. 3

Plate 6: Rolfi, Sebregondi, and Viti, *La Chiesa e la città*, tav. 2.3c (58)
In nomine domini nostri Yesu Christi.\textsuperscript{85}

Sit notum omnibus legentibus hanc scriptam quod Anno domini MCCCCXLV die ...

Iulii\textsuperscript{86} conuenerunt patres conuentus sancti marci de florentia ac etiam conuentus sancti dominici de fesuslis conuentuum unitorum ordinis predicatorum. sacerdotes omnes cum aliquibus ex diaconibus in conuentu prefato sancti marci, una cum fratre Antonio de florentia tunc uichario conuentuum reformatorum cita alpes ac etiam fratre Iuliano de florentia tunc priore dictorum conuentuum. ad tractandum de materia separationis seu soluende unionis prefatorum conuentuum ad inuicem seu continuande ipsius unionis.

Nam ipsa eadem materia fuerat uentilata a duobus annis elapsis coram reuerendo patre Magistro Iacobo de regno procuratore ordinis et uichario generali ytalie et magistro corrado tunc uichario congregationis cisalpine sed indeterminata propter diuisa iudicia et sibi contraria in ipsa re. Et nunc iterum de nouo suscitata. Ea propter quiety fratrum et consolationi cupiens operam dare et scandalis que in futurum possent contingere et dissensionibus obuiare sine ratione quacumque assignata per me\textsuperscript{87} et pro parte affirmatiua uel negatiua. cum plures hinc inde possent induci ultra alias inductas sed nullam urgentem. nec etiam expresso iudicio meo quod in hac parte sentirem proposui omnibus ego frater Antonius uicharius prefatus. Vt quilibet libere exprimeret uotum suum circa hanc rem. Et quod maiori et saniori parti uideretur. illud procuraretur seu seruaretur. Et multis allegatis per fratres singulos pro et contra pro illa die nichil determinatum est sed dilata determinatio ad alteram diem ut fratres adhuc plenius et maturius possent super negotio deliberare.

Conuenientibus igitur altera die eisdem patribus. uisum est pen...

\textsuperscript{85} om. Chiaroni
\textsuperscript{86} July Chiaroni
\textsuperscript{87} per me s.l.
\textsuperscript{88} constitutionibus Chiaroni
conuentus habeat super alterum. libros autem et superlectilia quilibet conuentus predictorum habeat queque propria. Similiter et legata que in futurum peruenirent ad eos post factam separationem. Solummodo pro nunc remaneat questus panis more solito quousque maturius ualeat super hoc prouideri, sine nota quoad laycos. et proportionaliter et charitatiue conuidatur. Si qua alia fuerint dirimenda ut duia. ipsi prelati ordinis habebunt iudichare. de possessionibus non est questio uel redditibus cum proinde nullus eorum ullam habeat. Et ad confirmationem horum omnium omnes fratres hic inferius manu[a] propria se subscribent. Et quia nulli magis congenet hoc procurare quam priori dictorum conuentuum. cum in supplicatione primus debeat nominari. Ideo ipsum pro hac re expedienda ad curiam misi.

Ego fr. Iulianus de florentia prior supradictorum conuentuum, assentio omnibus supracticis in cuius rei testimoniu me propria manu subscripsi.

...

Ego fr. Antonius de florentia. uicharius supradictus. assentio predictis. quia sic placuit fratibus ipsis. et in huius rei testimonium. me manu propria subscripsi.

The prior of the two convents, Giuliano Lapaccini (‘of Florence’), signed the document first. The final signature is that of St Antonin, at that time vicar of the cisalpine reformed Dominican convents: “I, brother Anthony of Florence, aforenamed vicar, assent to the aforesaid, because so it pleased these brothers. And [in] witness of this thing I have signed my name with my own hand.” However, Antonin did not merely affix his signature: he drafted the entire document himself. In the midst of its body, the document reads: “I, brother Anthony, aforenamed vicar, proposed to all that each of us should freely express his vote about this matter.” This document provides, then, in addition to an authentic signature, a sample of 27

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89 supellectilia Chiaroni
90 manu Chiaroni
91 supplevi post Chiaroni
92 “Vna cum fratre Antonio de florentia tunc uichario conuentuum reformatorum citra alpes ac etiam fratre Iuliano de florentia tunc priore dictorum conuentuum.” Plate 3, ll. 4–5.
94 “... proposui omnibus ego frater Antonius uicharius prefatus. Vt quilibet libere exprimeret uotum suum circa hanc rem.” Plate 3, ll. 12–14.
lines of handwriting, which by internal evidence is known to belong to St Antonin himself. It is now possible to compare this against hand A and see the result. A sample of words and word-elements found in M1 fol. 66vff. and M2 fol. 69rff. are here presented beside comparable elements in the separation document.

<table>
<thead>
<tr>
<th>alias</th>
<th>alias</th>
<th>assentio</th>
<th>possent</th>
</tr>
</thead>
<tbody>
<tr>
<td>congregationis</td>
<td>congregandi</td>
<td>continuande</td>
<td>continuando</td>
</tr>
<tr>
<td>conuenerunt</td>
<td>emerunt</td>
<td>et</td>
<td>et</td>
</tr>
<tr>
<td>etiam</td>
<td>etiam</td>
<td>expedit</td>
<td>expedit</td>
</tr>
<tr>
<td>fr-</td>
<td>fraudulentia</td>
<td>fratrum</td>
<td>patrum</td>
</tr>
<tr>
<td>ipsius</td>
<td>ipsius</td>
<td>iudicia</td>
<td>iudiciai</td>
</tr>
<tr>
<td>manu</td>
<td>humanum</td>
<td>materia</td>
<td>materia</td>
</tr>
<tr>
<td>negotio</td>
<td>negotiatio</td>
<td>nichil</td>
<td>nichil</td>
</tr>
<tr>
<td>omnes</td>
<td>apud omnes ... nos</td>
<td>parte</td>
<td>parte</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>placuit</td>
<td>placere</td>
<td>predictis</td>
<td>predictis</td>
</tr>
<tr>
<td>procuratoris</td>
<td>procures</td>
<td>propria</td>
<td>propria</td>
</tr>
<tr>
<td>propter</td>
<td>propter</td>
<td>quia</td>
<td>quia ... quia</td>
</tr>
<tr>
<td>quilubet</td>
<td>quilubet</td>
<td>re</td>
<td>re</td>
</tr>
<tr>
<td>rei</td>
<td>rei</td>
<td>sacerdotes</td>
<td>sacerdotes</td>
</tr>
<tr>
<td>sibi</td>
<td>sibi</td>
<td>subscripsi</td>
<td>subiciantur</td>
</tr>
<tr>
<td>sibi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>suum</td>
<td>suum</td>
<td>uicharius</td>
<td>Merchator</td>
</tr>
</tbody>
</table>
The visual comparison just provided speaks for itself on behalf of identifying hand A in $M_1$ and $M_2$ with the vicar Antony of Florence — that is, St Antonin — who prepared the separation document. Antonin writes an Italian *cursiva* with inconsistent loops at the *media* or *currens* level. His hand exhibits the same general characteristics and individual letter-forms as the samples from $M_1$ and $M_2$. Virtually the only discrepancy is the use of round s in final position in the separation document. This appears in a number of places, indeed more regularly than not (pl. 3: l. 2 *patres conuentus*, l. 3 *sacerdotes omnes*, l. 5 *alpes, separationis*, l. 7 *elapsis*, l. 14 *multis*, l. 16 *fratres*, l. 26 *fratres*), against the practice of hand A. However, also seen is A’s atypical tall s with tail in final position (pl. 3: l. 12 *alias*; pl. 5 l. 84 *predictis*).

Witnessing for the identification of hand A with Antonin are, at the least, the following forms: the use of looped and loopless forms of b d h k l interchangeably (pl. 3: l. 2 *legentibus*, pl. 3: l. 2 *hanc*, l. 3 *aliquisbus*, l. 4 *uichario*, l. 10 *obuiare*, l. 12 *ultra alias*, l. 12 *nullam*, l. 13 *hanc* l. 15 *dilata determinatio ad*); flat a (pl. 3: l. 4 *reformatorum*, l. 5 *materia*, l. 6 *materia*, l. 8 *indeterminata*, l. 84 *assentio*); the joining of ch (pl. 3: l. 8 *uichario*); the forms of d with or without loops, squashed like a majuscule, and clubbed (pl. 3: l. 2 *domini*, *die*, l. 3 *sacerdotes*, l. 4 *diaconibus*, l. 10 *dare, scandalis*, l. 12 *iudicio, quod*, l. 15 *ad*, l. 28 *expedienda ad*); e with a space between the strokes (pl. 3: l. 4 *reformatorum*, l. 6 *solvende*); f with a gap between the vertical strokes, and f as a large letter (pl. 3: l. 7 *fuerat*, l. 15 *fratres*, l. 16 *fratres*; pl. 5: l. 84 *frater*); the standard g (pl. 3: l. 2 *legentibus*, l. 8 *generali*, l. 10 *contingere*, l. 11 *negatiua*, l. 13 *ego*); insertion of h after c (pl. 3: l. 4 *uichario*, l. 8 *uichario*; l. 19 *apostolicam*, l. 25 *iudichare*); long i in final position, and occasionally dotted i (pl. 3: l. 2 *domini*, l. 2 *Iulii*, l. 3 *marci, dominici*, l. 11 *induci*, l. 28 *nominari*); frequent 3-shaped final m (pl. 3: l. 6 *inuicem*, l. 9 *fratrum*, l. 12 *urgentem*, l. 26 *confirmationem*); biting of oe (pl. 3: l. 3 *omnes*); the typical p and double p forms (pl. 3: l. 2 *scriptam*, l. 4 *prefato*, l. 5 *separationis*, l. 9 *propter*, l. 12 *parte*); flat q (pl. 3: l. 3 *aliquisbus*); the use of *textualis r* with a serif at the baseline, and 2-shaped r (pl. 3: l. 2 *conuenerunt patres*, l. 3 *ordinis*, l. 4 *reformatorum*, l. 5 *tractandum*, l. 7 *re(uerendo)*, l. 8 *procuratore*, l. 8 *re*, l. 11 *ratione*, l. 12 *urgentem*, l. 28 *re*); straight s in final position (pl. 3: l. 7 *annis* [cfr. *elapsis*], l. 19 *unionis*, l. 22 *cos*, l. 26 *nullus, omnes* [cfr. *fratres*]); the variant form of tailed

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95 Refer to Appendix 6 where individual letter-forms are described in detail.
straight s (pl. 3: l. 10 scandalis, l. 12 alias [cfr. inductas], l. 15 -gatis [cfr. fratres singulos]; pl. 5: l. 84 predictis, l. 85 ipsis); s with fat descender or separated vertical strokes (pl. 3: l. 8 cisalpine, l. 9 suscitata, l. 15 singulos, l. 28 misi); t curved or straight (pl. 3: l. 2 sit notum, conuenerunt); x in one stroke (pl. 3: l. 4 ex, l. 12 expresso, l. 13 exprimeret, l. 17 expediat, l. 28 expedienda).

Another published facsimile can be brought in to supplement Chiaroni’s separation document.96 Plate 6 above reproduces a folio from a registro di Entrate e Uscite of the archdiocese of Florence under archbishop Antonin, 1451–57.97 On the last line of this folio, Antonin approves the transaction concluded on 26 January 1453 Florentine style (1454 modern style): “Visa fuit per me f. An. ar. flo. dicta ratio et computus et approbata ut recte facta et ideo me manu propria ista s(ub)s(cripsi).” Again, archbishop Antonin is seen writing the same sort of hand, employing the same letter-forms in the same fashion as in Plates 1–5 above.

Having compared the hand A with two known samples of the handwriting of Antonin of Florence, the resemblance is so strong that the natural conclusion is for their identity. At this point, the burden of proof is on the scholar who wishes to deny that hand A is Antonin. Thus the conclusion: the text on M: fol. 66v and M: fol. 69r, and the rest of chapters 2.1.16 and 3.8.1–2 on the folios which follow, was written by Antonin himself.98

3. The hand of Giuliano Lapaccini

It was mentioned above that a major point of disagreement among scholars concerns the hand that wrote the tabulae capitulorum for each part of the Summa in these manuscripts. This hand, which Panella designated ‘G’, also wrote the flyleaf notes describing these manuscripts as originalia ... concessa ad usum fratri Iuliano de Lapaccinis, as well as numerous instructions for copyists throughout the volumes.99 He also wrote some whole sections and chapters of the main

96 Suggested, like the previous comparison, by Panella, “Catalogo,” I.B.54 (179).
98 The folios on which these chapters are written are described in further detail below, section 4.
99 The hand G writes N 3r–6v, 7r–7v, 16r–16v, etc.; M: second flyleaf recto and verso, IIr–VIIr, 100r, 381r–382v, 394r–395v, 407r–411v; M: flyleaf verso, Ir–VIIIr, etc.
text, including the preamble to the whole work, discussed and translated above. Orlandi, against the general consensus of scholars, thought that this was “certainly the hand of St Antonin,” and printed facsimiles of folios written by both A and G as “autografi di S. Antonino.” The hand is visibly different from the hand A, however, and the difference was noticed by Orlandi. This hand writes a neat and careful hybrida with a thin nib, on amply spaced lines; he has a particular preference for large lobes on majuscules and on minuscule g. This g is a particularly distinguishing letter: it is distinctive in having a closed loop completed by crossing the first downstroke, often with a large sinuous lobe. This hand G was first identified by Pomaro as brother Giuliano Lapaccini of San Marco. By means of the same separation document already compared to hand A, the hand G can be identified as Lapaccini. In lieu of a laboured argument, a visual comparison is offered here. Plate 7 shows the note written on N fol. 1r by the hand G. In the table which follows, on the left are samples from Lapaccini’s signature, on the right are samples from N fol. 1r.

Plate 7: N fol. 1r, hand G

100 Antoninus, Summa, 1 prohemium (N fol. 3r–5r, hand G).
101 Orlandi, Bibliografia antoniniana, 26 and tav. I and II.
102 “… un’aggiunta di 1/2 fol. che lo stesso Autore, con mano leggermente differente, ma più accurata, ha fatto …” Ibid., tav. II.
The comparison of hand G in manuscript N with the signature of Giuliano Lapaccini (Julianus Lapaccinis de Florentia) likewise yields a result of probable identity. That G is the hand of Lapaccini also fits in with a piece of circumstantial evidence. The hand G wrote a similar note in the front of each original volume of the Summa.104 These notes have a regular pattern: first, in describing each volume or part as concessa ad usum fratri Iuliano de Lapaccinis; second, in describing the work as a Summa. The first two original volumes of the Chronicles held at San Marco likewise bear similar notes:

Originalia Cronice fratris Antonii de Florentia ... que poni debet in dono scientie in tractatu de dono scientie, et pertinet ad quartam partem Summe ... Concessa ad usum fratri Iuliano de Lapaccinis de Florentia ordinis predicatorum.105

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104 With the qualification that this cannot be confirmed for part four of the Summa, since its first half has been lost; described below.
105 Florence, Museo di San Marco, Inventario n. 507 (Chronicles vol. 1), fol. 1r; quoted from Orlandi, Bibliografia antoniniana, 65.
Secunda pars Cronice fratris Antonii de Florentia ordinis predicatorum et archiepiscopi Florentini ... Concessa ad usum fratri Iuliano de Lapaccinis de Florentia ...

It can be assumed that both of these notes were also written by G, first, because of the repetition of the same pattern, second, because Orlandi described them as written by the hand of Antonin, which he believed G to be. There is a similar pattern here: in both of these notes the work is called a Cronica, and its individual volumes are called either originalia or partes; it is attributed to frater Antonius de Florentia; and it is described as concessa ad usum fratri Iuliano de Lapaccinis. In the first of these notes, the writer G again describes the other work as a Summa. The corresponding note in the third original volume of the Chronicles, however, is different:

Tertium istud volumen partis historialis, que est quinta respectu totius Recollectorii, continet materiam de quibusdam doctoribus et libris eorum et sententiis notabilioribus. Exinde continuatur historia ab Innocentio 3o qui fuit circa annum Domini millesimum ducentesimum usque ad presens, scilicet annum millesimum quadringentesimum quinquagesimum octauum.

In this note, each element of the earlier pattern is absent: the volume is described as a volumen, the work as a whole as the pars historialis, and the Summa as a Recollectorium; there is no attribution to its author; there is no concessa ad usum etc. Giuliano Lapaccini died on 23 February 1458 (1457 Florentine style). Since this note states the time of its writing to be 1458, which in Florentine style began on March 25th, Lapaccini necessarily cannot have written it. It is more likely to be a note written by Antonin himself, though only a direct examination and comparison of the hand could decide this. That the pattern of these notes was maintained through the first seven volumes of the Summa and Chronicles, and abruptly changed with the

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106 Florence, Museo di San Marco, Inventario n. 508 (Chronicles vol. 2), fol. 1r; quoted from Orlandi, Bibliografia antoniniana, 67.
107 Florence, Biblioteca Santa Maria Novella, I.B.55 fol. Ir; quoted from Orlandi, Bibliografia antoniniana, XVIII, 70.
108 Kaepelli and Panella, SOPMA, 3:56.
last volume produced in 1458, the year following the death of Lapaccini, suggests that the identification of Lapaccini as the hand G which wrote these notes is likely correct.

4. Conclusion: autograph manuscripts

Antonin himself wrote the text on \( M_1 \) fol. 66v and \( M_2 \) fol. 69r, and the rest of chapters 2.1.16 and 3.8.1–2 on the folios which follow: that is the conclusion reached thus far. What, however, is the overall rôle of Antonin’s hand A in the five manuscripts as a whole?

This hand A, the hand of the author Antonin himself, is by a wide margin the most prominent hand in all five manuscripts \( N M_1 M_2 M_3 M_4 \). This is the hand which writes the majority of the base text in each volume. For example, in part two (\( M_1 \)), of the 422 folios of text, about 337 were written by Antonin: this makes about eighty percent of the whole written \textit{manu propria}. Other hands sometimes take over for particular chapters and, in a few places, whole titles, but their total contribution is less than a quarter of the whole \textit{Summa}. Moreover, the vast majority of revisions, deletions, and supplements to the main text were written by the hand A; and the activity of the reviser certainly suggests the eye and mind of the author rather than a secretary or copyist.\(^{109}\) The most important exception is the hand which wrote the \textit{tabulae capitulorum}, hand G: this is Giuliano Lapaccini, whose role in the composition of the \textit{Summa} will be discussed below in section 4. When the palaeographical comparison carried out here is added to the constant testimony that \( N M_1 M_2 M_3 M_4 \) were written \textit{manu propria sua}, the argument for identifying A with the author St Antonin becomes even more secure. These five volumes of the \textit{Summa} are indeed, considered as a whole, autograph manuscripts.

3. CODICIOLOGICAL DESCRIPTIONS

General codicological descriptions of the five autograph volumes are now provided. The volumes are alike in size, appearance, and overall codicological character. They measure about 225 x 150 mm (9 inches by 6). They are bound in wooden boards covered with red velvet. The

\(^{109}\) Examples are given below in section 4; see also the critical apparatus and appendices to chapters 2.1.16 and 3.8.1–2, edited below.
main distinction in outward appearance is in the binding: $N$ is decorated more ornately than the rest; $M_1$ and $M_2$ the most simply, in plain red velvet; the velvet covers of $M_1$ and $M_2$ have a pattern themed on the lily of Florence, with a decorative thread border, and are in slightly poorer condition. Each volume consists of between about 290 and 430 folios, assembled from booklets which Antonin called *quaterni* (quaternions, quires) although the number of folios in each is irregular, usually between 10 and 20.\footnote{The quires' leaves are paper, but frequently their inner and outer bifolia are parchment. The text is written in a single column throughout, generally without ruling, by a multitude of different hands but with a single hand, that of St Antonin, predominating. The scripts' size and care of execution vary, as does the size of the text column. In a few places red highlighting and rubrication are used, but these are the exception. Divisions in the text are indicated by paragraph marks, sometimes written in the body, sometimes in the margin. There is space for an ornamental initial at the opening of most chapters, but the letters themselves are normally absent. The manuscripts abound with annotations, corrections, and deletions, sometimes filling the margins to the edge of the page. Each volume has modern folio numbers and sometimes also the remains of older numeration or even two older series; some but not all quires are numbered and provide catchwords. The occasional appearance of antique numeration, quire numbers, and catchwords reveal that the quires have been reordered one or more times before they received their current arrangement. Descriptions of the individual codices follow.} The quires' leaves are paper, but frequently their inner and outer bifolia are parchment. The text is written in a single column throughout, generally without ruling, by a multitude of different hands but with a single hand, that of St Antonin, predominating. The scripts' size and care of execution vary, as does the size of the text column. In a few places red highlighting and rubrication are used, but these are the exception. Divisions in the text are indicated by paragraph marks, sometimes written in the body, sometimes in the margin. There is space for an ornamental initial at the opening of most chapters, but the letters themselves are normally absent. The manuscripts abound with annotations, corrections, and deletions, sometimes filling the margins to the edge of the page. Each volume has modern folio numbers and sometimes also the remains of older numeration or even two older series; some but not all quires are numbered and provide catchwords. The occasional appearance of antique numeration, quire numbers, and catchwords reveal that the quires have been reordered one or more times before they received their current arrangement. Descriptions of the individual codices follow.\footnote{Further description and commentary on these manuscripts can be found in Orlandi, *Bibliografia antoniniana*, 25–40.}

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**N**: Florence, Biblioteca Santa Maria Novella, I.B.54

Paper and parchment, 335 folios, 225 x 150 mm, s. XV\textsuperscript{mid}, Florence, Italy

Antoninus Florentinus, *Summa*, 1

2nd fol. inc. *Nullum habui in alia facultate*

\footnote{"¶ In isto quaterno est materia de rapina quintupli et de talliiis et prestantiis et de gabellis. Et de participatione in furtis et rapina. Item de furto et de fraudulentia VII modis." M: fol. 57r, hand A. "¶ In isto quaterno agitur de fraudulentia ¶ de falsificatione ¶ de iniustitia in iudiciis ¶ de acceptione personarum ¶ de sacrilegio." M: fol. 71r, hand A.}
Collation: iii + 1\textsuperscript{42} (attached initially: 1a\textsuperscript{7}; attached finally: 1b\textsuperscript{1}) + 2\textsuperscript{21} + 3\textsuperscript{22} + 4\textsuperscript{19} + 5\textsuperscript{14} + 6\textsuperscript{28} + 7\textsuperscript{32} + 8\textsuperscript{13} + 9\textsuperscript{14} + 10\textsuperscript{23} + 11\textsuperscript{23} + 12\textsuperscript{22} + 13\textsuperscript{21} + 14\textsuperscript{10} + 15\textsuperscript{3} + 16\textsuperscript{16} + 17\textsuperscript{7} + ii

This is a codex of 335 folios measuring approximately 225 mm x 150 mm, with a writing space that varies widely in size and nature through the different quires of the codex\textsuperscript{112}. It is bound in a fifteenth- or sixteenth-century binding of wooden boards covered in red velvet. There are several layers of velvet wrapping the boards; the outermost layer forms a bag descending from the base of the codex, fringed with red and yellow strings which continue into a tail a little over a foot long. The front cover is adorned with a metal decoration in the centre: a circle surrounded by a diamond, with intricate lace and leaf-shapes sprouting within and without. The back cover has one decorative metal guard on the bottom right corner, of similar pattern. Attached to the back cover, in its centre, is a large (3-inch) hexagonal portrait of St Antonin in bishops’ vestments, with a halo. The portrait is enclosed under a thick piece of crystal in a heavy metal frame. The placement of this portrait on the back cover indicates that, for reading, the volume would have been laid on its front cover and opened from the back. The binding of N is similar to the binding acquired by Br. Roberto Ubaldini for the Antonin’s bull of canonization in 1523\textsuperscript{113}. On the spine are two raised bands, which, inside the volume, can be seen to be of white leather and attached to the cover with nails. Apart from these, there are no markings on the outer binding or spine. No pastedowns are present. There are three parchment flyleaves, marked in pencil by a modern hand as I, II, III. The first flyleaf is blank, except for a label in a modern hand, in blue pen: Arch. S. Mc N° / I. B. 54.

The second and third flyleaves are a bifolium, with a note written on the inside (IIv–IIIr), by a large italic humanist hand in dark brown ink:

Yhesus.

\textsuperscript{112} On this manuscript see also Panella, “Catalogo,” I.B.54 (179); Pomaro, “Censimento,” 306–7.

\textsuperscript{113} “Fra Roberto Ubaldini spent forty-eight ducats on a copy of the Bull for San Marco, which he had encased in a book-like red velvet cover reinforced with silver filigree at the corners. ... [The cover] was further adorned on the front and back with a niello medallion framed by an inscription and a decorative acanthus-leaf border.” Cornelison, Art and the Relic Cult, 28.
Hec est prima pars Summe doctrinalis sancti Antonini archiepiscopi Florentini manu eius sanctissima scripta: que fuit bona memorie fratris Antonii Thome de Stiatentsibus eximi magistri in sacra theologia et filii conuentus sancte Marie Nouelle qui obiit anno Domini 1480.\textsuperscript{114} Et de ista Summe parte legitur in libro de miraculos operatis a sancto Antonino post mortem ipsius sic.

Magister Antonius de Stiattensibus theollogus ordinis predicatorium excellentissimus sepe sepius dolore illiaco grauiter laborabat. Et imposita loco doloris prima parte Summe doctrinalis sancti Antonini manu sanctissima scripta, pro reliquis ab eodem ex deuotione seruata, sanabatur semper. Testificatur hoc testis 40 primi fol. 134 frater Petrus Benedicti Angeli annorum 72 qui sciuat ab ipso magistro Antonio sanato a quo habuit cum magna commendatione originalum partem illam sancti uiri scriptam.

Deinde talis liber peruenit ad manus fratri Victori Mathei magistri et predicatoris deuotissimi. Qui librum dedit michi fratri Alexandro Petri de Capocchiis. Et ego anno dicto 1580 feci eum ornare ut seruetur in sacrario (pro) deuotione ad sanctum nostrum pissimum Antoninum.


Isti libri diligenter et reuerenter seruandi sunt non solum propter sanctitatem admirabilem uiri sed quia multa misteria in ipsis leguntur et pariter (quia) pro ipsis conficiendis plures uigilias et labores contemplationesque simul et orationes ipse sanctus operatus est.\textsuperscript{115}

At the back of the volume are two flyleaves, labelled in pencil by a modern hand I’, II’. The first is paper; the recto is blank, the verso has a faint remnant of the letters dne q in a

\textsuperscript{114} It appears that originally “1580” was written, then the ‘5’ was scratched out and replaced with ‘4’.

\textsuperscript{115} N fol. IIv–IIr, hand of Alessandro Capocchi. On this Alessandro Capocchi, O.P., († 8 Oct. 1581) see the references provided in Orlandi, Bibliografia antoniniana, 25 n1, where this note is also transcribed.
textualis hand, and a modern hand writing blue ink has written *Arch. S. M. M* (sic) / I. B. 54. The second flyleaf is parchment, cut from a manuscript with a French text written in two columns by a gothic *textualis* hand with brown ink and red highlighting.\(^\text{116}\) The flyleaf is a bifolium turned clockwise 90° (thus four columns are visible) and cut down to fit in the codex.

The first seven folios of the codex were attached, by glue, to the front of the first true quire, which begins on fol. 8 and continues to 41 (fol. 8 and 41 are a bifolium); another leaf (fol. 42) was glued in at the end. The folios of *N* are marked with two number series, the older one at the top right of each folio, the modern at the foot. Both series appear (and agree) on folios 1–2; on folios 3–6 there is only the modern series; on folio 7 the older series resumes, and from that point the two series are always in disagreement, though usually not distant. On folio 1r there are two notes, one at the top, one at the bottom; in the middle of the page are some pen trials by an ornate *hybrida* hand. The upper note was written by Giuliano Lapaccini:

Originalia prime partis Summe fratris Antonii de Florentia ordinis predicatorium archiepiscopi Florentini. (In) quibus agitur de anima et ad ipsam pertinentibus. Concessa ad usum fratris Iuliani de Lapaccinis de Florentia. Et signatur iste scartabellus D.

The lower note is by Dionysius Remedelli, collaborator in Mamachi’s edition. It reads:


Folios 1v–2v are blank. On folio 3r the *Summa* proper begins:

Incipit prima pars Summe fratris Antonii de Florentia ordinis predicatorium et archiepiscopi Florentini. In qua agitur de anima et de pertinentibus ad ipsam. Incipit prohemium totius operis:

Quam magnificata sunt opera tua domine.

From here, 3r to 7v, the text is written by Giuliano Lapaccini. The prohemium continues to 5r, where the tabula capitulorum commences: Huius autem prime partis tituli sunt isti. Primus titulus de anima in comuni. The tabula capitulorum terminates on 6v. On fol. 7 there are two unrelated sections of text, one on each face, each written by Giuliano Lapaccini and constituting parts of later chapters of this volume; the old number series marked this folio 38, and the chapters are indicated as found on fol. 38 in the tabula capitulorum. The section on 7r incipit: Una anima et unus intellectus. This is a section of chapter 1.3.1 de intellectu possibili et agente. On 7v incipit: Deinde uidendum est quomodo ipse intellectus. This is the beginning of 1.3.2 de multiplici oculo varie exercendo. This folio 7, bearing the antique number 38, should fall in the modern sequence of folios between 41 and 42; it appears that it was written by Giuliano Lapaccini to replace a lost folio there written by the hand of St Antonin. At the top of 42r is a note:

Chartam 38 quae hic deest habes initio huius I. Partis post indicem capitulorum.
Scribebam Fr. Dionysius Remedelli O.P. die 9 Nouembris anni 1740.

At the foot of fol. 42r is another note by the same hand:

Quae hoc fol. 39 continentur et medio folio 38 quod prestat, ante iudicem, ut supra monui, non sunt exarata manu sancti Antonini. Ceterum haec eadem suprosunt (?) adhuc scripta manu sancti Praesulis et exstant in hoc ipso Volumine folio 61 ex altera parte.
+ Vide +

The true beginning of part one’s chapters is fol. 8r, written probably by the hand of St Antonin. Text incipit (8r): Venite audite et narrabo omnes qui timetis Deum. The text of this manuscript is part one of the Summa of St Antonin in its final stage of composition. The quires of the codex were originally discrete booklets which were assembled and bound together at a late stage of composition. In principle for each quire the outer and inner bifolia are parchment, the rest are paper; but some quires are paper all the way through, and for some the outer and inner bifolia are paper reinforced with parchment at the fold. See the overview of all five volumes, above, for general description of the mise-en-page. On the last written page, 325v, the
final paragraph explicit: *Nam omnis uenialiter peccauerunt*. These are the final words of an addition which begins on fol. 324r, written by Giuliano Lapaccini, which is meant to be inserted in an earlier chapter. At the head of 324r is a note: *De conceptione Virginis Marie. Et debet poni supra ad cartam 186 in fine etc.* This ought to follow 191v in the modern foliation, on whose foot Giuliano Lapaccini wrote: *Hic deest unum capitulum uidelicet de conceptu Virginis per modum predicationis. Et incipit: Nondum erant etc.* *Quere infra ad cartam 317*. When the chapters are placed in their intended order, the true final chapter is 1.20.1 (*de regulis iuris*), in 101 sections, whose explicit (323v): *finalis efficiens et occasionalis tunc cessat constitutio*.

**M**: Florence, Museo di San Marco, Inventario n. 504

Paper and parchment, 431 folios, 225 x 150 mm, s. XV<sup>mid</sup>, Florence, Italy

Antoninus Florentinus, *Summa*, 2

2nd fol. inc. *Luxuria per cecitatem Samsonis*

Collation: iii + 1<sup>8</sup> + 2<sup>9</sup> + 3<sup>13</sup> + 4<sup>16</sup> + 5<sup>8</sup> + 6<sup>10</sup> + 7<sup>14</sup> + 8<sup>12</sup> + 9<sup>6</sup> + 10<sup>14</sup> + 11<sup>14</sup> + 12<sup>10</sup> + 13<sup>12</sup> + 14<sup>14</sup> + 15<sup>16</sup> + 16<sup>18</sup> + 17<sup>18</sup> + 18<sup>16</sup> + 19<sup>14</sup> + 20<sup>9</sup> + 21<sup>18</sup> + 22<sup>24</sup> + 23<sup>26</sup> + 24<sup>33</sup> + 25<sup>12</sup> + 26<sup>10</sup> + 27<sup>16</sup> + 28<sup>6</sup> + 29<sup>22</sup> + 30<sup>13</sup> + iii

This is a codex of 431 folios measuring approximately 225 mm x 150 mm, with a writing space that varies widely in size and nature through the different quires of the codex. It is bound in a fifteenth- or sixteenth-century binding of wooden boards covered in red velvet, with three raised bands. Inside the covers there are no pastedowns; three leather straps are visible. There are no markings on the outer binding or spine. Inside the front cover are two paper stickers: the first reads *N° 4.*, the second *R. MUSEO DI S. MARCO | Inventario 1918 | N°. 504*. There are three parchment flyleaves. The first is blank, with four glued parchment tabs attaching it to the spine; these tabs are cut from an older manuscript, written in brown, blue, and red ink. The second and third flyleaves are a bifolium made out of a public instrument, the text of which is on the inside. The recto of the first of these leaves (i.e. flyleaf 2r) bears two notes. The first, in the hand of Giuliano Lapaccini:
Originalia secunde partis Summe fratris Antonii de Florentia archiepiscopi Florentini. Quibus tractatur de uitiis in particulari. Et signatur hic scartabellus E. Concessus ad usum fratri Iuliano de Florentia qui dicitur de Lapaccinis.

The second, in a later hand:

Pastor piissime Deus, gratia Spiritus Sancti corda nostra clementer illustrans quati
beati Antonii gloriosi pontificis tui editae (?) sancta cristiane religionis prosequi
ualeamus; eiusque piis intercessionibus omnibus meritis terrenis despectis et amatis
celestibus, ueniamus ad patriam claritatis eterne per Christum Iesum nostrum. Amen.

Immediately below, another note has been erased of about the same size and shape:
most of the words are unreadable, but it is possible to discern *illustrans* on the first line, which
suggests this may have been a first attempt of the previous note. On the verso (flyleaf 2v)
Giuliano Lapaccini has written a short note followed by a description of the volume: *In principio
huius secunde partis debet poni unus seremo qui est in fine de auaritia ante titulum de restitutione, et
incipit: Filii hominum usquequo graui corde. Et habet ista pars duodecim titulos. He then provides a
list of the titles in this volume:

Primus est de auaritia. 1.
2. De restitutione. 102.
3. De superbia. 127.
4. De inani gloria. 171.
5. De luxuria. 204.
6. De gula. 244.
7. De ira. 270.
10. De iuramento e periurio. 345.
Quilibet titulus habet plura capitula de speciebus et filiabus illius uitii. Et quodlibet
uitium habet unum sermonem predicabilem, et etiam quilibet titulus in genere.
The parchment of the public instrument folds out and the text can still be read on the recto of the second leaf (flyleaf 3r). A dating clause indicates the last day of December in 1445.\footnote{117} It was prepared for Giovanni Vaultier, rector of a benefice in the diocese of Constance: \footnote{118} *dominus Iohannes Vaultier Rector ... Constantiensis diocesis in utroque iure Bacalarius necnon litterarum Apostolicarum Abbreviator.*

The first folio (I, numbered 1*) is blank. The text of the prologue begins in a single column on IIr (numbered 2*). A note above the prologue on IIr reads: *Incipit prologus in secundam partem Summe fratris Antonii de Florentia ordinis predicatorum et archiepiscopi Florentini. In qua agitur de uitiis in particulari.* Prologue incipit: *Tu contribulasti capita draconum.* The prologue continues to the bottom of IVv, where the *tabula capitulorum* begins: *Incipiunt capitula. Et habet ista 2 pars 12 titulos, et quilibet titulus habet multa capitula, et capitula paragraphos plures, etc.* The titles and chapters of the work are listed on Vr–VIIr. The prologue and capitula were all written by Giulano Lapaccini. After a blank leaf (VIII) the text begins.

The text of this manuscript is part two of the *Summa* of St Antonin in its final stage of composition. Text incipit (1r): *De auaritia in genere per modum predicationis.* This, however, is properly the beginning of the second chapter (2.1.2). As indicated in Giuliano’s flyleaf note quoted above, the intended first chapter is to be found further into the codex; its incipit (96r): *Ps. Filii hominum usquequo graui corde.* The quires of the codex were originally discrete booklets that were assembled and bound together at a late stage of composition. The folios are almost all paper, but in a few quires the outer or inner bifolia are parchment, and for some others the outer and inner bifolia are paper reinforced with parchment at the fold. See the overview of all five volumes, above, for general description of the mise-en-page. On the last written page, 423v, the final paragraph (explicit: *ex circumstantiis eius* is marked for deletion (*vacat quia hoc supra in titulo de superbia*), with a marginal note attached: *hic pone capitulum de superstitione quod est supra.* Immediately above this is the text explicit (423v): *Et hoc ad uitandum maius scandalum persecutionis.* These are the final words of title 12 (*de infidelitate*) ch. 5 (*de apostasia multiplici*).

\footnote{117} “*A natuitate eiusdem Domini millesimo quadragesimo quinto, indictione octaua, die Decembris ultima.*” M: flyleaf 3r.
\footnote{118} Orlandi, *Bibliografia Antoniniana*, 29.
When the chapters are placed in their intended order, this is not the last chapter of the second part but is followed by five more, the final chapter being 2.12.10 (de fato), whose explicit (406r): que omnia falsa sunt.

\textit{M:} Florence, Museo di San Marco, Inventario n. 505

Paper and parchment, 406 folios, 225 x 150 mm, \textit{s. XV}mid, Florence, Italy

Antoninus Florentinus, \textit{Summa}, 3, vol. 1 of 2

2nd fol. inc. \textit{Quintus titulus de doctoribus et scolaribus}

Collation: ii + 18 + 220 + 316 + 420 + 518 + 66 + 720 + 816 + 914 + 1023 (nested: 10a6) + 1123 + 1220 + 1320 + 1420 + 1515 + 1622 + 1718 + 1818 + 1924 (nested: 19a2) + 2016 + 2116 + 2216 + 239 + i

This is a codex of 406 folios measuring approximately 225 mm x 150 mm, with a writing space that varies widely in size and nature through the different quires of the codex. It is bound in a fifteenth- or sixteenth-century binding of wooden boards covered in red velvet, with three raised bands. Inside the covers there are no pastedowns; three leather straps are visible. There are no markings on the outer binding or spine. Inside the front cover are two paper stickers; the first reads \textit{N° 5.}, the second \textit{R. MUSEO DI S. MARCO} \textbar \textit{Inventario 1918} \textbar \textit{N° 505}. There are two flyleaves. The first flyleaf is parchment, blank, with four glued parchment tabs attaching it to the spine; these tabs are cut from an older manuscript, written in brown, blue, and red ink. The second flyleaf is paper and has been damaged, with about a quarter of it torn away at the far edge. The verso bears a note by Giuliano Lapaccini reading:

\begin{quote}
(T)ertia pars Summe domini Antonii archiepiscopi Florentini assumpti ab ordine predicatorum. In qua agitur de statibus. Conuentus Sancti Marci de Florentia eiusdem (ordinis.) (C)oncessa ad usum fratri Iuliano de Lapaccinis de Florentia eiusdem ordinis predatorum.\footnote{Text in brackets supplied from Orlandi, \textit{Bibliografia antoniniana}, 31; Orlandi may have viewed the manuscript before this folio was damaged.}
\end{quote}
The *tabula capitulorum*, written by Lapaccini, begins on the recto of folio I (numbered 1*r*):

Incipiunt rubrice titulorum et capitulorum omnium istius tertie partis. Primo ponitur quasi per modum sermonis materia istius tertie partis, id est de status multiplici acceptione. Et incipit: Astitit regina etc. 38.

The *tabula capitulorum* continues to VIII*r*; it lists the chapters of the whole third part of the *Summa*, including those contained in the second physical volume (*M*3). The prologue to the third part is not at the front of the volume, but begins on folio 38*r*, in the hand of St Antonin: *Astitit regina a dextris tuis...* Above this is a headnote: *In nomine Yesu Christi.*

The text is the first half of part three of the *Summa* of St Antonin in its final stage of composition. Text incipit (1*r*): *... propter pecuniam contra iura.* This, however, is not the true beginning of the third part. The first sixteen folios (1*r*–16*v*) of this volume do not appear to be part of the text proper. There is one discrete unit at 1*r*–7*v*, which appears to be a section taken from an older treatise or draft of St Antonin with his own revisions and marginal annotations added. A headnote on 1*r* reads: *in quibus casibus sit restituendum.* On 8*r* a new mise-en-page begins. The text here appears to be a supplement meant to be inserted at a place in the preceding section; a note in the lower margin reads: *Istud §. totum qui incipit utrum usurario pone supra in §. qui incipit quantum ad quintum in isto e. c. ante ¶ Hosti. in Summa.* This supplement continues to 9*v*. On 10*r* another new unit begins, with a changed mise-en-page and space for an initial letter: *Nunc de uoto uidendum est sic.* This new unit continues to 12*v*. On 13*r* the mise-en-page returns to that of 1*r*–7*v*, again appearing to represent a section of an older treatise or draft in the process of being worked over by St Antonin. Two section headings are seen on 13*r*: *De transgressione uoti*, at the top of the text body, and at the middle, *De obligatione uoti.* The page 13*r* appears to have had a large block of text erased and overwritten by Antonin himself, with parts of the original nevertheless retained. From 13*v* to 15*v* the text body is the original, with Antonin’s revisions and supplements in the margins. On 16*r* another new section begins: *Sciendum igitur quod matrimonium in lege ciuili*, in the hand of Antonin. This continues to the very bottom of 16*v*. 


The true text of the third part begins on 17r, incipit: *Relinquit homo patrem et matrem*. This incipit, however, replaced the original which is still visible: *Post tractatum de singulis uitiis sequitur tertia pars de quibusdam statibus hominum*. This original incipit was written by a scribe, not St Antonin, and scribes wrote the majority of the body text from this point up to 37v. Marginal revisions and annotations, often very substantial, have been added by St Antonin in his own hand. The revised incipit on 17r was written by Antonin. These folios will be discussed further below, in section 4.

The chapter which begins on 17r is, in the final intended sequence, chapter two of the first title. The chapters of this volume are indeed very much out of order: in order to find a desired location, the reader is obliged to consult the *tabula capitulorum* carefully to learn on what folios the required chapter is located. The quires of the codex were originally discrete booklets that were assembled and bound together at a late stage of composition. In principle for each quire the outer and inner bifolia are parchment, the rest are paper; but some quires are paper all the way through, and for some the outer and inner bifolia are paper reinforced with parchment at the fold. See the overview of all five volumes, above, for general description of the mise-en-page. The first chapter of the first title (*de statu coniugatorum*) begins on fol. 49v, incipit: *Beatus es et bene tibi erit*. On the last written page, 391v, the text explicit: *quod inde raro accidit*. This, however, does not appear to be one of the chapters of the third part: it is an unconnected fragment of text (incipit: *Queritur utrum utar corruptis ponderibus uel mensuris*), covering two-thirds of 391v, which is preceded by several blank folios (384v–391r). Working backwards, the next section of text has the appearance of another discrete fragment, beginning (384r): *Utrum aliquo modo liceat uendere tempus dic secundum Gerardum Obdonem*. The last section which appears truly to belong to the third part is a unit at fol. 382r–383v. The text begins on 382r (389 in the old numeration): *Dicto de potestate confessoris nunc uidendum est de scientia eius*. This is 3.17.4 (*de scientia quam debet habere confessor*). This section continues to 3.17.5, and the text ends on 383v with the explicit: *sequitur in ipsis et in populis*. At the foot of 383v there is a catchword: *de penitentia iniugenda*. These lead into the following chapter, 3.17.6, which is taken up on fol. 400r in M3 with the incipit: *De penitentia seu satisfactione iniugenda*. 
**M2: Florence, Museo di San Marco, Inventario n. 506**

Paper and parchment, 292 folios, 225 x 150 mm, s. XV₉, Florence, Italy

Antoninus Florentinus, *Summa*, 3 vol. 2 of 2

2nd fol. inc. *Quia non reputat*

Collation: i + 1²₀ + 2²₀ + 3¹⁷ + 4¹⁹ + 5¹⁴ + 6¹⁸ + 7¹⁰ + 8⁸ + 9⁸ + 1⁰⁴ + 1¹₁⁶ + 1₂¹⁶ + 1₃¹⁷ + 1₄¹⁶ + 1₅¹⁰ + 1₆¹₃ + 1₇⁶ + 1₈²₄ + 1₉²⁷ + 2₀¹⁰ + i

This is a codex of 292 folios measuring approximately 225 mm x 150 mm, with a writing space that varies widely in size and nature through the different quires of the codex. It is bound in a fifteenth- or sixteenth-century binding of wooden boards covered in red velvet decorated with the Florentine lily and a lace border. There are no markings on the spine. Inside the front cover there is a paper pastedown and one paper sticker, which reads *R. MUSEO DI S. MARCO | Inventario 1918 | N° 506*. Below the sticker the pastedown is stamped: N° 6. There is one flyleaf, paper, blank. After the flyleaf, looking at the first folio, the two leather straps of the binding are visible. At the back of the volume there is a final quire (20) of ten blank paper folios, followed by a final flyleaf which is pasted to the cover. There is no table of contents nor any introductory note; the text and folio numeration continue directly from the end of M2. The text is the second half of part three of the *Summa* of St Antonin in its final stage of composition. Text incipit (400r): *De penitentia seu satisfactione iniungena*. This is chapter 3.17.6. In the header there is a note, very faint now, which appears to read: *dimictatur spatium unius carte cum principio istius quaterni*.

The quires of the codex were originally discrete booklets which were assembled and bound together at a late stage of composition. In principle for each quire the outer and inner bifolia are parchment, the rest are paper; but some quires are paper all the way through, and for some the outer and inner bifolia are paper reinforced with parchment at the fold. See the overview of all five volumes, above, for general description of the mise-en-page. The text from fol. 400r to 444r was written entirely, or almost entirely, by St Antonin. The first place where a different hand is clearly at work is the body of 444v, which also has marginal annotations by both Antonin and another hand. From that point on, text written by Antonin’s hand alternates with blocks written by other scribes; annotations by the author are frequent, as well as by other
hands. Beginning at 518r there is an extensive section written by Giuliano Lapaccini, introduced: *Incipit titulus de conciliis universalibus*. This ends on 537r. The *titulus de excommunicatione* (begins 538r) is written by other hands and with a different mise-en-page; this is discussed more fully below in section 4. The title *de statu purgandorum in purgatorio* begins on 626r in the hand of St Antonin; his hand writes the mainstay of the text up to the end on 681v. On the last written page, 681v, the text explicit: *quando nemo operari potest, scilicet meritorie. Io. 9.* These are the final words of 3.32.10. For St Antonin’s intended final chapter, 3.32.11, the reader is referred (in the table of contents in *M2*) to chapter 3.2.1, which is in *M2*, folios 40r–46v.

*M4*: Florence, Museo di San Marco, Inventario n. 503

Paper and parchment, 291 folios, 225 x 150 mm, s. XVmid, Florence, Italy

Antoninus Florentinus, *Summa*, 4

2nd fol. inc. *Timor mundanus est*

Collation: i + 125 + 244 (nested: 2a15) + 312 + 46 + 54 + 625 + 728 + 824 + 932 + 1032 + 1132 (attached: 11a3) + 1210 + 1312 + iii

This is a codex of 291 folios measuring approximately 225 mm x 150 mm, with a writing space that varies widely in size and nature through the different quires of the codex. It is bound in a fifteenth- or sixteenth-century binding of wooden boards covered in red velvet decorated with the Florentine lily and a lace border. There are no markings on the spine. Inside the front cover there is a paper pastedown and one paper sticker, which reads *R. MUSEO DI S. MARCO | Inventario 1918 | N° 503*. Below the sticker the pastedown is stamped: N° 3. There is one flyleaf, paper, blank. This flyleaf has a watermark in the shape of a cross standing atop three circular stones piled in the shape of a pyramid.\(^{120}\) It is not possible to see straps or the structure of the

\(^{120}\) A search for this watermark in Charles-Moise Briquet, *Les filigranes, dictionnaire historique des marques du papier jusqu’en 1660: a facsimile of the 1907 edition with supplementary material contributed by a number of scholars*, ed. Allan Stevenson, 4 vols (Amsterdam: Paper Publications Society, 1968), was unsuccessful. Unhappily, I only noticed this watermark at the end of the hours permitted for studying the manuscripts at San Marco, and was unable to carry out a comprehensive search through *M4* and the other codices for additional watermarks.
binding. At the back of the volume are three blank paper folios, followed by a final flyleaf which is pasted to the back cover. On the verso of the penultimate flyleaf a note is written, in a probably early-modern hand: *Iste liber est conventus sancti Marci de Florentia quem scripsit dominus Antonius archiepiscopus Florentini ordinis predicatorum manu propria.*

This volume is incomplete: it contains only the second half of part four of the *Summa*. The whole first half of part four has become separated from the rest, and its location is now unknown. The quires of the codex were originally discrete booklets that were assembled and bound together at a late stage of composition. In principle for each quire the outer and inner bifolia are parchment, the rest are paper; but some quires are paper all the way through, and for some the outer and inner bifolia are paper reinforced with parchment at the fold. See the overview of all five volumes, above, for general description of the mise-en-page. In *M* as it exists today, there is no table of contents nor any introductory note. The recto of the first folio (1r) has suffered wear and is difficult to read. In the header there is a note, probably by a later hand, which reads: *prologus*. The text is not the first chapter of part four, but rather is chapter 4.14.1. The first several lines set out the order of chapters in title 14 (*de dono timoris*) before the text proper begins. Text incipit (1r): *Timor Domini est donum Spiritus Sancti.* The first two words are almost entirely worn away; these are the opening words of this chapter in Ballerini’s edition,\(^{121}\) and the visible letters in *M* confirm the reading. The chapters of title 14 follow on the next folios and continue until 69v. The folios show an old number series which was, presumably, the one used when the first and second half were still together. Folios now numbered 1–69 were then 432–504. The text in *M* was largely written by the hand of St Antonin, with additions by Giuliano Lapaccini; there are a few sections written by other hands.

The final folios, 283–288, contain plans of two sermons, written by the hand of Giuliano Lapaccini. It is not evident if these sermons are meant to be included in the text of part four or are separate items. The text explicit (388r): *et conclude totum etc.* The true final chapter of part four, 4.16.1 (*de dono scientiae*), begins on 269r (505): *Notum fac mihi.* This continues to 277v (513),

\(^{121}\) Ballerini, 4:727.
where the text explicit: *Sed finis sit huic 4e parti que est de uirtutibus et donis Spiritus Sancti*. On this folio (277v), Antonin wrote the colophon quoted above:

> Et demum de scientia actum est. Cui additur magnum opus distinctum propter sui longitudinem in duo uolumina ... continens gesta ab initio mundi usque ad presens tempus, scilicet anni Domini ab incarnatione 1454. ...

### 4. The composition of the *Summa*

Having demonstrated that these five manuscript volumes are indeed the original autographs of the *Summa*, and provided a basic overall description of them, in this final section of the chapter these manuscripts will be probed for what they reveal about the process of composition. This section cannot provide a comprehensive treatment of the entire *Summa*; the endeavour is too large to be carried out thoroughly at this time. Instead, what is offered is a sample of the sorts of evidence and suggestive hints which can be gleaned from a careful examination of the autograph manuscripts, helped along by forays already made by previous scholars. A few points have been singled out for particular attention: the role of Giuliano Lapaccini; dates and dateable references within the work which provide elements of a chronology of its writing; the writing of the chapters edited herein (*Summa* 2.1.16 and 3.8.1–2); the insertion into the *Summa* of Antonin’s previously written treatises and booklets; and the incorporation of Antonin’s sermons into the *Summa*.

#### 1. Giuliano Lapaccini’s editorial assistance

The hand G has already been identified as Giuliano Lapaccini. Lapaccini performed a crucial function: he appears to have acted as quasi-editor, assisting the author in preparing the work for publication. His activity can be seen throughout the manuscripts. In some places he copied the final version of a chapter or section: for example, the preamble to part one and the whole title on ecumenical councils in part three. In both cases there are no annotations or corrections to Lapaccini’s transcription. In other places, chapters were written out by Lapaccini and then annotated and revised by Antonin, and the two hands can be seen together on the page. Lapaccini also seems to have been put in charge of assembling the originally detached
notebooks, putting them in their final order, and tabulating their contents. There are notes in his hand throughout the volumes, instructing where a given section is meant to be placed in the sequence of chapters. A good example is in part one, whose sequence of titles was rearranged at some point during composition. It appears that Antonin wrote his *Treatise on laws* first, originally thinking it would constitute the first ten titles of the *Summa*. On review, he moved it to the second half of part one, placing in the first half the other treatises on the soul, sin, etc.\(^\text{122}\) Thus the first title of the *Treatise on laws* became, in the final version, *Summa* 1.11. On fol. 210r, where the *Treatise on laws* begins, at the top of the page there is a note by Antonin: *In nomine Domini Nostri Iesu Christi*. Beside that, another note by the same hand, *primus quaternus*, indicates that this is the first quire of the *scartabellus*. Above this, however, a note has been added by Lapaccini, *undecimus titulus*, reflecting the final order of titles in part one. Throughout the volumes there are many changes like this, with Lapaccini providing instructions for the copyist who would be tasked with preparing the first apograph manuscript.\(^\text{123}\) At the end of the process, Lapaccini wrote the *tabulae capitulorum*. These not only indicate the intended order of the titles and chapters; they also indicate for the copyist on what folios each chapter will be found. This was very necessary if the work was to be copied intact and with its chapters in correct order: despite Lapaccini’s work putting the quires in the best arrangement possible, the titles and chapters of each part are not physically arranged in their final intended sequence. For the copyist, it was necessary to take the *tabula capitulorum* as the reference point: for each chapter proceeding to the folio indicated by Lapaccini as the starting point for that chapter, and then following his instructions within the chapter itself pointing out places where supplements must be sought on later folios or changes of order made, as the case may be. In some cases, more than one set of folios is indicated for a single chapter in the *tabula*: these are chapters which Antonin initially drafted, then returned to, adding supplementary sections written in later quires, to which the copyist had to proceed at the required point in the chapter. Some of the difficulties which copyists must have encountered in dealing with this process can be seen

\(^{122}\) This was pointed out by Mamachi, 1.1:XIX; see also Orlandi, *Bibliografia antoniniana*, 27. This matter is discussed at greater length below.

\(^{123}\) E.g., *M* 1 fol. 100r; *M* 2 fol. 70v, 77v, 94v, 115r, 116v; *M* 4 fol. 146r, 279r.
in the case of part three: in an apograph manuscript in Florence’s BNC (F₃), there are ten folios at the end of the volume containing sections of text which are to be inserted at various places within the chapters of part three. For example, on fol. 360ra a section of text begins, headed with this note: *Nota quod totum istud quod sequitur debet poni supra ad car. 221 columnna 3ᵃ in principium ad tale signum.*¹²⁴ The transmission of the text in apograph manuscripts of the *Summa* would bear further investigation; it is not dealt with in this dissertation.¹²⁵ Further light on Lapaccini’s role could also be shed by examination of the third autograph volume of the *Chronicles*: since Lapaccini died before that volume was completed, Antonin would have had to carry out the editorial process himself, or enlist a new assistant, and the task might have been carried out differently compared to what is seen in the volumes of the *Summa*. In any case, speaking of the four parts of the *Summa*, one thing is clear: that the text was successfully copied from the autograph *scartabelli* and published in such a way as to accomplish, all things considered, a reasonably faithful rendition of the author’s intent, must be credited to the editorial labours of Giuliano Lapaccini.

2. Dates and dateable references

Dates and dateable references within the work provide some elements of a chronology of the writing of the *Summa*. These references have been discussed before, but not always with recourse to the autograph manuscripts: a perilous procedure, since some were altered or added

¹²⁴ F₃ fol. 360ra. This fact about F₃ is briefly indicated by Orlandi, *Bibliografia antoniniana*, 45.
¹²⁵ Colosio supposes that the first apograph manuscript would have been a ‘public exemplar’ from which, presumably, all later apographs are ultimately derived. “It appears to be the case that in some way a public exemplar was produced from the autograph, at the command of the Saint Author himself while he was still living, from which exemplar the other manuscripts and surviving printed editions would be made. For this explains the remarkable agreement they sometimes display together against the autograph, which the Author himself naturally revised up to the very end of his life.” “Verisimile est, publicum quodam modo exemplar, ipso Sancto Scriptore duce, cum adhuc vitam ageret, ex autographo prolatum fuisse, a quo ceteri codices ac editiones reliquae prelo excusae futura essent: nam utrorumque hac re mira explanatur consensio quam interdum ostentant contra opus autographum, quippe quod Scriptor ipse usque ad ultimum vitae tempus emendaverit.” Colosio, “Prologus in novam editionem,” in Ballerini, 1:VIII.
by later copyists and publishers, and others were vestiges copied in from earlier works. For the sake of brevity, discussion of the context of these references will be kept to a minimum; they can be looked up in Ballerini’s edition and the whole passage or chapter read there.

In part one on fol. 209r, Antonin writes:

Demum Nicholaus Papa 5° qui nunc uiuit et regnat, anno Domini millesimo quadringentesimo quinquagesimo inchoante in festo Nativitatis Domini, fecit in missarum solempniis indulgentiam Jubilei publice insinuari scilicet plenariam remissionem ...127

This yields a date range for the writing of Summa 1.10.3: post the Jubilee of 1450, ante the death of Pope Nicholas V on 24 March 1455.128

In part two, in the course of a very interesting discussion of the Great Schism:

Greci etiam circa annum Domini nongentesimum scisma facientes, in heresim etiam inciderunt de Spiritu Sancto reprobatam, ... Sed reducti ad unitatem ecclesie et ueritatem fidei sub Eugenio 4°, qui nunc Petri sedem tenet.129

Scisma autem quod nunc regnat factum Basilee anno Domini MCCCCXL° vel circa sub Eugenio 4° videtur pertinere ...130

Two events are noted here as having occurred during the papacy of Eugenius IV, still incumbent at the time of writing. The bull of union with the Greeks, Laetentur coeli, was issued by the Council of Florence on 6 July 1439.131 The schismatic Council of Basle attempted to depose Eugenius IV on 25 June 1439, and elected antipope Felix V on 5 November 1439.132

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126 See Ballerini’s comment at 1:609–10 n14. Also suspected by Morçay, Saint Antonin, 415.
127 Antoninus, Summa, 1.10.3 (N fol. 209r, hand A). Noted in Morçay, Saint Antonin, 414.
129 Antoninus, Summa, 2.3.11.6 (M: fol. 165v in marg. infer., hand A). Noted in Morçay, Saint Antonin, 414; Orlandi, Bibliografia antoniniana, X–XII.
130 Antoninus, Summa, 2.3.11.10 (M: fol. 169r, hand A).
132 Ibid., 131.
Various countries, having once defected to Felix V, returned to the obedience of Eugenius IV between 1443 and 1446, but the schism endured beyond the death of Eugenius IV on 23 February 1447. Thus, for the writing of Summa 2.3.11, the date range is post 1440 (from which year Antonin dates the schism of Basle), ante 23 February 1447. Shortly after this reference, there is an indication of the order of composition: Hec pro paucis dicta sunt ratione scismatis. Sed de potestate pape et concilii infra dicetur in fine 3 partis si uitam concesserit Dominus. Thus these titles of part three, on the supreme pontiff and on ecumenical councils, were not yet written when Antonin wrote Summa 2.3.11.

In part three’s title on advocates and procurators, in the course of explaining the dating clauses employed in various notarial and curial styles, Antonin writes: ... uerbi gratia, nunc currit annus Domini MCCCCXLVIII. Shortly after, providing an example of a dating clause using the pontifical year, he again uses the year 1448: In curia etiam ponuntur anni quibus papa resedit, puta anno Domini 1448 dicitur pontificatus sanctissimi domini Nicholai V anno secundo. Thus it can be surmised that Summa 3.6.3 was in composition during the year 1448.

In part three, in the title on major excommunication: Sed Eugenius quartus qui nunc est uoluit et declarauit non tenere seu ligare sententiam illam ... This refers to a decree of Eugenius IV annulling a sentence of John XXII contra mulieres facientes sibi tricas de capillis. The decree of Eugenius IV was issued on 19 October 1437. This reference, then, yields a date range between

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133 Ibid., 135–6.
134 Kelly, Oxford Dictionary of Popes, 241. The schism was not finally resolved until antipope Felix V resigned on 7 April 1449, during the reign of Nicholas V.
135 Antoninus, Summa, 2.3.11.10ff. (M1 fol. 169v, hand A).
136 I.e. ibid., 3.22–23 in Ballerini; 3.23–24 in the autograph (M1 fol. IVv–Vr, hand G).
137 Antoninus, Summa, 3.6.3.5 (M1 fol. 82v, hand A). Noted in Morçay, Saint Antonin, 414; Orlandi, Bibliografia antoniniana, XII.
138 Antoninus, Summa, 3.6.3.5 (M1 fol. 83r, hand A).
139 Ibid., 3.24.72.1 in Ballerini, 3.25.69 in the autograph (M1 fol. 575v, hand G). This is the final paragraph of the chapter: in the autograph, this paragraph is written by Lapaccini on a folio inserted in between what were originally folios 573 and 574, with a tie-mark indicating its proper place at the end of the chapter on what was originally fol. 574r (now fol. 576r). The preceding sections of this chapter, and the beginning of the next chapter, are written by a different scribal hand. These folios of the autograph manuscript will be discussed shortly below.
140 Creytens, “Les cas de conscience,” 209; Orlandi, Bibliografia antoniniana, XII; Morçay, Saint Antonin, 415.
19 October 1437 and 23 February 1447, the death of Eugenius IV. However, this particular reference requires further attention to its circumstances. It comes within the series of titles on excommunications and ecclesiastical censures, which were almost certainly transcribed into the Summa from Antonin’s earlier-published Tractatus de censuris ecclesiasticis sive de excommunicationibus. Creytens has shown that in Antonin’s replies (Conclusiones et decisiones) to cases of conscience submitted to him by Dominic of Catalonia, O.P., he cited this Tractatus and directed the recipient to refer to it for further information.\footnote{Creytens, “Les cas de conscience,” 209.} The Tractatus de censuris ecclesiasticis sive de excommunicationibus thus predates the Conclusiones et decisiones, which date from 1440. There is also a record of the binding of this Tractatus by Vespasiano da Bisticci in 1447, recorded by Giuliano Lapaccini.\footnote{“Nei conti di S. Antonino col libraio-legateore Vespasiano da Bisticci, troviamo che in data 11 giugno 1447 Fr. Giuliano Lapaccini registra un pagamento per rilegatura “d’alquanti quinterni negli quali è scripto il trattato delle Scomunicazione dell’Arcivescovo con due guardie e una chioverta di pergamento”; quindi il Trattato era già pubblicato avanti e separatamente dalla Somma.” Orlandi, Bibliografia antoniniana, XX–XXI.} The reference to Eugenius IV qui nunc est was most likely copied into the Summa as it was found in the earlier Tractatus, and thus does not reflect the time of composition of the Summa. The Tractatus de censuris will be discussed further below; the autographs appear to confirm that this treatise was transcribed into the Summa by scribes without major updating by Antonin.

Again in part three:

Nam ab incarnatione Domini usque ad presens fluxerunt anni MCCCCXLVIII, nondum completo ultimo anno; et quantum residui sit temporis usque ad finem mundi solus Deus nouit.\footnote{Antoninus, Summa, 3.31.2.3 in Ballerini, 3.33.2 in autograph (Ms fol. 653r, hand A). Noted in Orlandi, Bibliografia antoniniana, XII.}

This whole chapter is written in the autograph by Antonin, with numerous revisions and additions made by his own hand at various points, including, at one place, on an inserted half-sheet.\footnote{Ms fol. 653bis, hand A.} An interesting point to note here is that there are three series of folio numbers at
this point: in the modern numeration, this is folio 653; in the old numeration referred to in the *tabula capitulorum*, and probably written by Lapaccini, this is folio (carta) 650; in the older numeration, which appears to be written by Antonin, this is folio 514. The older numeration shows the final titles of part three (3.24–32/33) in a different order from their current order in the autograph and its *tabula capitulorum*. Interestingly, however, the order of titles indicated by the older numeration corresponds to their order as printed by Ballerini. In Ballerini’s edition, the final three titles of part three are *De Deo et statu beatorum* (30), *De diversis statibus comprehensorum* (31), *De poena purgatorii* (32); in the autograph, they are *De statu purgandorum in purgatorio* (31), *De statu comprehensorum* (32, corresponding to Ballerini’s title 30), *De diversis statibus comprehensorum* (33). The order of titles followed in the manuscript *F₃* appears to follow the current order of the autograph manuscript, though this requires confirmation.¹⁴⁵ A likely explanation is that the first copies of part three were produced while the original order of titles stood; at some later point, Antonin changed the order of titles, moving *De statu purgandorum* from final position to become the antepenultimate title: at least one later manuscript copy appears to reflect this change, but it may be that the older order became the received one.

All this by the way. As to date, the reference found at this place in the autograph shows that the final titles of part three were being written in the year 1449.

Additional testimony about chronology can be brought in from payments to Vespasiano da Bisticci, stationer to the archbishop and the brothers of San Marco. Giuliano Lapaccini kept records of purchases of the paper on which to write the *Summa* and *Chronicles* as well as the copying of some of their individual parts. Orlandi provides the following account.¹⁴⁶ On 13 February 1447, Lapaccini recorded, on behalf of the archbishop, an expense of 8 solidi to Bisticci for the binding of several “quinterns” of the *Summa di frate Antonino arcivescovo*.¹⁴⁷ On 4 October

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¹⁴⁵ “Titulus XXXII. De unitate diuine essentie et Trinitate personarum et quinque modis essendi Dei in rebus, capitulum primum. Istud primum capitulum deficit supra ad car. 325, columnna prima, circa medium ad tale signum.” *F₃* fol. 362rb. Facsimiles of the full *tabula capitulorum* of this manuscript are not currently in my possession.

¹⁴⁶ Orlandi, *Bibliografia antoniniana*, XIII.

¹⁴⁷ “Il 13 febbraio 1447 registrava, per conto dell’Arcivescovo, una spesa di soldi 8 pagati a Vespasiano per legatura d’alquanti quinterni della *Summa di frate Antonino arcivescovo.*” Ibid.
of the same year, he paid 16 solidi 6 denarii for the binding of two large books he describes as quarter-sheet scartabelli.148 These octavo size volumes, 9 inches by 6 inches, match the measurements of the autograph volumes (scartabelli) of the Summa. On 20 January 1452 Lapaccini paid Bisticci to bind “the third part of the Summa of the archbishop.”149 Copies were already being produced before the Summa had been completed: Br. Constantino Angeli da Nocera, O.P., copied the following volumes, recorded 17 September 1450:

La sechonda parte, cioè de vitii. Et prima chompiuta della somma di Messer Antonio Arcivescovo. di la quarta parte di detta cioè di virtute. Item la terza parte della detta somma non chompiuta. alla quale poco mancha. Item il principio (altra copia) della prima parte di detta somma.150

On 3 November 1452, Lapaccini paid Bisticci for the paper to make a copy of the fourth part of the Summa for the convent of San Marco, although Antonin had not yet completed writing the fourth part.151 It has already been seen that the author completed the last chapter of part four in 1454, and considered the Summa finished at that point; he was then mid-way through the Chronicles.152

These references, though few, suggest two conclusions about the composition of the Summa. First, the writing of parts two, three, and four appears to have proceeded roughly in the order in which they now stand: for a reference at 2.3.11 places it post 1440, ante 23 February

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148 “Il 4 ottobre dello stesso anno pagava all stess libraio “soldi 16 e den. 6 per leghatura di 2 libri grossi, cioè scartabelli a quarto di foglio dell’opere di frate Antonino”, che, probabilmente dovevano essere gli autografi dell P. I e II dallo stesso S. Antonino detti “scartabelli”.’’ Ibid. It should be noted that Orlandi’s conjectures about which particular volume of the Summa was being bound in each of these transactions are difficult to confirm definitively from the evidence at hand.

149 “Mentre solamente il 20 gennaio 1452 (st. fior. 1451) pagava la rilegatura a Vespasiano de “la terza parte della somma dell’Arcivescovo”, che è in due volumi, ancora nella sua rilegatura originale (P. Iª et P. IIª IIIª partis).” Ibid.

150 Ibid.

151 “Il 3 novembre 1452 Fr. Giuliano Lapaccini pagava, per conto di S. Antonino, a Vespasiano da Bisticci la carta per fare una copia della “quarta parte della somma sua la quale fa compiere per questo chonvento”, cioè di S. Marco, la quale P. IV, tuttavia, S. Antonino, come abbiamo detto, ancora non aveva finito di scrivere.” Ibid.

152 Antoninus, Summa, 4.16.1 para. penult. and ult. (Ms fol. 277v, hand A). Discussed above in section 1. Noted in Morçay, Saint Antonin, 414; Orlandi, Bibliografia antoniniana, XII.
1447; 3.6.3 circa 1448; 3.31.2 circa 1449; and 4.16.1 was finished in 1454. However, at least one chapter of part one (1.10.3) was not finished before the Jubilee year of 1450; this means that even while Antonin was quite far into writing parts two and three, he had not yet finished with part one. Dateable references within the *Summa*, then, combined with records of its binding and copying, are suggestive of a generally sequential progress through the parts, while keeping the files open, so to speak, for potential additions and revisions as they occurred to the author; until, presumably, circa 1454 when the whole *Summa* may have been considered complete and was committed *ad usum Fratri Iuliano de Lapaccinis*.


Turning now to what the autograph manuscripts reveal about the composition of particular titles and chapters: the first matter to be dealt with is the writing of the chapters edited below (*Summa* 2.1.16 and 3.8.1–2). These appear to have been written by Antonin in the course of composing the *Summa*, as original compositions rather than copies of older treatises; in the autograph manuscripts, each chapter shows signs of multiple stages of drafting. First, a detailed description of the quires (booklets) which contain these chapters.

**M1 quires 7–8 (fol. 57–70, 71–82)**

Paper, 26 folios, 225 x 150 mm

Antoninus Florentinus, *Summa*, 2, chapters of title 1 *de auaritia*

Quire 7 inc. *Nolite sperare*

Quire 8 inc. *cum perpendit*

These are two quires of 14 folios and 12 folios measuring 225 mm x 150 mm, with a writing space generally in the range 160–180 mm height x 110–130 mm width, accompanied by numerous marginal annotations. The quires are paper throughout, with the outer and inner bifolia reinforced with parchment at the fold. The text of 2.1.12 (*de rapina per modum predicationis*) begins in a single column on 57r (inc. *Nolite sperare in iniquitate*) and the chapters continue in one column until part of the way through 2.1.21 (*de sacrilegio*) on 82v. One chapter.
included in the list of *capitula* at the beginning of the volume, 2.1.15 (*de multis speciebus seu modis furti*), was apparently written later and is found on fol. 381–382, 394–395, 409–411.

The main text is written in a single hand, that of St Antonin; letter size and care of execution vary throughout. Ink is dark brown. Marginal annotations mostly appear to be the same hand, but a few have a different appearance, sometimes being written with another sort of ink or instrument; some are in pencil. Tie marks are frequently used and corrections are numerous. Divisions in the text are indicated by paragraph marks, sometimes written in the body, sometimes in the margin especially where marking larger textual units. Folio 64r is blank. There is space for an ornamental initial at the opening of certain chapters, on fol. 59v, 62v, 64v, 66v, 73r, 74v, 79r, 80v. There is no ruling of any sort, and consequently the size of writing and number of lines per page varies widely; nevertheless the lines of text are fairly straight and neat. The height and width of the text column varies according to the author’s whim — on 68r, 72r, 76r–77v, 80v, 81v the text fills nearly the whole height of the folio — and margins are sparse or full according to the number of annotations which the author saw fit to make. The quires are numbered with arabic numerals 5 and 6 dotted on either side, but now are properly quires 7 and 8 of the codex. There is a note above each quire number, written later but probably by the hand of the author. The note on 57r reads: ¶ *In isto quaterno est materia de rapina quintuplici et de talliis et præstantiis et de gabellis. Et de participatione in furtis et rapina. Item de furto et de fraudulentia VII modis.* The note on 71r reads: ¶ *In isto quaterno agitur de fraudulentia ¶ de falsificatione ¶ de iniustitia in iudiciis ¶ de acceptione personarum ¶ de sacrilegio.*

**M: quires 5, 6, 8 (fol. 57–74, 75–80, 101–116)**

Paper and parchment, 40 folios, 225 x 150 mm

Antoninus Florentinus, *Summa*, 3, chapters of titles 1, 3, 8, 9, 10, 14, 15, 21

Quire 5 inc. *Casus autem in quibus*

Quire 6 inc. *Item cum quis*

Quire 8 inc. *Quia sententia appellacionis*
These are three quires of 18, 6, and 16 folios measuring 225 mm x 150 mm, with a writing space generally in the range 160–180 mm height x 110–130 mm width, accompanied by numerous marginal annotations. The quires are paper throughout, except for quire 5’s outer bifolium (fol. 57 and 74), which is parchment. The text is in a single column throughout. The quires contain a disorderly collection of chapters and additions to chapters from different sections of part three of the Summa: sections come from title 1 de statu coniugatorum, title 3 de dominis temporalibus, title 8 de statu mercatorum et artificum, title 9 de statu iudicum secularium et ecclesiasticorum, title 10 de statu morientium, title 15 de statu beneficiatorum, and title 21 (20 in Ballerini’s edition) de statu episcoporum, archiepiscoporum, et patriarcharum.

The main text was written by four or five different hands. The bulk of the work was written by the hand of St Antonin; letter size and care of execution vary throughout. The hands are as follows: Antonin from 57r; possible change of hand (hybrida) folio 61v (compare body 63r with additions in lower margin); Antonin resumes 63v; change of hand 66r (humanistic cursive); Antonin resumes 68r. Antonin from 101r; change of hand 104r (humanistic); 105v is blank; Antonin resumes 106r; change of hand 107r (hybrida fere semitextualis); Antonin resumes 115r. Ink is dark brown. Marginal annotations mostly appear to be the hand of St Antonin, but some other hands are present as well. Tie marks are frequently used and corrections are numerous. Divisions in the text are indicated by paragraph marks, sometimes written in the body, sometimes in the margin especially where marking larger textual units. There is space for an ornamental initial at the opening of certain chapters, on fol. 58v, 59v, 62v, 63v, 64v, 66r, 69r, 80r, 101r. There is no ruling of any sort, and consequently the size of writing and number of lines per page vary widely; nevertheless the lines of text are fairly straight and neat. The height and width of the text column varies according to the usage of the scribe or the whim of the author, and margins are sparse or full according to the number of annotations which the author saw fit to make. Two of the three quires are numbered with arabic numerals: in the lower margin of 57r is the number 18 and in the upper margin the letter ‘s’; this is now properly quire 5. Folio 101r bears 22 in the lower and ‘y’ in the upper margin, but is now quire 8. Folio 75 (the beginning of quire 6) is unnumbered.
Up to three series of folio numbers remain in the upper right corner of the recto sides. The oldest series: like the text, it is written in brown ink, probably by St Antonin himself. This series runs through quire 5, marking these folios 305–322. The series is absent in quire 6. In quire 8, this series marks the folios 383–398. A second series, which may be by the same hand, appears on some folios of quire 5 and quire 8; this hand has either written over the original series or has struck them out and replaced them. On some folios of quire 5 this second series provides the same numeration as the current series. On quire 8, however, this series marks the folios 111–126. The most recent series, by a modern hand, was written in pencil, usually just below the older numbers, and is present on all folios of these quires; on quire 6, this is the only numeration.

There is a note in the upper margin of 57r, written later but probably by the hand of the author, which reads: ¶ Omnia que sequuntur in isto quaterno usque ad titulum de merchatoribus, qui incipit exibit homo, pertinent ad titulum primum de coniugatis et sunt additiones. Chapters 1, 3, and 4 of title 8 de statu mercatorum et artificum are written continuously on folios 69r–79v. An addition to title 14 c. 16 begins on 80r. Quire 7, fols. 81–100, contains text from titles 3, 4, 6, and 7 (out of order). In quire 8, on 101r an addition to title 9 c. 14 begins. On 107r title 3 c. 3 begins; c. 2 begins on 110r. Chapter 2 of title 8 de statu mercatorum et artificum (3.8.2 edited herein) is written on folios 115v–116r. On 116v, the final page of this quire, there is an addition to title 10 c. 5. On 117r, the beginning of quire 9, a continuation of title 1 c. 23 begins.

First drafts and revisions of Summa 2.1.16, 3.8.1, 3.8.2

The chapters edited below were written entirely by the hand of St Antonin, with a few marginal notes added by Lapaccini. The chapters are these. Summa 2.1.16 (De fraudulentia per modum predicationis), is written on M1 fol. 66v–70r, and is followed there by Summa 2.1.17 (De uariis fraudibus que commictuntur in negotiando). Summa 3.8.1 (De merchatoribus et artificibus per modum sermonis), is on M2 fol. 69r–70v, followed by Summa 3.8.3 (De negotiatoribus et camposoribus) and 3.8.4 (De diuersis generibus artificum). Summa 3.8.2 (De diuersis generibus contractuum) is on M2 fol. 115v–116r, followed by an addition to to 3.10.5 (De sepulturis).
The autograph version of each of these chapters shows a process of composition involving at least two stages: a first draft followed by a revision and expansion. The two recensions are documented in the appendices to each chapter, to which the reader is referred. The paradigm is this. The first draft is written in the main text column by the hand A. Deletions are made by striking out individual words or indicating whole passages with uacat; additions are made above the line or in the margins, with tie-marks indicating where the added words are to be inserted in the text. The simplest case study is 3.8.2, which furnishes typical examples of relatively minor revision and expansion. Clarifying words are added in a few places; in one place a canon-law reference is added. Finally, at the end of the chapter a new paragraph is added in the upper margin, with a tie-mark indicating that it continues the text which ends at the foot of the folio; this paragraph is copied in verbatim from the Glossa ordinaria to the Decretum, at C.14 q.3 c.3 s.v. precepta. The autograph version of 2.1.16 shows the same sorts of revisions and expansions. Particularly frequent additions are canon-law references or material drawn from jurists’ commentaries and theological and moral Summae. These suggest that after his initial draft, the author habitually returned to the books to refresh his memory and note further relevant material, which he then grafted into the draft, typically through marginal additions. See, for example, an addition made in the upper margin beginning with the word quantum and ending satisfacere, at 2.1.16 ll. 391–395; similarly the addition et ... constitueretur, ll. 474–475; and the addition made in the lower margin, in ... fieri, ll. 481–484.

The autograph of 3.8.1 bears the most interesting traces of the author’s process of composition. This chapter shows the same sorts of expansions made upon reviewing the books, as in the very long addition beginning Vnde et Crisostomus and concluding remanet nisi peccatum (ll. 180–195), which was commenced in the lower margin of M2 fol. 70r, continued in the upper margin of the same, and then, having run out of space, completed in the upper margin of the facing page, 69v. This chapter also shows a more primitive stage of outlining and drafting than is evident for the other two. On fol. 69r there is a paragraph which was drafted by the author and then struck out and marked for deletion with uacat. This paragraph contains the skeleton of some of the later sections of the chapter as it now stands, and assembles some of the texts to be cited at those places. As a method of developing this chapter’s theme, Exibit homo ad opus suum
et ad operationem suam usque ad uesperam (Ps. 103:23), applied morally to the subject of work (opus, operatio), Antonin employs the typical preaching technique of division and subdivision. The first division divides work into opus uirtuale, opus criminale, and opus manuale. After dealing with the first two, the author, entering into the third point, initially posited a sententia of Hugh of St Victor to introduce a subdivision of manual labour into work to which cogit necessitas, work which inuenit cupiditas, and work which induxit uanitas; the first recension on 69r shows him lining up Scriptural quotations for each point and concluding with a moral exhortation to instantia (id est sollicitudo et frequentia), inspired by a quotation of Pope Anacletus taken from the Decretum at D. 83 c. 6. This first draft was then scrapped, and in the second recension Antonin instead proceeds at this point (opus manuale) into a subdivision which lends itself to completion by the citation of Anacletus exhorting to instantia. The new subdivision sets out three necessary marks of opus manuale, namely bona conscientia, apta conuenientia, and debita permanentia. The sententia of Hugh of St Victor, and the further subdivision it prompts, is incorporated under the heading apta conuenientia, and at relevant places the Scriptural texts collected in the first recension are brought in. Under the third heading, debita permanentia, the quotation of Anacletus is called upon to conclude the thema as a whole: usque ad uesperam.

A final curiosity: there appears to be an earlier draft of 3.8.2 (De diversis generibus contractuum) on M: fol. 114v–115r, discussing the difference between liberal and illiberal exchanges. In the upper margin Antonin has written: hic pone in titulo de merchatoribus et artificibus ad cart. 70 supra. At the relevant place in that title, however, the marginal instructions direct the copyists, not here, but to fol. 116v–117r and the text of 3.8.2 edited herein.

4. Confessionale “Defecerunt” at Summa 3.17 and elsewhere

It has just been seen how Antonin proceeded in drafting several chapters as new compositions. However, it has often been noted that at some places in the Summa Antonin incorporated his own previously written treatises and opuscula. In this and the next two sections
the autograph manuscripts are probed for what they reveal about this process. In brief, it can be stated with certainty that Antonin incorporated his previous works into the *Summa* at relevant places; however, the method of incorporation is not uniform, but takes various forms. Three examples are adduced here: the Latin confessional manual “*Defecerunt,*” the *Tractatus de censuris ecclesiasticis sive de excommunicationibus,* and a *sermo de indulgentiis.*

Morçay points out that much of the *Confessionale* “*Defecerunt*” was incorporated into the *Summa* at 3.17 (*de statu confessorum*). The subject of this title corresponds to the first part of the *Confessionale,* namely *de potestate confessoris.* The relationship of these two texts shall now be examined.

The *Confessionale* “*Defecerunt*” exists in two known recensions, a briefer and a longer. These are distinguished by their incipits. The briefer recension incipit: *Defecerunt scrutantes scrutinio ... Scrutantes aliorum peccata sunt confessores. Scrutinium autem est inquisitio facta in confessione.* The longer recension incipit: *Defecerunt scrutantes scrutinio ... Scrutinium quidem est*
confessio, in quo et penitens scrutatur conscientiam suam et confessor cum eo. It would be a tenable hypothesis, a priori, that the longer recension is original, that its material was copied into the Summa at the relevant places, and that the briefer recension was produced by abbreviating the longer one. Having examined early printed editions of the “Defecerunt” and considered their text against the autograph manuscripts, I consider it more likely that the longer recension is the later one, and represents an expanded version produced by adding in material from the Summa at corresponding places in the original Confessionale.

The first part of the briefer recension of the Confessionale “Defecerunt” — i.e. chapters 1–8 de instructione seu directione simplicium confessorum — corresponds to Summa 3.17 de statu confessorum, chapters 1–19. The treatment in the Confessionale, about 42 printed octavo pages in large type, is relatively brief compared with that in Summa, about 33 printed columns on folio sheets in very small type. In the autograph manuscript this whole section, from M2 fol. 375v to 383v (9 folios), appears to be written by the hand of Antonin. A comparison of the text in the autographs of the Summa against the two recensions of the Confessionale suggests that Antonin took the basic framework of the shorter recension and developed the material into a more lengthy treatment. At times the ex tempore process of composition is visible in the manuscript. For example, at 379v, Antonin (or possibly a scribe writing a similar hand) transcribed the text of a canon from the Clementines. Antonin then glossed the text in the left and lower margins. It seems that two new gloss comments occurred to him after making his initial pass, which he then added in the upper margin, indicating where they should be inserted within the overall apparatus of glosses with the letters a b c d e. In the printed edition of the Summa, this chapter has the text of the canon in italics followed by these glosses in their correct order. The longer recension of the “Defecerunt” likewise prints the Clementine text followed by the glosses in their

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159 Certain: the majority is by the hand A. Probable: the entire text is by hand A. Possible: several portions of the text are by an unidentified hand other than A, whose letter-forms are very similar.
160 Ballerini, 3:954.
correct order. If the longer recension were original, it would be hard to account for the writing process seen on fol. 379v: this hypothesis would have the author transcribe the Clementine canon and then his own glosses into the margins, missing glosses to two *lemmata*, which he then adds in the upper margin; the result being to produce a final *Summa* text identical to the original in *"Defecerunt."* On the other hand, the briefer recension does not print the Clementine text and is much shorter at the corresponding place. If the briefer recension is original, then the process of composition suggested by the autographs becomes lucid: the whole of *Summa* 3.17 represents an expansion and development of material treated with deliberate brevity in his earlier *summula* on confession. The process of drafting a lengthier and more substantial treatment for the *Summa* left the footprints just described in the autographs. It appears likely that an editor later replaced the original chapters of *"Defecerunt"* by substituting the longer treatment from the *Summa*, to produce a more compendious and up-to-date confessional manual, yet still short enough to function as a handbook.

The second part of the *"Defecerunt"* is an *Interrogatorium* providing question-prompts for confessors. It proceeds through three lists: the Ten Commandments, the capital vices, and the various states of life. Obviously, the treatment of the capital vices and the various states of life correspond to the main material of the *Summa* parts two and three. However, there is no clear evidence in the autograph of part two to indicate dependence on the *"Defecerunt."* Although the scheme of the capital vices is the same, their order of treatment is different, as is the approach to the material — for example, its development *per modum predicationis*, alien to the short *summula* form of the *"Defecerunt."* In length there is no comparison.

As for part three of the *Summa*, there is what appears to be an earlier draft of the opening of this part on M2 fol. 17r. This folio and the several following show a base text written in a very neat and upright *cursiva* script, with red highlighting and rubrication marks — which

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162 Antoninus, *Confessionale: Defecerunt* (Cologne, 1470), c. 4ff.; idem., *Libellus de audientia confessionum* (Venice, 1472), 11–17.
163 The longer recension of *"Defecerunt"* is about 400 octavo pages in moderate-sized type. The shorter recension averages about 250 octavo pages in large type.
are never present on the typical page written by Antonin’s hand. The base text has been heavily revised and annotated by more than one hand; the principal revisions, however, are by Antonin. The base text begins:


Immediately after this, there is the former beginning of a chapter, which has been deleted by Antonin: *Et quantum ad primum uidendum est primo de impedimentis eius.* ... A tie mark then directs the reader to the upper margin, where Antonin has written a new incipit for the chapter: *Relinquet homo patrem et matrem et adherebit uxori sue* ... This is the beginning of what is now *Summa* 3.1.2 (*de impedimento matrimonii quod dicitur error persone*). At some later time, Antonin drafted a preamble to part three, which begins *Astitit Regina*, and a new opening chapter of title 1 *de statu coniugatorum*, which begins *Beatus es*. These are found at later places in the autograph, commencing on M: fol. 38r and 49v.

This folio appears to represent an early stage in the planning and drafting of the *Summa*; its dependence on Antonin’s previous works is not evident. The order of items in the list just quoted is not the same as in either recension of “*Defecerunt*” or in the final version of the *Summa*. Nor does “*Defecerunt*” have a treatise on the virtues following the *interrogatorium* based on *status*. The *Summa* does have a treatise on the virtues in its fourth part, but in the final version it follows the treatise on ecclesiastical censures and the several other titles which conclude part three. Another as-yet-unexplained fact is that on the final folios of what is now *Summa* part two, there appears to be another draft of the opening of part three. On M: fol. 393r, an unidentified hand writes a chapter incipit: *Relinquet homo patrem et matrem et adherebit uxori*. In the left margin the word *uacat* stands next to this paragraph. In the upper margin, Antonin has written: *Tertia pars principalis operis.*
5. *De censuris ecclesiasticis sive de excommunicationibus* at *Summa* 3.24–29

The clearest example of a preexisting treatise which was transcribed directly into the *Summa* is Antonin’s *Tractatus de censuris ecclesiasticis sive de excommunicationibus*. This corresponds to *Summa* 3.24–29 in Ballerini’s edition, 3.25–30 in the autographs. In the autographs, this whole sequence of titles was copied by scribes other than Antonin. It begins on fol. 538r in a fresh quire. A cursory look shows it was copied by a secretary, not Antonin. It displays a different mise-en-page, with ample space left for initials; the page is rubricated and marked with red highlights. It bears a few marginal notes which may be, but are not certainly by A; some of them have the appearance more of a user of the book than of its author, for example on fol. 542r: *Nota*. On fol. 543r and further large red initials are found rather than blank spaces. Antonin has made some additions on fol. 548v, and there is also a supplement in the hand of Lapaccini; but it goes on from there with few such revisions. A new quire and a new hand begin on 554 and this proceeds until 569 verso. Here is the end of this quire and a catchword; on 570 the text is taken up again from approximately the same place, but in a more cursive hand with a different mise-en-page, notably lacking red. On 575 recto the text breaks off again and the hand of Lapaccini writes: *uolue cartam et uide in principio alterius faciei*. On the verso there are two additions by Lapaccini, and then the text resumes on 576 recto. Although a new quire begins at 587 and again at 603 it appears to be the same hand all the way to 612 recto. A few notes by Lapaccini are found, but the only significant revisions are from 591 recto to 592 verso, in the hand of Antonin. At the foot of 612 verso, which is blank, is another catchword, and on 613 the final section of this treatise begins. The text is copied here in an elegant *cursiva* hand and decorated with red initials. The treatise ends on 625 recto.

At least three different hands copied this treatise, and the transitions from one hand to the next always come at the beginning of a new notebook; sometimes there is blank space at the end of the last notebook. This suggests that Antonin divided his treatise into three sections and assigned each section to a different secretary, who probably copied simultaneously. This was a common method for copying long works, in both universities and Dominican houses; it was
famously used by St Thomas Aquinas. After his secretaries had copied the original treatise, Antonin reviewed the work with the help of Lapaccini, revising, expanding, and supplementing, to produce the final version which stands in the Summa.

6. Sermo de indulgentiis at Summa 1.10.3 and the writing of part one

Many chapters of the Summa take the form of sermons, and in some cases there are extant manuscripts which witness the text of an earlier or later sermon by Antonin on the same topic. These are, of course, of interest to scholars who wish to study the development of Antonin’s ideas and rhetoric, because they can compare his treatment of the same subject matter in two different contexts of time, place, and circumstance. In the case of the chapter de indulgentiis (1.10.3), in addition to the Summa version there are also extant manuscripts and early printed editions of a Sermo de indulgentiis. At this point a comparison of these versions has not been carried out. However, the autograph version in N does prompt some conjectures about the development of this sermon, and, from there, to the composition of part one of the Summa as a whole.

The de indulgentiis is one of several sermons copied into part one of the Summa by a secretary, in this case by Giuliano Lapaccini. This is a chapter of what is described in the autograph as the Libellus de peccato, embracing titles 7 to 10 of part one. The first folios of this Libellus are written by Antonin. The next thirteen folios are written by a different,
unidentified, scribe. Giuliano Lapaccini takes over at the bottom of 200r, writing the last three paragraphs of a chapter which ends on the verso. The next chapter, De purgatorio, was copied very neatly by Giuliano Lapaccini, with no significant annotations added. It bears a rubric indicating that it is a sermon for All Souls Day: pro die animarum. The De indulgentiis begins on 204r, headed by two rubrics. The first: pro feria 5 post dominicam de passione, super illud: Dimissa sunt ei peccata etc. The second: Pro dominica 19 post festum Trinitatis, super illud: Confide fili remicuntur tibi peccata etc. The first two folios of this chapter are written by Lapaccini, again with very few annotations. This section ends halfway down fol. 205v. On 206r a new section is introduced, written by Antonin himself: Demum uidendum est de indulgentia plenaria. This is the final part of the chapter, embracing several sections, all dealing with plenary indulgences. On the last face (fol. 209v) Antonin’s hand leaves off after writing the first five lines, and Lapaccini takes over, finishing the paragraph which Antonin had left in progress and then copying the final paragraph, which begins Notandum de Jubilee. Lapaccini reached the bottom of the folio with two lines of the chapter still left to copy, and inserted them in the upper margin. The explicit here is identical to the chapter printed in Ballerini: determinationem uniuersalis ecclesie. Within the section of this chapter written by Antonin himself, there is a dateable reference, discussed above, which puts the composition of this chapter between 1450 (modern style) and 1454 (Florentine style), i.e. after significant portions of parts two and three were written.

Taking a larger view of part one as a whole: the first half of part one (N fol. 8r–209v) is written by a rather bewildering variety of hands. Antonin’s hand is still visible frequently and for large stretches, probably amounting to more folios than any other single hand; but very

169 N fol. 201r in marg. super., hand G.
170 Note that the sermon for this day in Antonin’s Lenten cycle of 1427 or 1430 does not correspond to the sermo de indulgentiis. Orlandi, Bibliografia antoniniana, 126–7.
171 N fol. 204r in marg. super., hand G. Another manuscript collection of Antonin’s sermons contains a sermon for this Sunday; it does not correspond to the sermo de indulgentiis. Orlandi, Bibliografia antoniniana, 149.
172 N fol. 206r, hand A.
173 N fol. 209v, hand G.
174 N fol. 209v, hand G; Ballerini, 1:612.
much mingled with multiple different hands which are similar enough that it is not easy to distinguish them. By contrast, the majority of the *Tractatus de legibus* (*N* fol. 210r–323v), is written by Antonin: of about 113 folios, roughly 25 were written by hands other than A.

In advance of collating extant witnesses of the *de indulgentiis*, the following hypothesis may be offered cautiously. Antonin wrote what are now part one’s titles 11–20 (de *legibus*) earlier than he wrote titles 1–10 (de *anima, de peccato*). If Antonin started composing the *Summa* as a whole at part one, then the *de legibus* would be the oldest portion of the *Summa*: supposing Morçay to be correct that it was commenced *circa* 1440, it may be conjectured that part one, titles 11–20 were written at some time between about 1440 and 1450. Titles 1–10 were written after titles 11–20, and it is certain from the remark in *Summa* 1.10.3 that these titles were not completed before 1450. This is congruent with the state of the autograph manuscript: it may be expected that Antonin had more scribes at his disposal after his elevation to the archiepiscopacy in 1446; and, indeed, the autograph manuscripts show that the assistance of scribes was more frequently employed in drafting titles 1–10 than titles 11–20. In the case of the chapter *de indulgentiis*, it appears likely that Antonin had his collaborator Giuliano Lapaccini transcribe a preexisting *sermo de indulgentiis*. To this base, he added a new treatment of the plenary indulgence, drafting this original section with his own hand, including the note about the Jubilee indulgence of Nicholas V who was reigning at the time. Antonin either dictated the final paragraph of the chapter to Lapaccini or had it copied from a previously written discussion of the Jubilee. It may be that the older *sermo de indulgentiis* ended with a treatment of the Jubilee, and in preparing the *Summa* version Antonin opted to draft a new discussion of plenary indulgences to insert immediately before that point.

5. **CONCLUSION: THE SUMMA AS RECOLLECTORIUM**

The *Summa* is indeed a Collecting-Box. Its author called it such, i.e. *Recollectorium*, while he was at work on it and it was so called in at least one other contemporary manuscript witness. What the author collected in the box goes beyond what he himself outlined in his preamble to the work. It is, as he said, a collection ‘in the tradition of the friars’ of material apt ‘for preaching, for hearing confessions, and for consulting in the court of souls,’ taken up from
‘doctors in theology or experts in law.’

It is, therefore, a kind of miniature library of pastoralia. It is also, however, the definitive and complete collection of all of Antonin’s own writings and, it may be said, of his theological, moral, and ascetic teaching. This is seen in the incorporation into the Summa of Antonin’s earlier written treatises and summula. Some of Antonin’s preached doctrine was also incorporated, as seen in the sermo de indulgentiis copied into the Summa. It is seen, finally, in the author’s conception of his three-volume Chronicles, the last written undertaking of his life, as the fifth part of the Summa: as an adjunct to and application of the gift of knowledge with which part four closes, “to illustrate from the past how men should live in this world.”

All this, to provide a library of moral teaching and prepared material for the poor preacher, confessor, or pastor who has not the leisure and wealth for roaming through books.

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Pro ipsis conficiendis plures uigilias et labores contemplationesque simul et orationes
ipse sanctus operatus est.

For the writing of these that holy man toiled through many sleepness nights, many labours, much contemplation, and many prayers.

176 Antoninus, Summa, 1 prohemium (N fol. 3v–4r, hand G).
177 On pastoralia see the fine discussion in Klumpenhouwer, “John of Kent,” esp. Ch. 2, and the references therein to the seminal work of the Rev. Boyle and others.
179 Alessandro Capocchi, O.P., at N fol. IIv–IIIr.
3. The Scholastic Tradition on Justice in Buying and Selling

Preamble. Antonin’s Authorities in the Summa as a Whole

Before approaching the main subject of this chapter it is opportune to take a glance at
the authors and works whom Antonin cites as authorities for his doctrine in the Summa as a
whole. To return to the preamble to the Summa: there, immediately following the section
translated above in Ch. 2, the author himself provides a list of his principal authorities.¹ A
translation of this passage is provided now, with the individual authors and works identified in
the footnotes.

But the following testimonies are incorporated in proof of the aforesaid matters, beyond
the authorities of the divine Scriptures and the sacred canons, which are frequently
adduced, and the individual doctrines of the ancient doctors of the Church, Augustine.²

¹ Antonin also discusses the authors and books most useful for preaching and teaching doctrine
in Summa, 3.18 de statu predicatorum et inquisitorum, c. 3, c. 5, and esp. c. 6 de modis dilatandi materiam et
libris authenticis ecclesie et de apocrifis. In the autograph, this is chapter 3.19.5, and it begins on Mz fol. 190v,
proceeding to 192v. On these chapters, see the thorough discussion in Howard, Beyond the Written Word,
Ch. 4 “The Preacher’s Art.” Antonin also discusses many of these authors in his Chronicles, tit. 23–24
about the Dominican and Franciscan orders, on which see Howard, Beyond the Written Word, 54–57;
Walker, ‘Chronicles’ of Saint Antoninus, 93–100.
² St Augustine (Augustinus Aurelius), 354–430, bishop of Hippo Regius. For names of late
antique and medieval authors, the English form is taken from The Oxford Dictionary of the Christian Church,
the Middle Ages, ed. André Vauchez (Cambridge: James Clarke, 2002); or The Oxford Dictionary of the
Middle Ages, ed. Robert E. Bjork (Oxford: Oxford University Press, 2010); the Latin form is taken from
Bibliotheca Scriptorum Latinorum Medii Recentiorisque Aevi, ed. Roberto Gamberini (Florence: SISMEL,
Edizioni del Galluzzo, 2003).

The determinations and statements are added of many moderns in theology or of experts in law, whose names are these.

In theology: St Thomas whom I set before all others in the things which he commented on, Albert the Great, Peter of la Palud, Peter of Tarentaise who was Pope Innocent V, Durandus, Cardinal Hugh, William Peraldus in his Summa of Vices and Virtues.

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3 St Jerome (Hieronymus Stridonius), c. 345–420, biblical scholar.
4 St Gregory the Great (Gregorius I), c. 540–604, pope from 590.
5 St Ambrose (Ambrosius Mediolanensis), c. 339–397, bishop of Milan.
7 St Basil the Great (Basilius Caesariensis), c. 330–79 (or possibly slightly earlier), bishop of Caesarea.
8 St Isidore (Isidorus Hispalensis), c. 560–636, bishop of Seville and metropolitan of Baetica.
9 St Bernard (Bernardus Claravallensis), 1090–1153, abbot of Clairvaux.
10 St Anselm (Anselmus Cantuariensis), 1033–1109, archbishop of Canterbury.
12 Aristotle (Aristoteles), 384–322 BC, Greek philosopher, pupil of Plato.
13 Marcus Tullius Cicero (Cicero M. Tullius), 106–43 BC, Roman orator and statesman. Known by the name Tully (Tullius) down to the early nineteenth century (Howatson, Oxford Companion to Classical Literature, s.v. “Tully”).
14 Lucius Annaeus Seneca the Younger (Seneca philosophus), c. 4 BC–AD 65, Roman philosopher, moralist, and tragic poet.
15 St Thomas Aquinas (Thomas de Aquino), O.P., 1224/5–1274, philosopher and theologian, ‘Doctor Communis’ or ‘Doctor Angelicus.’
16 St Albert the Great (Albertus Magnus), O.P., c. 1200–1280, theologian, philosopher, and scientist.
17 Peter of la Palud (Petrus de Palude), O.P., 1275/80–1342, theologian and canonist, Latin patriarch of Jerusalem from 1329.
18 Peter of Tarentaise (Innocentius V), O.P., c. 1224–22 June 1276, theologian, pope from 11 January 1276.
19 Durandus of Saint-Pourçain (Durandus de Sancto Porciano), O.P., c. 1275–1334, philosopher, ‘Doctor Modernus’ or ‘Doctor Resolutissimus.’
20 Hugh of St Cher (Hugo de Sancto Caro), O.P., c. 1190–1263/4, theologian and cardinal. On Hugh of St-Cheir’s manual for confessors see Mulchahey, Dominican Education, 539–40.
Master John Cardinal Dominici of Florence, Raniero in the *Pisan Summa*, Vincent in the *Mirror of History*. All the aforesaid are of the Order of Preachers. Cardinal Bonaventure, Richard of Middleton, Alexander of Hales, John Scot, Nicholas of Lyre, of the Order of Friars Minor. Augustine of Rome in his *Quodlibetal questions*, Augustine of Ancona on the power of the Church, Gregory of Rimini, of the Order of Hermits [of St Augustine].


23 Two works are confounded here. The true author of the *Summa pisana (Summa de casibus conscientiae)* is Bartolomeo of San Concordio (Bartholomeus de Sancto Concordio), O.P., 1260/62–1347, jurist and theologian. Raniero of Pisa (Rainerus Iordanis de Pisis), O.P., † 1348, theologian, wrote a work (*Pantheologia*) sometimes described as a *Summa casuum conscientiae*. On these two authors and their works see Langholm, *Merchant in the Confessional*, 123–30.

24 Vincent of Beauvais (Vincentius Bellovacensis), O.P., c. 1190/94–c. 1264. His *Speculum maius*, a vast popular encyclopedia and florilegium, is divided into three parts: *Speculum naturale, Speculum doctrinale, Speculum historiale*. To these was added an inauthentic *Speculum morale* towards the end of the thirteenth century. Antonin’s approach to writing his *Chronicles* drew much inspiration from Vincent of Beauvais (Walker, ‘Chronicles’ of Saint Antoninus, 55–7); it is not far-fetched to suppose this to be true of the *Summa* as well, since it is a kind of moral-theological encyclopedia.

25 St Bonaventure (Bonaventura de Balneoregio), O.F.M., 1217/21–1274, theologian, master general of the Franciscans, cardinal bishop of Albano, ‘Doctor Seraphicus.’

26 Richard of Middleton (Richardus de Mediavilla), O.F.M., c. 1249–1308, philosopher and theologian.


29 Nicholas of Lyre (Nicolaus de Lyra), O.F.M., 1270/75–1349, biblical exegete.

30 More correctly Giles of Rome (Aegidius Romanus), O.E.S.A., c. 1243/47–1316, philosopher, author of a large number of *Quaestiones*, archbishop of Bourges, ‘Doctor Fundatissimus.’

31 Augustine of Ancona (Augustinus de Ancona), O.E.S.A., c. 1270/75–1328, theologian, author of a *Summa de potestate ecclesiastica*.

32 Gregory of Rimini (Gregorius Ariminensis), O.E.S.A., 1300/1305–1358, philosopher, ‘Doctor Authenticus.’
In law: in glossing the *Decretum*, Hugo,\textsuperscript{33} Bartholomew of Brescia,\textsuperscript{34} Bernard,\textsuperscript{35} in glossing the *Decretals*, Raymond of the Order of Preachers in his oldest *Summa* of them all,\textsuperscript{36} Innocent IV,\textsuperscript{37} Hostiensis in his *Apparatus* and *Summa*,\textsuperscript{38} William in his *Speculum*,\textsuperscript{39} the Archdeacon in his *Rosary*,\textsuperscript{40} Giovanni d'Andrea in his *Novella* and the gloss on the *Sext*


\textsuperscript{34} Bartholomew of Brescia (Bartholomaeus Brixiensis), fl. 1234–1258, canonist, updated the *Glossa ordinaria* on the *Decretum* originally compiled by Johannes Teutonicus.

\textsuperscript{35} Bernard of Pavia (Bernardus Papiensis), † 1213, canonist, the most important twelfth-century decretist after Huguccio (Pennington, *Bio-Bibliography*, s.v. “Bernardus Papiensis”), author of glosses on the *Decretum* which were the basis of the *Glossa ordinaria* until Johannes Teutonicus. Bishop of Pavia.


\textsuperscript{37} Sinibaldo de’ Fieschi (Innocentius IV), before 1200–1254, canonist, author of an influential *Apparatus* on the *Liber Extra*, pope from 1243.

\textsuperscript{38} Henry of Susa (Henricus de Segusio), c. 1200–1271, canonist, author of a *Summa* and a *Lectura* (*Apparatus*) on the *Liber Extra*, chaplain to Innocent IV, cardinal bishop of Ostia, hence the nickname ‘Hostiensis.’

\textsuperscript{39} William Durand (Guillelmus Duranti senior, dictus Speculator), 1236–1296, canonist, auditor general of the Rota, bishop of Mende, author of the *Speculum iudiciale*, “the most widely used procedural treatise of the middle ages” (Pennington, *Bio-Bibliography*, s.v. “Guillelmus Durandus”), hence the nickname ‘the Speculator.’

\textsuperscript{40} Guido de Baysio (Guido de Baysio), c. 1246/56–1313, canonist, author of *apparatus, quæstiones*, and *tractatus*, but most famously an enormous commentary on the *Decretum*, the last produced in the middle ages, called *Rosarium Decretorum*. Archdeacon of Bologna, hence the nickname ‘Archidiaconus.’
and the *Clementines*, Giovanni da Legnano, Giovanni Calderini, Giovanni da Imola, the most recent doctor of all, Pietro d’Ancarano, Lorenzo Ridolfi in his *Treatise on Usury*, Francesco Zabarella, Nicholas the abbot of Sicily, Antony of Budrio, Peter of the Order of Friars Minor in his *Directory of Law*, Lapo da Castiglionchio, Frederic of Siena in his consultations, Bartolo, Baldo.

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41 Giovanni d’Andrea (Iohannes Andreae), c. 1270–1348, lay canonist, author of extensive commentaries on the *Corpus iuris canonici* including two commentaries on the *Liber Extra*, the later one (Novella) being the more famous, the *Glossae ordinariae* on the *Sext* and the *Clementines*, as well as *tractatus*, *consilia*, and *quaestiones* on the rules of law (*Quaestiones mercuriales*). He is nicknamed *iuris canonici fons et tuba*.

42 Giovanni da Legnano (Iohannes de Lignano), c. 1320–1383, doctor of both laws, author of a *Concordantia canonum*, *Summa de confessione*, *tractatus*, *consilia*, etc.

43 Giovanni Calderini (Iohannes Calderinus), † 1365, canonist, author of *repetitiones*, *tractatus*, *consilia*, etc. His son also became a canonist, Gaspare Calderini senior (Gaspar Calderinus senior), 1345–1399; the *Repetitiones et distinctiones in Decretales* of father and son are transmitted together in manuscripts.

44 Giovanni da Imola (Iohannes de Imola), c. 1372–1436, doctor of both laws, author of commentaries and *repetitiones* on canon law, *consilia*, etc. In fact, of the jurists listed, Niccolò de Tudeschi is the most recent.

45 Pietro d’Ancarano (Petrus de Ancharano), c. 1333–1415, doctor of both laws, author of commentaries, lectures, *repetitiones*, *consilia*, etc.

46 Lorenzo Ridolfi (Laurentius de Rodulphis), 1362/63–1443, lay canonist and prominent Florentine statesman, his best-known work is his *Tractatus de usuris*, “the most influential study of usury and interest in the later middle ages” (Pennington, Bio-Bibliography, s.v. “Laurentius de Ridolfis”). On Ridolfi and for an edition of his *Questio de monte* from the *Tractatus* see Armstrong, *Usury and Public Debt*.

47 Francesco Zabarella (Franciscus Zabarella), 1360–1417, doctor of both laws, author of commentaries, *repetitiones*, and *consilia* on canon law as well as an instructional work on studying law, cardinal of antipope John XXIII.

48 Niccolò de Tudeschi (Nicolaus de Tudeschis), O.S.B., 1386–1445, canonist also learned in theology, author of a *lectura* on the *Liber Extra* and other *lecturae*, *repetitiones*, *consilia*, etc., abbot of St Maria de Maniaco in Messina until 1435, thereafter archbishop of Palermo, hence the nicknames ‘Abbas Siculus’ and ‘Panormitanus.’

49 Antonio da Budrio (Antonius de Butrio), c. 1360–1408, doctor of both laws, author of commentaries, treatises, *consilia*, etc. on canon law.

50 Peter Quesnel (Petrus de Quesnell), O.F.M., † 1299, author of a *Directorium iuris in foro conscientiae et iudiciali*. On this work see Langholm, *Merchant in the Confessional*, 66–68.

51 Lapo da Castiglionchio (Lapus Castelliusculus senior), doctorate c. 1353, † 1381, canonist, author of *consilia*, *repetitiones*, *tractatus*, and *allegationes iuris*.

52 Federico Petrucci (Fridericus Petruccius de Senis), doctorate c. 1321, † c. 1348, canonist, author of *consilia*.

53 Bartolo da Sassoferrato (Bartholus de Saxoferrato), 1313/14–1357, civilian, author of extensive commentaries on the *Corpus iuris civilis* and treatises on civil law.

54 Baldo degli Ubaldi (Baldus de Ubaldis), 1319/27–1400, canonist, author of commentaries and treatises on canon law as well as a vast number of *consilia*. 

Many others of the wise are cited, but because not so frequently, I have not taken care to name them.

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55 St Gregory the Great (Gregorius I), *Dialogorum libri IV*. On Gregory the Great see above, note 4.

56 Vincent of Beauvais (Vincentius Bellovacensis), O.P., *Speculum historiale*, on which see above, note 24.

57 Martin of Troppau (Martinus Oppaviensis), O.P., c. 1230–1279, *Chronica summorum pontificum et imperatorum* (*Chronicon pontificum et imperatorum*). Martin was a Dominican of the province of Poland, chaplain and penitentiary to Clement IV, and in 1278 was consecrated archbishop of Gnesen, but died on his way there. The *Chronica* were meant to provide a chronological parallel of popes and emperors for use in connection with the *Decretum* of Gratian (Walker, ‘*Chronicles* of Saint Antoninus’, 58–60). On Antonin’s use of this and the preceding two histories in his *Chronicles* see ibid., 53–102; Morçay, *Chroniques*, I–XII.

58 Valerius Maximus (Valerius Maximus), fl. c. 27–31, *Factorum et dictorum memorabilium libri IX*.

59 Orosius (Orosius Paulus), fl. e. fifth century, † after 418, *Historiarum adversus paganos libri septem*, written c. 417.

60 Probably *Vitae patrum*, an anonymous work whose tradition goes back to the sixth century or earlier, on which see Alexander Y. Hwang, “*Vitas (vitae) patrum*,” in Bjork, *Oxford Dictionary of the Middle Ages*.


62 Perhaps Stephen of Bourbon (Stephanus de Borbone), O.P., 1185/90–1260/61, *Tractatus de diversis materiis praedicabilibus ordinatis et distinctis in VII partibus secundum VII dona Spiritus Sancti*. Stephen of Bourbon’s work is a collection of *exempla*, containing nearly three thousand narratives, as well as biblical and patristic citations, organized according to the seven gifts of the Holy Spirit (Jacques Berlioz, “Stephen of Bourbon,” in Vauchez, *Encyclopedia of the Middle Ages*).

Several observations about this list are in order. First, about the authors included as authorities. The list of ancient doctors is traditional and presents nothing exceptional; in the high and late middle ages, the patristic period was considered to have closed with St Bernard († 1153) as the last Latin father. The inclusion of the pagans Plato, Aristotle, Cicero, and Seneca is likewise unremarkable, particularly in a *Summa* on moral doctrine. The list of sources for histories shows a combination of ancient sources with thirteenth-century Dominican authors; the blend is somewhat different from the main sources employed in composing the *Chronicler*. Setting aside the ancients and the historians, the lists of theologians and jurists make for an interesting comparison. As to number, out of the total forty-one individual authors named, nineteen are theologians and twenty-two are jurists. Theologians are exclusively represented by members of the mendicant orders: Dominicans (11), Franciscans (5), and Hermits of Saint Augustine (3). All of the theological authors cited date from the century *circa* 1250 to 1350, with the sole exception of John Dominici, O.P. († 1419), Antonin’s mentor. The earliest theologian is Alexander of Hales, O.F.M. († 1245); the latest, apart from Dominici, is Gregory of Rimini, O.E.S.A. († 1358). There is a striking similarity here to the results of Langholm’s survey of pre-Reformation penitential manuals:

Omitting authors antedating Gratian and Peter Lombard ... a complete list of primary authorities quoted in this study runs to upward of forty names. ... [The predominance of


64 Walker, ‘*Chronicles* of Saint Antoninus, 53–102
65 The Hermits of Saint Augustine were conceived as a quasi-mendicant order: “From 1256, [Alexander IV] decided on the creation of a new order, likened to the mendicant orders ...” Daniel Baloup, “Hermits of Saint Augustine, Order of,” in Vauchez, *Encyclopedia of the Middle Ages*. 
early authors] is most striking in the case of the theologians, who don’t count a single name of any significance after c. 1350.66

This shows that a canon of theological authorities for moral theology and penitential doctrine was rapidly established after 1350, and remained a stable tradition thereafter. Antonin here does not show himself to depart from this theological tradition in the authors he puts forward as his authorities; however, this matter is somewhat more complex than it first appears, as will be seen shortly.

On the other hand, the list of jurists shows a marked contrast to Langholm’s findings. Langholm saw the same “predominance of quite early authors” in citations of jurists:

The case of the canonists is not very different. Most of the sources used date from the thirteenth century or earlier. ... The most prominent exception to this overall reliance on early canonistic authorities is the late Italian summists’ frequent use of Panormitanus, who died in 1445.67

This is not the case for Antonin’s list of juristic authorities. The jurists cited — all canonists or doctors of both laws, except for the great civilian Bartolo († 1357) — form a continuous series, beginning with the famed decretist Huguccio († 1210), continuing with decretists and decretalists of the thirteenth century (e.g. Bartholomew of Brescia [† 1258], Hostiensis [† 1271]), through fourteenth-century authors of commentaries, treatises, and consilia (e.g. Guido de Baysio [† 1313], Giovanni d’Andrea [† 1348], Baldo degli Ubaldi [† 1400]), and reaching Antonin’s contemporaries Giovanni da Imola († 1436) and Niccolò de Tudeschi (Panormitanus), O.S.B. († 1445). Although Antonin’s coverage of the canonical tradition is unusually extensive, the prominence of canon lawyers as authorities in the Summa is in harmony with the overall character of moral-theological writing in the late middle ages, particularly in manuals and summae for confessors. Once again Langholm’s observations are germane:

66 Langholm, Merchant in the Confessional, 258–9.
67 Ibid., 259.
I once characterized the major names in medieval economic thought as theologians writing with a sidelong glance at canon law. This description will have to be considerably modified and clarified if it is to be applied to authors of penitential handbooks and if the period to be examined is extended from the Middle Ages through the entire pre-Reformation era. Many of the authors reviewed looked rather more directly to canon law and not a few looked beyond canon law to its basis in Roman law. The legal element in penitential doctrine is further enhanced by the fact that much of the theological source material on which it built was formally legalistic.\footnote{Ibid., 258.}

The legal mold in which moral theology developed within the scholastic tradition has often been noted;\footnote{For example, in connection with Raymond of Peñafort’s \textit{Summae} in Mulchahey, \textit{Dominican Education}, 533–39. See also Mahoney, \textit{Making of Moral Theology}, Ch. 6, “The Language of Law.”} it will be apparent in the course of this chapter and its enduring influence in moral theology will be noticed in the Postscript. For the moment it is sufficient to notice that Antonin stands out from the main stream of the moral-theological and penitential tradition for the breadth and chronological coverage of his engagement with canonical jurisprudence.\footnote{On law in Antonin’s \textit{Summa} see Enrico Spagnesi, “Sant’Antonino e il diritto,” in Cinelli and Paoli, \textit{Antonino Pierozzi}, 427–448.}

Antonin places the divine Scriptures at the head of his list of authorities. The chapters edited herein show that this should not be taken to mean the Vulgate Bible simply as a freestanding book. Through the Breviary and the \textit{Glossa ordinaria}, Antonin knows and at times draws upon other translations of the Scriptures than Jerome’s Vulgate; for example, alternate translations of the Septuagint transmitted in the Roman Psalter, which provided the Psalm texts for the office. The lectionary is another significant road of access to the Scriptures, particularly within the model sermons which make up so many chapters in Antonin’s \textit{Summa}. In a similar vein, Antonin’s access to the ‘sacred canons’ and the patristic authors is very frequently gained through intermediaries: above all Gratian’s \textit{Decretum}, secondarily Peter Lombard’s \textit{Sentences}. This is likewise evident in the chapters edited herein. Aristotle, similarly, is frequently cited \textit{via} St Thomas Aquinas or other scholastic theologians. The case is similar for jurists, who are sometimes cited \textit{via} the \textit{summae} or \textit{tractatus} of other authors: for example, in chapter 2.1.16,
Giovanni da Legnano and Giovanni Calderini are cited, almost certainly not directly but via Lorenzo Ridolfi’s *Tractatus de usuris.*

Another point to be made about this list is that, as mentioned by Antonin in his final *caveat,* it is not exhaustive. Many other authors are cited by Antonin at various places within the *Summa;* for example, to the list could be added the ‘Master of Sentences’ (*Magister sententiarum*) Peter Lombard, Gerard Odonis, O.F.M., John of Naples, O.P., and Henry of Rimini, O.P. Henry of Rimini’s *Liber de quattuor virtutibus cardinalibus ad cives Venetos* was taken by Antonin as the basis for his treatise on the virtues in part four:

After dealing with the virtues in general, we must consider each of them in particular. And in the first place the cardinal [virtues], then the others. And that treatment of the cardinal [virtues] is nearly all taken from the book which Henry of Rimini of the Order of Preachers composed. Much has been added [to Henry’s treatment], however, as the whole matter demands in relation to these four connected virtues. And even certain things with regard to the four themselves, when extracted from the book, have occasionally been abbreviated.

Indeed, Antonin’s treatment of the cardinal virtues in part four repeats extensive portions of Henry of Rimini verbatim. Antonin adapts the text to better suit his purposes, “by expunging details that tie the text to its original locale of Venice, and by adding further material

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71 Antoninus, *Summa,* 2.1.16 ll. 481–484 (M: fol. 69v, hand A). See the final footnote in this chapter.
72 Peter Lombard (Petrus Lombardus), 1095/1100–1160, teacher at the cathedral school in Paris, author of the *Sententiae* in four books, bishop of Paris from 1159.
74 John of Naples (Iohannes de Regina), O.P., fl. 1298–1347, † c. 1350.
75 Henry of Rimini (Henricus de Arimino), O.P., fl. c. 1300, † c. 1314, prior of the Dominican convent of Ss. Giovanni e Paolo at Venice.
76 Antoninus, *Summa,* 4.2.1 (Ballerini, 4:27); translated in Howard, *Creating Magnificence,* 92–3, 95.
77 This was discovered by Peter F. Howard. Antonin’s chapter on magnificence (a species of the virtue of fortitude), copied verbatim from Henry of Rimini, is analyzed extensively in Howard, *Creating Magnificence,* Ch. 5 and Ch. 6.
from other, more recent, authorities, such as Giovanni d’Andrea and Peter of la Palud; he also modifies the structure of the material and re-orders the treatment of the virtues.

More enigmatic are the authors from whom Antonin draws extensively without ever explicitly citing their names. The most famous known instance is Antonin’s use of the sermons of St Bernardino of Siena, O.F.M., in *Summa* 2.1 on the capital vice of greed. Antonin’s quotations and adaptations from St Bernardino in 2.1.16, edited herein, are indicated in the *apparatus fontium* to the edition and in the footnotes to the English translation. St Antonin’s dependence on St Bernardino here was not widely known among scholars until the publication of Raymond de Roover’s *San Bernardino of Siena and Sant’Antonino of Florence: The Two Great Economic Thinkers of the Middle Ages*. Schumpeter and Ilgner both supposed the doctrine of threefold value (*virtuositas, raritas, complacibilitas*) found in 2.1.16 to be original to St Antonin. This threefold value doctrine was, in turn, taken by Bernardino from Peter John Olivi. Antonin also drew from Olivi via Bernardino at other places in the title on greed: for example, in his treatment of the productivity of money capital. Peter John Olivi’s place in the scholastic tradition will be discussed briefly in the postscript to this chapter. For elucidation of this subject the reader is directed to the work of Amleto Spicciani and the references therein.

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78 Ibid., 95.
79 Ibid., 95–98.
80 St Bernardino of Siena (Bernardinus Senensis), O.F.M., 1380–1444, very famous in Italy as a preacher, a partisan of the Observant reform. His complete works have been published in a critical edition of exceptional quality: *Opera omnia*, 9 vols (Quaracchi: Collegio San Bonaventura, 1950–65).
81 This dependence is pointed out in de Roover, *Great Economic Thinkers*, 18–19.
85 Spicciani, *Capitale e interesse*, Appendix 1 “Le fonti del pensiero economico di sant’Antonino da Firenze.”
Having sketched Antonin’s principal authorities for the Summa as a whole, I shall now turn to the main subject of this chapter: the material cause of Antonin’s teaching edited below, namely, the scholastic tradition on justice in buying and selling.

1. INTRODUCTORY REMARKS

The scholastic economic tradition is the body of economic thought developed by scholars and doctors — philosophers, theologians, and jurists — in the universities of Europe from roughly AD 1150 to 1450. The present chapter is concerned specifically with scholastic thought on the obligations of justice which apply to the act of buying and selling, particularly in relation to price. Its focus is on prescriptive norms which apply in the economic sphere: the moral analysis of the duties and pitfalls of buying and selling in the market. As such, it is not an examination of the whole tradition of economic analysis developed by the scholastics. It likewise leaves aside the scholastic analysis of usury, an enormous subject in its own right. The present chapter is intended to elucidate the sources and intellectual background of Antonin’s teaching in the chapters of his Summa edited below. While the subject matter has been examined before, I depart from the traditional approach; as such, this chapter contributes to the scholarly literature about the scholastic teaching on buying and selling, particularly on the ‘just price.’

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87 In addition to the references in the previous note, the large literature on usury can be approached through Lawrin Armstrong, The Idea of a Moral Economy: Gerard of Siena on Usury, Restitution, and Prescription, Toronto Studies in Medieval Law 2 (Toronto: University of Toronto Press, 2016); Armstrong, Usury and Public Debt; Spicci, Capitale e interesse; Noonan, Scholastic Analysis of Usury.

88 The classic study is John W. Baldwin, “The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries,” Transactions of the American
The method applied in this chapter and the choice of sources to be examined can be introduced through a diagram employed by Odd Langholm in his prodigious monograph *Economics in the Medieval Schools*. The diagram can be called ‘Langholm’s triangle.’ This triangle shows, on its outside, the principal source texts which provided *loci communes* for scholastic economic analysis; on its inside, it shows the different literary genres in which this economic analysis was developed and disseminated.

Figure 1: ‘Langholm’s triangle’ (Langholm, *Economics in the Medieval Schools*, 26)

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It is seen that there are six sets of books which provide, according to the results of Langholm’s extensive research, the fundamental textual basis for scholastic economic thought. This is correct as a matter of fact, and it usefully illuminates the nature of the scholastic method, which proceeds through expounding, teaching, and reflecting upon a given collection of texts, as exemplified in the curricula of the medieval universities and academic disciplines. For present purposes, however, a slight adjustment of the paradigm is called for. It is more convenient here to adopt a paradigm which defines the fontes materiales and fontes formales of key doctrines and principles employed by the scholastics in connection with justice in buying and selling. Adopting this paradigm, the outside of Langholm’s triangle can be reduced to three corpora of fontes materiales providing crucial principles which are the seeds of characteristic scholastic doctrines. Each corpus has its own fons formalis which transmits these principles and doctrines to later scholastics like St Antonin and others in the moral-theological tradition.

These three corpora are:

1. Fons materialis: The Bible, the Church fathers, and the sacred canons. The fontes formales are Peter Lombard’s Sentences and Gratian’s Decretum.

2. Fons materialis: Roman law, especially the Digest and the Code. The fontes formales are the canon-law collections, especially the Liber Extra (to a lesser extent the Liber Sext), and the decretalists’ commentaries and summae upon it.

3. Fons materialis: Aristotle, especially the Nicomachean Ethics and Politics. The fontes formales are the commentaries and summae of scholastic philosophers and theologians, above all the Summa theologiae of St Thomas Aquinas.

These three corpora, as interpreted and drawn out by the scholastics in their lectures and teaching, provided all of the crucial principles forming the framework for the scholastic tradition on justice in buying and selling, and in particular their doctrine of the ‘just price.’ The exposition of this material shall proceed in the order just listed, which follows the order in which the fontes formales were produced: first Peter Lombard and Gratian (twelfth century), then the Liber Extra (1234), then Thomas Aquinas’s Summa theologiae (secunda secundae composed 1271–2). It will be seen that each stage builds upon the last; and with Aquinas a synthesis is achieved, drawing together the principles developed by his forebears out of all three corpora.
2. THE BIBLE, CHURCH FATHERS, AND SACRED CANONS VIA PETER LOMBARD AND GRATIAN

The medievals told a story — probably never meant to be taken literally — about the founders of the sciences of biblical studies, canon law, and theology:

There had once been three brothers, born of an adulterous union. Their mother, on her deathbed, confessed her sin, but professed an inability to feel compunction, in view of the great good that had come of it, since each of her sons had become a luminary of the Church. The three brothers born of this unrepented sin were Peter Comestor, Gratian, and Peter Lombard.90

These three were contemporaries, teaching and writing in the early-to-mid-twelfth century. Each one founded a science, in the sense of inaugurating a tradition of rational, disciplined teaching and study of a defined body of material. For present purposes, Peter Comestor and his Scholastic History can be set aside. Peter Lombard produced the basic textbook of the science of theology, The Sentences. Gratian produced the basic textbook of canon law, The Concord of Discordant Canons or Decretum. These two books are of similar character: they are textbooks for classroom teaching and they are structured as casebooks.91 The intention of the authors, it may be fairly surmised from their work, was not merely to deliver a body of content or doctrine but, in their capacity as teachers, to train the minds of their students to think in a certain way. The two rely on a similar corpus of authorities, namely the Scriptures and the patristic writers, especially the four Latin doctors of the Church, Augustine, Jerome, Ambrose, and Gregory. Gratian also brings in the canons of Church councils and papal decretal letters. In each book, the author collects authorities or precedents in order to elucidate the chief principles, arguments, and doctrines to be employed in his discipline. Neither the Lombard nor Gratian is inclined to use these authorities to settle definitively any particular question. Instead, they bring


91 On these texts as casebooks see ibid., 1:XIX–XXVI; Giulio Silano, trans., Gratian: The Concord of Discordant Canons and the Ordinary Gloss (Toronto: Pontifical Institute of Mediaeval Studies, forthcoming), Introduction.
out the contradictions in the authorities, and invite the student to become a participant in debating the ensuing questions. In other words, they teach a problem-based approach to the sources. They are not laying down a body of dogma to be memorized, but rather introducing the student to the precedents which set out the ground for the discussion, and teaching the principles by which the discussion should be conducted. The frame of mind in view may be described as *fides quaerens intellectum* and, by analogy, as *ius quaerens intellectum*.

Each one is truly a founding text; neither was the last word in its discipline. They were followed up on in the thirteenth century by theological commentaries and *summae* and by further canon-law compilations and glosses. *The Sentences* remained the basic textbook in theology until the sixteenth century, and left a permanent mark thereafter; the *Decretum* was taught in the law faculties through the rest of the middle ages, and, as the first part of the *Corpus iuris canonici*, remained an essential component of the canon law of the Roman Catholic Church until the publication in 1917 of the ‘new code’ produced at the order of St Pius X, the *Codex iuris canonici*. Every later medieval theologian engaged with Peter Lombard, and many published their own commentaries on his *Sentences*. Every medieval canonist engaged with, and often lectured on, Gratian. The examination of the scholastic tradition, then, begins with these two. In reading them it is possible to anticipate somewhat, and to look ahead to consequences drawn and uses made of their texts in subsequent generations. By the end of this chapter it will be seen that quite a few essential principles and arguments which are cited and applied by later scholastic authors are already present in these founding texts.

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92 The characterization of these texts here is indebted to Giulio Silano’s teaching in Toronto.


94 For another summary of this material see Baldwin, “Medieval Theories of the Just Price,” 12–16.
Peter Lombard’s Sentences

The contribution, however, is unequal. Discussions of economic questions in Peter Lombard’s Sentences are few and far between. What Lombard did was provide three loci for later theologians’ comments on economic matters. The first is in book 3, distinction 33, on the virtue of justice. Later authors connect this material with Aristotle’s discussion of justice in the Nichomachean Ethics; but in the text of the Sentences itself there is nothing here on economics. The second locus is 3, 37, on the commandment against theft. Lombard comments: “Here usury is also forbidden, since it is contained under theft with violence.” Jerome and Augustine are cited defining usury as any excess beyond the principal in a loan, whether of money or of other countable goods, and establishing the prohibition of usury as a species of robbery. This combination of texts is foundational for scholastic moral teaching on usury. A similar combination is found in the Decretum, which shall be discussed briefly below.

The third locus in the Sentences is 4, 14–16, on the sacrament of penance. It is not necessary here to expound Lombard’s whole teaching on penance, although it does have applications and consequences for moralists and penitential authors. The dictum for this study is at d. 16 c. 3, where Lombard discusses the third necessary element in penance: after compunction and confession, the final thing required is ‘satisfaction.’ Gregory VII is cited:

If a soldier or trader, or one given to some office which cannot be exercised without sin, should come to penance bound by graver faults, either while he detains unjustly another’s goods, or while he bears hate in his heart, let him acknowledge that he cannot perform true penance unless he abandon trade or leave his office, and expel hatred from his heart, and make restitution of the goods which he has taken unjustly.

There are two points here. First, there is an apparent blanket condemnation of trade, as well as of soldiery. It shall be seen, however, that the scholastics found texts like this to be very

\[95\] Lombard, Sentences, 3, 33, 1–3 (3:135–6). English quotations of the Sentences are from the translation by Silano.
\[96\] Ibid., 3, 37, 5 (3:155).
much in need of interpretation. The second point is more crucial. Gregory lays down restitution of unjustly acquired goods as a condition for penance. This has momentous consequences for confessors dealing with merchants, traders, and bankers: profits gained through usury, and by extension through fraud or injustice, must be restored as a condition of sacramental absolution.

Thus for The Sentences on economics. Peter Lombard’s textbook provided a few important doctrines, and several loci which are occasions for later interpretation and argument over the prohibition of usury and the moral quality or turpitude of trade.

**Gratian’s Decretum**

Turning to Gratian’s *Decretum*: an impressive number of fruitful principles and key points for debate were set in place in the foundational text of canon-law jurisprudence. Principles developed by Gratian would continue to be applied to justice in buying and selling throughout the scholastic period. Once again, there are several loci communes to be examined.

In the second part of the Decretum, Gratian sets out thirty-six hypothetical situations, called causes, which give rise to legal issues to be pursued through a series of questions. The framework for the following three centuries of discussion on usury is found in Cause 14:

The canons of a certain church have begun an action regarding some estates; they produce witnesses from among their brethren; they had lent money to traders, in order to receive gains from their merchandise.98

Question 3: “Whether it is usury to exact that gain?” The authorities ranged on this point are Augustine, Jerome, Ambrose, and the council of Agde. Thus the latter:

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It is usury, where more is required than is given; for example, if you have given ten shillings, and you have sought more, or if you have given one measure of wheat, and you have exacted something above that.99

This becomes the standard scholastic definition of usury: any exaction beyond the principal in a loan of a fungible good. This is the definition employed, adjoined with certain later scholastic distinctions, in the 1917 Codex iuris canonici.100

Question 4: “Whether it is lawful for clerics or laypeople to seek usuries from anyone?” In the first part of the Decretum, clergy were forbidden to lend money at interest.101 Here, by the authority of Leo the Great, Ambrose, and Augustine, that prohibition is extended to all without distinction. Thus Ambrose: “Whoever has taken usury commits theft, and does not live life.”102 Thus, as in Lombard, usury is classified as a species of the sin of theft. Another important principle is established in these questions. In theft, the intention is what makes the sin, and not only the outward acts. “God questions the heart, not the hand,” says Ambrose;103 and Jerome: “It is not the thing taken by theft which is marked, but the mind of the thief.”104 This will be come to be applied to ‘mental usury’: if the lender intends to reap a profit from a loan, he is guilty of the sin, even if the form of the loan does not strictly betray usury.

Question 5: “Whether alms may be given from usury?” By the authority of Augustine, Jerome, and Ambrose, it is proven that one must return to the original owner what one has reaped as usurious profits. Only if this is impossible may those things be given as alms to the

99 Council of Agde, in C. 14 q. 3 c. 4 (Usura est).
100 “Si res fungibilis ita alicui detur ut eius fiat et postea tantundem in eodem genere restituatur, nihil lucri, ratione ipsius contractus, percipi potest; sed in praestatione rei fungibilis non est per se illicitum de lucro legali pacisci, nisi constet ipsum esse immoderatum, aut etiam de lucro maiore, si iustus ac proportionatus titulus suffragetur.” CIC 1917, c. 1543. Quoted from Codex iuris canonici Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus, ed. Pietro Gasparri (New York: P. J. Kenedy & Sons, 1918).
101 D. 46–47.
102 Ambrose, On the Good of Death, 12, in C. 14 q. 4 c. 10 (Si quis usuram).
103 Ambrose, Homilies, 50, 9, in C. 14 q. 5 c. 6 (Si quid invenisti).
104 Jerome, Letter to Titus, 2, in C. 14 q. 6 c. 4 (Fur autem).
Church or to the poor. Thus Ecclesiasticus: “The offering is tainted which is sacrificed from iniquitous gain.”

The taking of usury, then, is not justified by giving the profits in alms.

Finally, question 6: “Whether usurers are able to do penance without restoring what they have taken?” Augustine attests: “If penance is truly done, the sin is not remitted, unless the stolen good is returned, when it can be returned.” If the goods have been consecrated, then their value is to be repaid. As was seen in Peter Lombard, restitution, where possible, is strictly required as a condition for the absolution of one who has taken usurious profits.

Thus far, Gratian has marshalled patristic authorities and laid down five principles which will structure the usury discussion for centuries:

1. Usury is any exaction beyond the principal in a loan, whether of money or other fungibles.
2. It is a kind of theft.
3. Not only the outward acts, but also the intention are relevant to the sin of usury.
4. Usurious profits are to be returned, not given as alms, unless restitution is impossible.
5. Restitution is a condition for absolving a usurer’s sins in the confessional.

Each of these principles will be applied by analogy to fraudulent practices in the market more generally, including frauds and deceptions committed in buying and selling. The defrauding of the neighbour of his wealth is, like usury, a species of theft. The guilt of ‘mental usury’ applies also to unjust frauds in trade: if the perpetrator intends to deceive, he is guilty of the sin, even if he does not succeed. Profits gained through fraud are to be returned to the original owner as a condition for absolution; only if this is impossible may such profits be given in alms as a form of satisfaction.

The next locus is in the first part of the Decretum, distinction 88. Gratian juxtaposes a combination of patristic texts here, beginning with those which express a low view of commerce. The point of departure for the Church fathers was the New Testament, certain texts of which could be called upon as indictments of the merchants’ profession and of worldly commerce.

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105 Sirach 34:21, in C. 14 q. 5 c. 2 (Immolans). Douay-Rheims: “The offering of him that sacrificeth of a thing wrongfully gotten, is stained.”

106 Augustine, Letter to Macedonius, 54, in C. 14 q. 6 c. 1 (Si res aliena).
wealth in general: the account of the rich young man whom Christ commanded to sell his possessions and give the money to the poor; the Apostle Paul’s statement *the desire of money is the root of all evils*; and the Lord’s casting of buyers and sellers out of the Temple. However, as mentioned above, these texts were found to cry out for interpretation. The texts gathered here in d. 88 offer contrasting opinions about the liceity of commerce and the merchant’s profession. The authorities establish clearly enough that clerics may not engage in trade. As to the laity, the question remains whether trade is illicit *per se*, or only contingently. Two texts from Augustine seem to contradict one another on the point. The first says trade is “at times lawful, at times unlawful.” The second, citing Psalm 70, *Because I have not known trade*, says, “let Christians correct themselves and not trade.” Here Gratian has set up an excellent occasion to make distinctions and draw out the principles underlying the critique. The threads of contrasting *sententiae* will be teased out and brought into coherence by Thomas Aquinas, as will be seen below. For the moment, one canon (D. 88 c. 11) deserves special commentary. It was

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107 “And behold one came and said to him: Good master, what good shall I do that I may have life everlasting? ... Jesus saith to him: If thou wilt be perfect, go sell what thou hast, and give to the poor, and thou shalt have treasure in heaven: and come follow me. And when the young man had heard this word, he went away sad: for he had great possessions. Then Jesus said to his disciples: Amen, I say to you, that a rich man shall hardly enter into the kingdom of heaven. And again I say to you: It is easier for a camel to pass through the eye of a needle, than for a rich man to enter into the kingdom of heaven. And when they had heard this, the disciples wondered very much, saying: Who then can be saved? And Jesus beholding, said to them: With men this is impossible: but with God all things are possible.” Matthew 19:16–26.


109 “And Jesus went into the temple of God, and cast out all them that sold and bought in the temple, and overthrew the tables of the money changers, and the chairs of them that sold doves: And he saith to them: It is written, My house shall be called the house of prayer; but you have made it a den of thieves.” Matthew 21:12–13. “And the pasch of the Jews was at hand, and Jesus went up to Jerusalem. And he found in the temple them that sold oxen and sheep and doves, and the changers of money sitting. And when he had made, as it were, a scourge of little cords, he drove them all out of the temple, the sheep also and the oxen, and the money of the changers he poured out, and the tables he overthrew. And to them that sold doves he said: Take these things hence, and make not the house of my Father a house of traffic. And his disciples remembered, that it was written: The zeal of thy house hath eaten me up.” John 2:13–17. Cfr Mark 11:15–19; Luke 19:45–48.

110 D. 88 c. 1–9.


112 Augustine, *Enarrationes in Psalmos*, Ps 70, 1, 17–20, in D. 88 c. 12 (*Quoniam non*). On this Psalm and its different Latin texts see below, Ch. 4, at the discussion of Antoninus, *Summa*, 2.1.16.
known to the scholastics as *Eiiciens* from its opening word, and was erroneously attributed to John Chrysostom; in fact, it comes from a pseudonymous Greek work called the *Opus imperfectum in Matthaueum*. The canon *Eiiciens* condemns usurers and then sets out to show why usury is distinguished from renting out a property:

Above all merchants, a usurer is the most accursed. Indeed, he sells a thing given by God, and not one purchased, as does a merchant; furthermore, after the interest, he also seeks the return of his thing, taking another’s and his own property. At this point, someone says: One who rents out a field, in order to receive agrarian dues, or a house, in order to receive rents, is he not similar to one who lends money at usury? Far be it. First, because money is not intended for any use other than purchasing. Second, because one who has a field, ploughs it and takes a fruit from it; one who has a house, takes from it the use of inhabiting it. And so, one who rents a field or a house is seen to give its use and to receive money, so that he is seen to exchange in some way gain for gain; if money is set aside, you receive no use from it. Third, the field or house is aged by use. But money, when it is lent, neither diminishes, nor ages.

*Eiiciens* anticipates or suggests a number of natural-law arguments which will later be used to explain the usury prohibition: the usurer sells what is God’s (i.e. time); money’s use is consumption; money does not bear fruit of itself; the usurer takes the fruit of another man’s labour; money does not deteriorate with use. Ambrose also, at D. 47 c. 8, condemns usury as unnatural because money by itself is not fruitful: “Through the iniquitous practice of usury, gold is born from gold.” These texts are seminal for the scholastic analysis of usury; further pursuit of this subject, however, would be tangential to the present chapter.

The canon *Eiiciens* also makes two judgments about the moral legitimacy of trade: the profession is dishonest, and it is unproductive:

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113 This text is introduced by Noonan, *Scholastic Analysis of Usury*, 38–9.
114 Pseudo-Chrysostom, *Opus imperfectum in Matthaueum*, 38, in D. 88 c. 11 (*Eiiciens*). This canon is marked as a *palea* in the *Decretum*, along with the two subsequent canons, c. 12–13. Their entry into the tradition as *paleae* is interesting and complex; it cannot be dealt with adequately here.
115 Ambrose (pseudo?), *Sermons*, 81, in D. 47 c. 8 (*Sicut hii [ii vulg.]*).
In casting sellers and buyers from the Temple, the Lord signified that a man who engages in trade can rarely or never please God. And so no Christian must be a merchant, or, if he should wish to be one, let him be cast out of God’s Church, as the Prophet says: *Because I have not known trade, I will enter into the powers of the Lord* (Ps. 70.16). One who buys and sells cannot be free of lying and perjury. But all men seem to be merchants. And so I will show who is not a trader, so that you will understand anyone to be a trader who does not fit my description. Whoever purchases a thing, not in order to sell it whole and unchanged, but in order to have matter to work into something else, he is not a trader. But he who buys a thing in order to gain something by alienating it whole and unchanged, he is a trader who is cast out of God’s Temple.\(^{116}\)

The line that a trader “can rarely or never please God” will be a staple for later comments on the spiritual dangers of trade; as will the similar line from another place in the *Decretum*, attributed to Leo the Great, “it is difficult for sin not to intervene in the commerce between buyer and seller.”\(^{117}\) There is also in D. 88 a critique of trade based on the frequent use of lies by merchants — “burdening their merchandise more with perjuries than prices,” as is said by Cassiodorus\(^ {118}\) This will be carried into confessors’ manuals, instructing pastors that lying is a characteristic vice of merchants for which they must be scrutinized. So also the critique of trade as unproductive. The definition given in *Eiiciens* of illicit speculative trade, as against trade which adds something to the product, will be standard for centuries. It is reiterated in another *locus*:

> Whoever, at the time of harvest of wheat or grapes, buys wheat or wine, not by any need, but out of cupidity, so that, for example, he buys a measure for two pennies and keeps it until it is sold for four, or six, or more pennies, we say that he is engaging in a shameful gain.\(^ {119}\)

\(^{116}\) Pseudo-Chrysostom, *Opus imperfectum in Matthaeeum*, 38, in D. 88 c. 11 (*Eiiciens*).

\(^{117}\) Leo I, *Epistolae*, 167, 11, in *De pen.* D. 5 c. 2 (*Qualitas*).

\(^{118}\) Cassiodorus, *In psalmos, Ps* 70, in D. 88 c. 13 (*Quid est aliud*).

\(^{119}\) Attributed to Julius I, but Friedberg assigns it to a Carolingian capitulary of 806, in C. 14 q. 4 c. 9 (*Quicumque*).
This canon expresses a common theme in medieval preaching and confessors’ manuals: the condemnation of regrating, that is, the practice of speculators who buy up large quantities of commodities and induce dearth. This practice would be distinguished by later scholastics from the legitimate purchase and storage of commodities for sale at a later date.

Two more important principles are raised in these sections. The more essential of the two is the germ of scholastic thought on private property. Ambrose, attacking the avaricious and miserly man, says:

Is God not unjust in not sharing out equally to all of us those things which support life? In allowing you to be affluent and rich, while others lack and are in need? And yet, having received God’s gifts, you treat them as if they had come from your own breast; do you really believe that you are doing no evil by keeping for yourself alone the aids to life of so many? For who is as unjust, greedy, and avaricious as the one who takes the food of many, and not for his own use, but for his plenty and pleasures? Nor, indeed, is it a lesser crime to refuse to give to the needy what you can from your abundance than to take something away from one who has it. The bread which you keep for yourself belongs to the hungry; the clothes which you lock up belong to the naked; the money which you bury in the earth is the redemption and freedom of the poor.¹²⁰

Ambrose here has planted the seed of a dual principle governing property: private ownership but common destination or right of use. The scholastics defend private property as a general right under the *ius gentium* (though not strictly of *ius naturale*); but those who have more than enough have a duty to use their wealth to help the poor. This is a consistent standard applied by later canonists, as also what follows from “the bread belongs to the hungry, the clothes to the naked,” namely: in need all is common. Thus the conclusion that for one in grave and mortal need, the taking of another’s property for sustenance is not theft.

Finally, there are two comments on worldly ambition which are noteworthy. Rather than establishing specific canonical principles, they set out a general picture of the vice of

¹²⁰ Ambrose (pseudo?), *Sermons*, 81, in D. 47 c. 8 (*Sicut hii [ii vulg.]*.}

avarice and of its consequences on the moral and spiritual life. Gregory the Great accuses those who devote themselves to temporal gain of neglecting the service of God:

All the lovers of this world are strong in earthly things, but weak in the heavenly ones. Thus, for temporal glory they desire to labour even to death, and for the everlasting hope they do not even bear with a little effort. For the sake of earthly gains, they bear any injuries, but for the sake of the heavenly reward they refuse to suffer the insults even of the least offensive word. They are sufficiently strong to stand before an earthly judge even for the whole day, but in praying before God, they become exhausted even within a single hour. Often, they suffer nakedness, dejection, hunger for the sake of acquiring riches and honours, and they punish themselves by abstaining from those things for whose acquisition they work so feverishly, but they omit to seek with effort the things which are above, all the more as they hold them to be paid back with great delay.\textsuperscript{121}

This description coincides very closely with what Max Weber called ‘worldly asceticism’ in \textit{The Protestant Ethic and the Spirit of Capitalism}.\textsuperscript{122} The attitude which Gregory condemns here is the attitude recommended as virtuous conduct by Benjamin Franklin in the quotations with which Weber opens his second chapter.\textsuperscript{123} In the pursuit of profit or success the avaricious man denies himself the enjoyment even of the worldly goods which his wealth can acquire. This shows the essentially disinterested character of the ‘spirit of capitalism,’ as defined by Weber: the true capitalist builds up a business, not for the sake of his own happiness, but in obedience to a transcendental ethic. In D. 88, Augustine makes the same point about the anti-hedonism of the capitalist, punning on the Latin: “It is deservedly called trade (\textit{negotium}) because it denies leisure (\textit{negat otium}), to do which is evil, nor does it seek true rest, which is God.”\textsuperscript{124} These observations should be compared to those made by Langholm in the concluding chapter of \textit{The Merchant in the Confessional},\textsuperscript{125} where he points out that the recommendation of avarice as

\textsuperscript{121} Gregory the Great, \textit{Morals on the Book of Job}, 19, 27, in D. 47 c. 3 (\textit{Omnes}).
\textsuperscript{123} Weber, \textit{Protestant Ethic}, Ch. 2 “The Spirit of Capitalism.”
\textsuperscript{124} Augustine, \textit{Enarrationes in Psalms}, Ps 70, 1, 17–20, in D. 88 c. 12 (\textit{Quoniam non}).
\textsuperscript{125} Langholm, \textit{The Merchant in the Confessional}, Ch. 16 “The Fortunes of Avarice.”
virtuous conduct, at least for the merchant, was to some extent current in fifteenth-century Italy, side-by-side with the medieval attitude of ‘economic traditionalism’ (Weber’s term) exemplified here and continued in moral manuals like that of St Antonin.

Thus Gratian. If the two pillars of medieval economic analysis were usury and the just price, in the Sentences and the Decretum the first of those pillars is found standing almost complete, but the other is largely absent. Aside from the condemnation of speculation and regrating, there are only two incidental and as-yet-undeveloped references to exchange at a just price. The development of detailed and practical canonical and moral principles applicable to justice in contracts would be the work of the next century, spurred on, perhaps, by several factors not yet compelling in the early twelfth century. These include the growth of commerce and concomitant rise of a professional merchant and business class, as well as the increased drive for religious education for priests and laity alike, particularly with a view to valid and fruitful sacramental confession. These points will be discussed in Ch. 4, since they elucidate the purpose of Antonin’s teaching in the Summa.

That is one angle from which to view the question. Another is to observe sources available to and employed by the scholastics. As described in the introductory remarks, there were three foundational corpora on which the scholastics drew. But Gratian and Peter Lombard draw mainly from the first corpus, the lower-right point of Langholm’s triangle: the Bible and the Church fathers. This is why the usury prohibition makes up the mainstay of their economic thought: the source of this prohibition was the Bible, the sacred canons, and the writings of the Church fathers. As John T. Noonan pointed out: “Usury analysis would not have begun if the Church had not prohibited usury, and no other intellectual or economic force exerted so strong

126 Justinian, Nov. 7, in C. 10 q. 2 c. 2 (Hoc ius porrectum); Council of Tarragona, 3, in C. 14 q. 4 c. 5 (Si quis2 clericus). The layers of decretist commentary on these canons track successive stages in the development of just price doctrine; the combination of civil-law principles described in the next section does not fully appear until the Archdeacon comments on C. 10 q. 2 c. 2. So, at least, it appears from the attributions of the glosses.


128 On this point, see the illuminating chapter by Joseph Goering, “The Internal Forum and the Literature of Penance and Confession,” Ch. 12 in Hartmann and Pennington, Medieval Canon Law in the Classical Period.
a pressure on the formation of the early theory.” The importance of usury theory in canon law and theology rested on the dogmatic authority of Scripture and the Church fathers. The theory of the ‘just price’ and the general principles of just dealing in exchange, on the other hand, took their origins more from the other two corpora: Roman-law jurisprudence, which Gratian made only a limited use of, and Aristotle’s Ethics and Politics, which had not yet been translated into Latin and subjected to study.

Of these two fountainheads of theology and canon law, Lombard’s Sentences and Gratian’s Decretum, Gratian is distinguished for the abundance of material he provides dealing with economic ethics. The reason for this presumably hinges on the different purposes aimed at in the two disciplines. Lombard’s book begins with the Trinity and ends with the Four Last Things: as he says at the end, “the writer began from the face of the One sitting upon the throne and, proceeding by way of the middle things, has now come to the feet.” In Lombard’s milieu, it may be that commerce did not make for a very consequential or interesting part of those ‘middle things.’ Gratian, however, is concerned with the regulation of life in the Church, and the ancient authorities raise a number of practical questions about that life. May Christians take usury? May clergy participate in business? May a Christian legitimately occupy himself as a trader? These questions are both legal and ethical. Gratian, and the scholastic authors to be examined below, is primarily interested in economic activities insofar as they present legal and ethical dilemmas: occasions for distinguishing licit from illicit, moral from immoral behaviour. In time, a great deal of descriptive economics is drawn out of this, but it is drawn out primarily with the motive of more clearly discerning how to apply ethical principles and direct the Christian flock towards virtue. Hence it has long been recognized that it is the prescriptive motive which gave the impetus to the scholastics’ descriptive economics.

129 Noonan, Scholastic Analysis of Usury, 11.
132 “With the growing complexity of the later medieval economy, the opportunities for new and more subtle types of illicit gain multiplied apace. If priests were to judge wisely in the internal forum they
3. Roman Law via the Liber Extra and the Decretalists

Odd Langholm was quoted above as saying of the authors of penitential handbooks, “not a few looked beyond canon law to its basis in Roman law.” The following section of this chapter shows this process in reverse: it illustrates how principles from Roman law came to be the basis of canonical thought on justice in buying and selling, particularly the concept of the ‘just price.’ The basic framework of the ‘just price’ was developed by civilians and canonists in the twelfth and thirteenth centuries. It then became part of the common stock of analytical tools and moral principles both for theologians and canonists, as well as the moral theologians who straddle the two disciplines. The canon law of just prices had its classic formulation over the century from circa 1160–1270. Its two components are papal decretal letters and jurists’ commentaries upon them. When cases dealing with contracts of purchase and sale were brought before popes of the twelfth and thirteenth centuries like Alexander III (1159–81) and Innocent III (1198–1216), they drew on Roman-law precedents to resolve the cases justly. In a famous decretal, Lucius III (1181–1185) stated that Roman law was permitted to speak where canon law was silent. In their rescripts, the popes took solutions directly from Roman law and applied them in ecclesiastical courts.

These papal decretals were collected by various jurists into the Quinque compilationes antiquae (c. 1191–1226) for use and analysis in the university faculties of law. When a

needed to understand some of the intricacies of the new profit-economy. It is generally acknowledged that the groundwork for the modern discipline of economics was laid by medieval canonists and theologians in their discussions of usury, simony, tithes, and just price. This scholastic analysis was undertaken not for its own sake, however, and not for its relevance to the church courts, but because it was necessary for preparing confessors and judges in the internal forum.” Goering, “Internal Forum and the Literature of Penance,” in Hartmann and Pennington, Medieval Canon Law in the Classical Period, 403.

This point is explored at greater length in Langholm, “The Medieval Schoolmen,” and Langholm, Economics in the Medieval Schools, Introduction.

133 Langholm, Merchant in the Confessional, 258.
definitive collection of canon law was compiled by Raymond of Peñafort and promulgated by Gregory IX, on 5 September 1234, as the *Decretales Gregorii IX* or *Liber Extra*, these decretal letters were established as the basic legal texts to be used by canonists for the next several centuries in discussions of the nature of prices. The key *loci* on the just price are nine canons of the *Liber Extra*. Simultaneously, the canonists went to Roman-law jurisprudence as a source for legal principles and maxims to analyze purchase and exchange contracts. The foundational commentaries were made by Innocent IV in his *Commentaria*, Bernard of Parma and the other jurists whose comments were compiled into the *Glossa Ordinaria*, and Hostiensis in his *Summa* and *Commentaria*. These were produced between 1234 and 1271. These canonists built a framework of the just price as both subjective and objective. This framework they did not fashion from whole cloth: they drew as a matter of course on the jurisprudence of civilians, their confrères in the faculty of law, whose object of study was the recently-re-discovered materials of Roman law. When Irnerius, the father of civil-law jurisprudence, re-discovered the *Digest* of Justinian, he found a well-ordered and deeply thoughtful way of doing justice, born of centuries of experience ordering a society with a unique genius for law. Roman law became, for the scholastics, a rich source for principles governing purchases and sales and other contracts. Three key principles were brought together, each associated with a civilian maxim: free bargaining (*licet contrahentibus*); protection of buyers and sellers from gross injury (*laesio enormis*); and the true value or just price as the current market price (*res tantum*).

**Free bargaining (*licet contrahentibus sese invicem decipere*)**

Free bargaining was a foundational principle governing the Roman law of purchases and sales. Each party was permitted to seek and, if the other consented, to get, the most advantageous price. This was pointedly expressed in a maxim attributed to the Roman jurist Pomponius: “As regards the price in purchase and sale, it is naturally permitted for contracting

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136 X 2.20.42; X 3.13.11; X 3.17.1; X 3.17.3; X 3.17.5; X 3.17.6; X 5.19.6; X 5.19.10; X 5.19.19.
parties to get the better of one another.” Similarly Paul: “In buying and selling natural law permits the one party to buy for less and the other to sell for more than the thing is worth; thus each party is allowed to outwit the other.”

Being thus founded on a general rule of free bargaining, classical Roman law had no requirement of a just price in purchases and sales.

The weight of canonical authorities before the twelfth century tended to resist a blanket approval of free bargaining. Against the Roman-law maxim, the Apostle Paul could be cited as a counter-text forbidding dishonest or fraudulent dealing: “that no man overreach, nor circumvent his brother in business.”

The Church fathers’ many aspersions against merchants and their practices have already been seen via Gratian. Carolingian legislation also attempted to regulate exchange on the basis of fair or just prices. The canon Placuit is one such law that was incorporated into the Liber Extra. This canon requires priests to admonish their flocks not to sell their goods to travellers more dear than they could in the local market; if they should do so, then let such travellers refer it to the priest, who shall bid them to sell “with humanity.”

Placuit thus forbade departing from local market prices to take advantage of travellers.

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139 “Quemadmodum in emendo et vendendo naturaliter concessum est quod pluris sit minoris emere, quod minoris sit pluris vendere et ita invicem se circumscribere, ita in locationibus quoque et conductionibus iuris est.” Paul, in Dig. 19.2.22.3. English from Zulueta, Roman Law of Sale, 136.

140 The limitation on free bargaining discussed below (laesio enormis) is supposed to have been a later development in Roman law. See Adolf Berger, Encyclopedic Dictionary of Roman Law, Transactions of the American Philosophical Society, n.s., 43, pt. 2 (Philadelphia: American Philosophical Society, 1953) s.v. pretium iustum.

141 Ut ne quis supergreediatur neque circumveniat in negotio fratrem suum. 1st Thessalonians 4:6. Sometimes quoted in the sources with the phrasing nemo in negotio etc.

142 X 3.17.1. For discussion of the canon’s Carolingian origins see Baldwin, “Medieval Theories of the Just Price,” 33.

143 “Placuit ut presbyteri plebes suas admoneant, ut ... non carius vendant transeuntibus, quam in mercato vendere possunt, alioquin ad presbyterum transeuntes hoc referant, ut illius iussu cum humanitate sibi vendant.” X 3.17.1.
With the rediscovery of the Digest *circa* 1100, the Roman-law principle of free bargaining became part of the stock of tools applicable to questions of law and justice. It was brought into play in canon law to resolve certain difficulties raised in cases dealing with contracts of purchase and sale. The papal rescripts in the *Liber Extra* never explicitly refer to Pomponius’s maxim *licet contrahentibus*; but it is implicit in the popes’ application of the Roman-law doctrine of *laesio enormis*, discussed below, that bargaining over price, within a reasonable range, is legitimate. The decretalists, however, in commenting on these canons, consistently invoke *licet contrahentibus*. Although the decretalists sometimes cite the Roman principle of free bargaining and let it stand on its own, they usually specify that it is bounded by certain limitations. The *Glossa ordinaria* consistently interprets *licet contrahentibus* with reference to *laesio enormis*, namely, that it is lawful for contracting parties to mutually deceive one another up to half of the just price. Innocent IV and Hostiensis likewise recognize a limit of half the just price on the freedom to bargain. Both Innocent IV and Hostiensis specify that freedom of bargaining excludes fraud, once again with reference to Roman law: Roman law identified several kinds of fraud in contracts of purchase and sale, on grounds of which the defrauded party could take

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144 “Si decepti essent, cum liceat contrahentibus se invicem decipere, non esset peccatum.” Innocent IV, *Commentaria*, X 5.19.6 s.v. *promittunt*. “Licet contrahentibus se decipere.” Ibid., s.v. *ex formae*. Quotations of Innocent IV are from *Commentaria super libros quinque decretalium* (Frankfurt, 1570).


145 “Licitum est contrahentibus adinvicem se decipere; verum est usque ad dimidiam, sed non ultra.” *Glossa ordinaria*, X 2.20.42 s.v. *deceptionis*. “Si autem sum deceptus minus dimidia iusti pretii, non possum agere ad aliquid: quia licitum est contrahentibus sese invicem decipere usque ad dimidiam iusti pretii.” Ibid., X 3.17.3 s.v. *deceptione*. “Licet contrahentibus sese adinvicem decipere usque ad dim!udium iusti pretii.” Alanus, in *Glossa ordinaria*, X 5.19.6 s.v. *comparant*. Quotations of the *Glossa ordinaria* are from *Corpus iuris canonici cum glossis*, 4 vols (Rome, 1582).

legal action. These frauds were called *fraus* and *dolus malus* and against them separate remedies were granted. Free bargaining thus did not permit parties to outright lie or cheat to gain an advantage, but did allow for reasonable salesmanship in haggling over prices.

In some of their approaches to *licet contrahentibus*, the canonists come to grips with the apparent dissonance of the Roman-law maxim with the canonical authorities and the New Testament. Hostiensis in one place reformulates the maxim in a form that is less susceptible to a mischievous reading, by putting the verb *decipere* in the passive voice: “contracting parties may naturally be mistaken about the price.” As a description of free bargaining, the picture drawn is not of two parties each trying to get the better of one another, but of two parties each attempting to approximate the true value of the good offered for sale. It shall become evident below how well this accords with the overall scholastic concept of the ‘just price’ and of market exchange in general. Innocent IV likewise in one place offers an exposition of 1st Thessalonians 4:6. He explains that the ‘circumvention’ which Paul forbids is just the set of categories of fraud established in Roman law. This includes fraud giving rise to a contract (*dolus dans causam*), fraud arising in a contract (*dolus incidens*), and injury beyond half the just price (*laesio enormis*). However, Innocent IV makes a seminal distinction about this permission of deception within half the just price when he adds the qualifying remark that this is according to the law of the

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147 Innocent IV, *Commentaria*, X 5.19.6 s.v. promittunt (quoted below, note 152). “Si deceptio non excedat dimidiam, licitum est naturaliter, scilicet sine fraude et sine dolo, adinvicem se decipere posse.” Hostiensis, *Commentaria*, X 3.17.3 s.v. proponendam.


149 On this point, another Roman-law text (one of the *loci* for *laesio enormis*) described with approval the legitimate higgling and haggling over price that goes on in free bargaining. “Quod videlicet si contractus emptionis atque venditionis cogitasses substantiam et quod emptor villiori comparandi, venditor cariori distraheri votum gerentes ad hunc contractum accedant vixque post multas contentiones, paulatim venditore de eo quod petierat detrahente, empore autem huic quod obtulerat addente, ad certum consentiant pretium ...” Diocletian and Maximian, 1 December 293, in Cod. 4.44.8.


forum, but perhaps not according to divine law: *iure fori sed forsan non iure poli*.\(^{152}\) This
distinction, *iure fori non iure poli*, shall be discussed more fully below. It becomes a key element
in the approach of moral theologians to ‘just prices.’

Juristic interpretation of the canon *Placuit* lends further support to the view that
although the law permits free bargaining within limits, this is not to be understood as a license
to take advantage of others, but as a recognition that there is legitimate uncertainty about
prices. The *Gloss* simply repeats that one is not to sell more dear to travellers than in the local
market.\(^{153}\) Innocent IV, commenting on the requirement that priests admonish their parishioners
not to gouge travellers in prices, adds that if they are notorious for this sin then they may be
excommunicated.\(^{154}\) Hostiensis equates the ‘humanity’ with which locals ought to sell with
‘equity’ and ‘piety’, invoking the Golden Rule: “*do unto others as you would have them do
unto you.*”\(^{155}\) There is, then, a moral requirement upon Christians not to gouge travellers, even
if, apart from the more extreme or notorious cases, this is not compelled by human law. In light
of this, along with the canonistic interpretations of *licet contrahentibus*, the permission given by
canon law to free bargaining is not meant to imply that a Christian can, with a clean conscience,
knowingly charge someone more than the just price; rather the haggling over prices is a mutual
search precisely for this value. This matter of the conscience is brought out more explicitly by

\(^{152}\) “Nec obicit quod dicit apostolus: Nemo in negotio circumveniat fratrem suum, ut exponatur in
negotio, id est, in negotiatione; sed dic, nemo circumveniat ita, quod circumventio det causam contractui,
quia ipso iure non tenet, sicut quando incidit potest agi ut rescindatur. Vel nemo circumveniat in negotio
supple, venditionis, ultra dimidiam iusti pretii: intra non dimidiam possent se decipere iure fori. Sed
forsan non iure poli accipiunt.” Innocent IV, *Commentaria*, X 5.19.6 s.v. *promittunt*.

This phrase is the theme of a recent article by James Brundage “*Ius fori and Ius poli: the
David F. Appleby and Teresa Olsen Pierre, Papers in Medieval Studies 27 (Toronto: Pontifical Institute of
Mediaeval Studies, 2015), 116–32.

\(^{153}\) “Nota, quod transeuntibus nihil carius vendendum est, quam in mercato.” *Glossa ordinaria*, X
3.17.1 s.v. *placuit*.

\(^{154}\) “Et si necesse fuerit compellant; secundum Alanum, sed nos contra: nisi esset notorium, quia
tunc posset excommunicare, nisi emendaretur, vel interdiceret nocentes.” Innocent IV, *Commentaria*, X
3.17.1 s.v. *admineant*.

\(^{155}\) “Id est aequitate, et pietate praedicta. Iuxta illud, “quod tibi vis fieri, mihi fac. Quod non tibi
noli...” Hostiensis, *Commentaria*, X 3.17.1 s.v. *humanitate*. 
the theologians, as discussed below. Among the canonists the legal doctrine is clear: within the limits of half the just price, *licet contraentibus sese invicem decipere*, free bargaining is the rule.

**Protection from gross injury (*laesio enormis*)**

In discussing *licet contraentibus*, allusion has already been made to a competing Roman-law doctrine, the restriction on free bargaining known as ‘gross injury’ (*laesio enormis*). The *locus communis* for this doctrine is a law from Justinian’s *Code*:

> If your father sold the land at a price below its value, it is equitable that either you should repay the price to the buyers and recover the land with the assistance of the authority of the court, or should, if the buyer prefers, receive the amount of deficiency of a fair price. The price is considered too low if less than half of the true price has been paid.\(^{156}\)

The suit for *laesio enormis* in Roman law only protected a seller of land. If he received less than half the ‘fair’ or ‘true price’ (*verum pretium, iustum pretium*) he could sue to have the sale rescinded under judicial authority, refunding the price to the buyer, or to receive what was lacking from the just price. It was up to the buyer which alternative to choose. The principle of *laesio enormis* is key to the canonistic framework of just prices.

The popes imported *laesio enormis* whole cloth into the canon law through their resolutions of cases. Three decretal letters, issued under popes Alexander III and Innocent III,

\(^{156}\) See Baldwin, “Medieval Theories of the Just Price,” 68ff.

\(^{157}\) “Rem maioris pretii si tu vel pater tuus minoris pretii, distraxit, humanum est, ut vel pretium te restituente emptoribus fundum venditum recipias auctoritate intercedente iudicis, vel, si emptor elegerit, quod deest iusto pretio recipies. Minus autem pretium esse videtur, si nec dimidia pars veri pretii soluta sit.” Diocletian and Maximian, 28 October 285, in Cod. 4.44.2. English from Zulueta, *Roman Law of Sale*.

The other precedent-setting text for *laesio enormis*: “Hoc enim solum, quod paulo minori pretio fundum venumdatum significas, ad rescindendam emptionem invalidum est... nisi minus dimidia iusti pretii, quod fuerat tempore venditionis, datum est, electione iam emptori praestita servanda.” Diocletian and Maximian, 1 December 293, in Cod. 4.44.8.

were fundamental. Alexander III’s decretal Cum dilecti concerned a piece of forest sold by some members of the cathedral chapter of Beauvais to the monks of Chaalis.  

The monks paid 10 pounds for it; the canons claimed the property was then worth 40 marks. The dean of Rheims, appointed to decide the case, pronounced that the sale did not hold because the monks paid less than half the just price, and he returned possession to the canons. Alexander III, however, nullified the sentence as contrary to law, because, “when a thing is bought for less than half the just price, it is in the judgment of the buyer whether he supply the just price or rescind the sale.” He thus returned possession to the monks but left open the possibility of a new suit being opened concerning the property. This sentence is noteworthy because, even though it appeared likely on several grounds that the property should ultimately be returned to the cathedral chapter, Alexander III scrupulously applied Roman law’s procedural requirements for laesio enormis, resulting in a judgement in favour of the monks of Chaalis.

A decretal of Innocent III, Ad nostram noveritis, of 29 March 1206, dealt with the problem of gross injury and was an important text drawn on by later legal commentators in their discussions of laesio enormis. In this sentence, the property was to be returned, not only because the price paid was much less than its worth, but because it had been sold under compulsion of poverty. The one who had purchased the property was allowed to keep the profits he had gained from it in the intervening years, which amounted to substantially more than the price paid.

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158 Alexander III, in X 3.17.3. For discussion see Baldwin, “Medieval Theories of the Just Price,” 43.
159 Establishing the equivalent value of these different measures is not easy. Estimating based on the general range of values of the mark, the land might have been worth between 24 and 32 pounds. For an orientation to moneys of account see Peter Spufford, Money and Its Use in Medieval Europe (Cambridge, UK: Cambridge University Press, 1988), 411–4.
160 “Quia vero in arbitrio emptoris est, si velit supplere iustum pretium, aut venditionem rescindere, cum res minus dimidia iusti pretii comparatur.” Alexander III, in X 3.17.3.
Innocent III’s decretal Cum causa, 27 November 1207, Baldwin called the cause célèbre of *laesio enormis*. It introduced the conditions of *laesio enormis*, as understood in Roman law, into the body of canon law without modification. Innocent III settled a case concerning a monastery which in a sale of its lands had received substantially less than the current price. The resolution established several clearly defined principles:

1. A seller of property can claim gross injury if he received less than half the just price.
2. If gross injury is proved, then it is up to the buyer whether to return the property and receive a refund or to pay what is lacking from the just price.
3. The just price is what the property was commonly worth at the time of sale.
4. This price is to be established in court through the testimony of local witnesses.

The decretalists accepted and built on this basic doctrine originating in Roman law and assimilated by the popes into canon law. The civilians had already led the way by extending *laesio enormis* to also protect buyers, and applying it not only to purchases of land, but to any good which could fetch a price. In applying *laesio enormis* to buyers, the choice was assigned to the seller whether to pay back the excess or rescind the sale, on the general principle that in a

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162 Baldwin, “Medieval Theories of the Just Price,” 44.
164 “Cum constitisset nobis, monasterium in venditione ultra dimidiam iusti pretii fuisse deceptum, sententiando decrevimus ut praefati cives aut recepto pretio possessiones restituerent memoratas, aut supplerent quantum constaret legitimae venditionis tempore iusto pretio defuisse.” Innocent III, in X 3.17.6.
165 “Cum igitur abbas et fratres eiusdem loci probare intendant, quanti pretii venditionis tempore possessiones praedictae fuere, mandamus quatenus recipiatis testes, quos alterutra partium super hoc duxerit producendos.” Innocent III, in X 2.20.42.
166 See Glossa ordinaria, X 2.20.42, passim; ibid., X 3.13.11 s.v. enorme; ibid., X 3.17.3 s.v. cum dilecti; ibid. s.v. deceptione; ibid., X 3.17.6 s.v. cum causa; ibid. s.v. dimidiam; Innocent IV, Commentaria, X 2.20.42, passim; ibid., X 3.13.11 s.v. monasterium; ibid., X 3.17.3 s.v. arbitrio; ibid., X 3.17.6 s.v. recepto; ibid., s.v. restituerent; Hostiensis, Commentaria, X 3.17.3, s.v. induxit; ibid., s.v. in arbitrio emptoris; ibid., s.v. proponendam; ibid., X 3.17.6 s.v. vertebatur; ibid., s.v. restituerent.
167 Armstrong, Usury and Public Debt, 303.
case of gross injury the choice of alternatives belongs to the party who benefited from the injury, i.e. the ‘deceiving’ party.\textsuperscript{168}

There was some debate about the precise value beyond which \textit{laesio enormis} enters. For the seller this was normally anything below precisely half the just price; but there were alternative opinions noted, including slightly above half.\textsuperscript{169} In applying the doctrine to buyers a dilemma emerged about the value equivalent to less than half the just price. Should this be calculated by the same ratio of two to one, or by deviation of half the value? The \textit{Glossa ordinaria} notes that some keep to the same ratio, saying the buyer must have paid twice the price and more: as in a buyer who pays 21 for a thing worth 10. But the glossator refutes this opinion, “because no law says it,” and because the buyer then is deceived in more than the whole price.\textsuperscript{170} Hostiensis says that if this were applied equally to the seller then he could only claim \textit{laesio enormis} if he received no price at all.\textsuperscript{171} The glossator explains the correct opinion, with which ‘dominus Jacobus’ and Azo agree: if a buyer pays 16 for a good worth 10, he may claim \textit{laesio enormis}, because he is deceived beyond half the just price; but if he were deceived only in

\begin{quote}
\textsuperscript{168} "Quid ergo, si plus dimidia, ex quo casus conversus est? In arbitrio venditoris debet esse, utrum rem recuperet, vel quod minus habuerit, restituat conversa ratione, et sic in utroque casu datur electio decipienti." Hostiensis, \textit{Commentaria}, X 3.17.3 s.v. \textit{minus dimidia}. Thus also the \textit{Glossa ordinaria}, X 3.17.6 s.v. \textit{dimidiam}; Hostiensis, \textit{Commentaria}, X 5.19.6 s.v. \textit{quinque libras}.


\textsuperscript{170} "Alii dicunt quod necessarium est ut duplum iusti pretii et ultra dederit emptor: ut ecce, res valet decem, et ego emi pro viginti unum, quod nulla lex dicit: et nihil est quod dicunt: quia hic decipitur emptor in plus quam sit totum iustum pretium." \textit{Glossa ordinaria}, X 3.17.6 s.v. \textit{dimidiam}.

\textsuperscript{171} "Quod secundum hoc sequeretur, quod nec venditor deceptus esset, nisi quoniam emptio nulla esset, nam quantum addis emptori exemplificando, tantum debes detrhere venditori, sed si detrahis X lib. quas superaddis venditori, iam detrahis totum pretium, ergo de nullo pretio convenit inter contrahentes, ergo nulla fuit emptio, quae nec sine precio contrahitur." Hostiensis, \textit{Commentaria} X 3.17.6 s.v. \textit{dimidiam}.\
\end{quote}
five, he would have no legal recourse.\textsuperscript{172} Hostiensis, using the same example, says that the buyer could claim \textit{laesio enormis} if he paid 15 plus a single penny.\textsuperscript{173}

With canon law having received the Roman principle \textit{licet contrahentibus}, the concomitant reception of \textit{laesio enormis} granted some protection to buyers and sellers from gross injury within a normal framework of free bargaining. The question remains how, within a framework of free bargaining, can the the just price, on which \textit{laesio enormis} depends, be calculated? When \textit{laesio enormis} applied only to land, as in its origin, there were certain arithmetical methods available: for example, the value of the property’s income over a certain number of years.\textsuperscript{174} In \textit{Ad nostram noverioris} the value of the property was reckoned based on its annual revenue.\textsuperscript{175} But once \textit{laesio enormis} was extended to apply to any kind of goods for sale, another method was needed.

**The current market price (\textit{res tantum valet quantum vendi potest, sed communiter})**

Once again from Roman law came the standard formula for reckoning the value of a good: the current market price. A celebrated text from the Digest concerned transfer of ownership of a farm which had been pledged, and whether a \textit{cautio} (security) should be given:

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\textit{Et sic etiam in emporte decepto pone quod res valeat decem, et emptor solvit sexdecim, potest agere ad pretium recipiendum quod plus dedit, vel in totum recedere a contractu: quia sic patet, quod est deceptus ultra dimidiam iusti pretii; solvit enim sex ultra dimidiam \textit{sic} iusti pretii, quod fuit decem. Si enim deciperetur in quinque tantum, non ageretur: quia quinque sunt dimidia decem. Et ita non est deceptus emptor in aliquo ultra dimidiam iusti pretii. Sed quia sex dedit, ultra dimidiam deceptus est, ideo agit. Azo intelligit ista verba ita... Et dominus Iacobus dicit eodem modo cum Azone.” Glossa ordinaria, X 3.17.6 s.v. dimidiam. A likely identification of Dominus Iacobus is Jacobus de Arena; however, Jacobus Butrigarius is cited (as Iac. Bu.) soon after in the Glossa ordinaria to the same canon, s.v. restituerent. For identifications see William H. Bryson, Dictionary of Sigla and Abbreviations to and in Law Books before 1607 (Charlottesville: University Press of Virginia, 1975), s.v. dom. Iacobus; ibid. s.v. Iac. Bu.
\end{flushright}

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\textit{Pone, quod ipse emit XV libris et uno denario, patet, quod est deceptus in V libris, quae faciunt dimidiam iusti precii, et in uno denario ultra, et sic est deceptus ultra dimidiam: unde et ipse agere potest contra te venditorem.” Hostiensis, Commentaria, X 3.17.6 s.v. dimidiam.}
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\textit{“Sed qualiter hoc probatur? Dico quod ex qualitate rei et quantitate reddittum probatur pretium rei. Quandoque res aestimatur quantum potest colligi in quinquaginta annis. Quandoque etiam consideratur quantum in XX annis possit colligi.” Glossa ordinaria, X 2.20.42 s.v. \textit{ad alium}. Likewise Hostiensis, Commentaria, X 2.20.42 s.v. articulum.}
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\textit{Innocent III, in X 3.13.11.}
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“the farm should be valued at what it is worth without this cautio, that is, at the sum for which it might be sold without a cautio.”176 The principle, then, is that the value of a thing, at least for legal purposes, is the price for which it can normally be sold. Further texts of the Digest specified this: “The prices of things are to be taken generally and not according to personal affections nor their special utility to particular individuals.”177 The standard example was of a man who owns his own son as a slave. He is not thereby richer because his son is of particular value to him; the value of the slave (for instance if someone kills him and is obliged to pay compensation) is what he would normally sell for, not the value which the father might put on his son.178 This produced the maxim res tantum valet quantum vendi potest, always completed by some form of sed communiter.179 The value of a thing is its current market price.180

In ancient Roman law this principle was not applied as a check against free bargaining. The texts just cited were concerned with calculating the value of various kinds of property for legal purposes, not for enforcing just prices generally.181 In purchases and sales, licet contrahtentibus was the rule, with the postclassical protection of laesio enormis reserved

176 “Aestimandum fundum, quanti valet sine hac cautione, hoc est quanti vendere potest sine cautione.” Ulpian, in Dig. 36.1.1.16. English from Watson, Digest.
177 “Pretia rerum non ex affectione nec utilitate singulorum, sed communiter fungi.” Paul, in Dig. 9.2.33. English from Watson, Digest. See also Dig. 36.2.63.
178 “Si servum meum occidisti, non affectiones aestimandas esse puto, veluti si filium tuum naturalem quis occiderit quem tu magno emptum velles, sed quanti omnibus valeret.” Paul, Dig. 9.2.33.
180 Noonan (a judge as well as a historian) pointed out that “the law today has achieved little more precision.” John T. Noonan, Jr., “Review: The Medieval Theories of the Just Price by John W. Baldwin,” Church History 29, no. 2 (1960): 216.
181 However, Roman law did deal sternly with monopoly: see Raymond de Roover, “Monopoly Theory prior to Adam Smith: A Revision,” in Business, Banking, and Economic Thought in Late Medieval and Early Modern Europe: Selected Studies of Raymond de Roover, ed. Julius Kirshner (Chicago: University of Chicago Press, 1974), 274.
specifically for sales of land. In classical canon law, however, the principle that prices are established by common estimation and not by individual affection did work as a check against certain excesses in free bargaining. It was employed as part of the moral condemnation of price discrimination, as was foreshadowed in the canon Placuit, and as will be seen in the discussion of St Thomas Aquinas below. In canon-law jurisprudence, it was brought into application in connection with laesio enormis. In commenting on Cum causa, where the standard of value being employed was not made explicit, Hostiensis mentions the annual income test as a possibility, but concludes that the better standard is to consider what the property would commonly sell for.

The canonists judged that this value could be determined by summoning local witnesses and asking them what the goods, or a similar piece of property, would normally sell for. This is what Innocent III mandated in Cum causa: the testimony of local witnesses on both sides would settle the true price. The original witnesses had testified that the property was worth more than twice the price paid. The buyer therefore was faced with the alternative of rescinding the sale or supplying what was lacking from the price. If he chose to supply the just price it would become necessary to know this value precisely. Hence witnesses were to be called in a second time, on both sides, to attest to the just price. The same witnesses could be called in again, because formerly they had only been answering whether the true value exceeded twice the price, whereas now they are answering what was its exact value.

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183 “Sed qualiter probabitur verum precium rei? ... Sed verius est, quod dicatur quantum vendi posset tempore ipsius contractus, communi aestatione considerata non speciali affectu.” Hostiensis, Commentaria, X 2.20.42 s.v. articulum.

184 “Sed non constitu inquantum ultra, ideo mandantur recipi testes super hac quantitate.” Ibid., X 3.17.6 s.v. iusti pretii. Hostiensis grants that the true value could by known also by the agreement of the adversarial party: “Per concessionem partis adversae, vel per testes conductos, ut innuitur.” Ibid., X 3.17.6 s.v. constitisset.

185 Innocent III, in X 2.20.42. Hostiensis, Commentaria, X 2.20.42 s.v. alterutra.

186 “Cum igitur abbas et fratres eiusdem loci probare intendant, quanti pretii venditionis tempore possessiones praedictae fuere, mandamus, quatenus recipiatis testes, quos alterutra partium super hoc
The need to establish the true value of a thing arose in several other papal decretals incorporated into the Liber Extra. Innocent III, in Ad nostram noveris of 4 March 1203, settled a case in which a pretended contract of sale was used to disguise a usurious loan. An excessively small price was considered as evidence that the sale was fraudulent. Here the phrase *istum pretium* is used as synonymous with the current market price. In other decretals on the subject of usury, the true worth of a thing was understood to be the price the goods would normally sell for, i.e. the usual market price. A decretal of Alexander III, In civitate, answered a question about a certain type of contract where someone buys goods not worth more than five pounds at the time of the purchase, promising to pay over six pounds at a later time. Two points are worth noting. The legal value was presumed to be the current market price.

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duxerit producendos... Si vero pars monasterii ad hunc articulum eodem testes produxerit, quos ad alium probandum produxit, vos nihilominus eos recipere procuretis, quoniam aliud est proasse deceptionis excessum, et alid probare quantitatem valoris.” Innocent III, in X 2.20.42. “Sed non determinaverunt testes quanta fuerit illa laesio: Et haec probatio sufficibat si emptores voluissent emptionem rescindere: sed quia dicebant se velle iustum pretium supplere, fuit dubitatum, nunquid monasterium posset de novo probare quantitatem excessus, cum dicta testium fuissent publicata super deceptione? Et respondetur quod sic: quia ista est nova materia, licet habeat partem inclusam de antiqua, non oportet iterum probare monasterium fuisse deceptionem, sed de novo nunc determinabitur, quantitas deceptionis. Nota quod diversus modus agendi est probare, quod quis sit deceptus ultra dimidiam iusti pretii, et probare quantum deceptus est ultra dimidium, unde testes recepti in uno articulo publicatis attestionibus eorum, possunt recipi in <alio>, nec dicuntur recipi super eodem capitulo.” Glossa ordinaria, X 2.20.42 s.v. *cum causa*. See also ibid., X 2.20.42 s.v. *ad alium*. “Scilicet, quantitatem valoris, forte enim valet 400 quod est quadruplum pretii.” Innocent IV, Commentaria, X 2.20.42 s.v. *articulum*. “Scilicet, deceptionis excessum, qui plene probatus fuit, si res vendita esset pro 100 probavit valorem 200, quibus 200 Abbas non vult, nec debet esse contentus cum valeat 400.” Ibid., X 2.20.42 s.v. *ad alium*. “Scilicet quantitatem valoris, ut sequitur secundum dominum nostrum, et nota quod argumentum habes hoc imo expressum, quod potest probari, quod res vendita valebat ultra medietatem iusti precii, licet non probetur, quantum ultra. Puta cum esset vendita precio X liberum testes dicebant, quod scilicet valebat plus quam viginti, sed non determinabant quantum, illud ergo quantum potest modo probari ad hoc. Quid enim si emptor offerat undecim, vel duodecim? Potest venditor dicere non sufficit, quia res valebat triginta, vel quadraginta tempore contractus, qui inspicitur.” Hostiensis, Commentaria, X 2.20.42 s.v. *articulum*. See also ibid., X 2.20.42 s.v. *quos ad alium*.


known to vary with time: the pope explained that the seller incurs sin unless there is doubt whether the commodities will be worth more or less at the time of payment; in which case the seller is clear of sin.\textsuperscript{190} A decretal of Urban III, \textit{Consuluit}, also condemned one selling a good for more than it was worth because payment was delayed.\textsuperscript{191} Hostiensis added the comment that this assumes there was no doubt about the future value of the goods; if there were, then, as in \textit{In civitate}, the contract would be clear of sin.\textsuperscript{192}

A final text from canon law, \textit{Naviganti}, is attributed to Pope Gregory IX; it was drafted for the \textit{Liber Extra} by Raymond of Peñafort and placed into the title \textit{De usuris}.\textsuperscript{193} In addition to condemning sea loans (\textit{foenus nauticum}), \textit{Naviganti} summarized the principle of \textit{In civitate} that it is permissible to sell goods for a higher price because of delayed payment if there is genuine doubt about their future value; however, this was not meant to justify speculation, since it only applied if the seller “was not otherwise intending to sell.”\textsuperscript{194} The principle is extended to permit buying goods for less than their value if delivery is deferred.\textsuperscript{195} The rubric once again uses \textit{iustum pretium} as synonymous with the current market price.\textsuperscript{196}

The recognition that the value of goods can change over time has its own precedents in Roman law: “Sometimes place or time brings a variation in value; oil will not be equally valued

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\item \textsuperscript{190} “Venditores peccatum incurrunt, nisi dubium sit, merces illas plus minusve solutionis tempore valituras.” Alexander III, in X 5.19.6. The rubric repeats this with emphasis: “Vendens rem plus, quam valeat, quia solutionem differt, peccat, nisi dubium sit, an tempore solutionis erit valor rei variatus, et venditor non erat venditurus tempore, quo vendidit.” Ibid.
\item \textsuperscript{191} Urban III, in X 5.19.10.
\item \textsuperscript{192} “Nec aliquod dubium occurrat, utrum plus, vel minus sint solutionis tempore valitae, alioquin contra: supra eodem \textit{In civitate}.” Hostiensis, \textit{Commentaria}, X 5.19.10 s.v. \textit{pretio}.
\item \textsuperscript{193} Gregory IX, in X 5.19.19.
\item \textsuperscript{194} “Ratione huius dubii etiam excusatur, qui pannos, granum, vinum, oleum vel alias merces vendit, ut amplius, quam tunc valeat, in certo termino recipiat pro eisdem; si tamen ea tempore contractus non fuerat venditurus.” Gregory IX, in X 5.19.19. The quotation is from the rubric to this canon: “Propter dubium excusatur is, qui ex eo, quod differt solutionem pretii, vendit rem plus, quam valeat, si non erat eam alias venditurus.” Ibid. On the various forms of speculation condemned by the scholastics see de Roover, “The Concept of the Just Price,” 428ff.
\item \textsuperscript{195} “Ille quoque, qui dat X solidos, ut alio tempore totidem sibi grani, vini vel olei mensurae reddantur, quae licet tunc plus valeant, utrum plus vel minus solutionis tempore fuerint valitae, verisimiliter dubitatur, non debet ex hoc usurarius reputari.” Gregory IX, in X 5.19.19.
\item \textsuperscript{196} “Non est usurarius emptor rei minus iusto pretio, si tunc verisimiliter dubitetur, an tempore solutionis plus vel minus sit res valitae.” Ibid.
\end{itemize}
at Rome and in Spain nor given the same assessment in periods of lasting scarcity as when there are crops.”

No item has a permanently stable price. Instead, to determine the just price in any particular situation, one must rely on the current market price in a given time and place. Hence, in treating of *laesio enormis*, the canonists explain that the determination of price must always be based on the time of the sale itself. The *Glossa ordinaria* asks: what if a thing that sold for 10 was worth 10 at the time, but now, because of the care of the new owner or some other reason, is worth 30? In that situation, the seller cannot claim *laesio enormis*, because it is the value at the time of sale that matters.

The civilians and canonists of the classical period of medieval jurisprudence thus produced a framework for purchase and exchange in which the value of things is both subjective and objective. It is subjective in relation to the thing itself considered in general, and in relation to time and to place: because the value of a thing cannot be permanently fixed at a particular sum. This is recognized in the formula *res tantum valet quantum vendi potest*. However, protection of buyers and sellers in the context of *laesio enormis* requires some standard of value beyond the simple consent of the parties. Thus *res tantum* is completed by *sed communiter*. The just price has an objective quality with regard to the individual transaction: because in any given exchange there is a knowable outside standard, namely the normal going market price. This does not obliterate free bargaining; the principle *licit contra hentibus* still applies. Each party may bargain and use salesmanship in order to persuade the other to agree to an advantageous price. What the objective standard does is set some bounds for this. On the one hand, *laesio

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197 “Nonnullam tamen pretio varietatem loca temporaque adferunt: nec enim tantidem Romae et in Hispania oleum aestimabitur nec continuis sterilitatibus tantidem, quanti secundis fructibus.” Paul, in Dig. 35.2.63.2. English from Watson, *Digest*.


enormis sets a boundary on the advantage one can gain beyond the usual market price; on the other hand it sets a boundary on the loss a person can suffer without recourse.

A fully expounded doctrine of the nature of value was not necessary for the operation of canon law. It sufficed to cite the common legal principle res tantum valet quantum vendi potest, sed communiter. It was the scholastic philosophers and theologians who made explicit the theory of value implicit in the legal framework, as will be seen in the next section.

4. ARISTOTLE VIA THOMAS AQUINAS: AQUINAS’S SYNTHESIS

The third foundational corpus for scholastic economic analysis is the philosophical writings of Aristotle. Indeed, it has been pointed out more than once by historians of economic thought that Aristotelian economics is a creation, not of Aristotle or the ancient Greeks or Romans, but of the thirteenth-century scholastics.200 A great deal of scholastic economic analysis was worked out in commentaries on Aristotle’s Nicomachean Ethics and Politics. This Aristotelian-inspired scholastic economics has been very ably and thoroughly studied, and the reader is directed in particular to the publications of Odd Langholm, whose life’s work this is.201 For present purposes, it will suffice to elucidate what St Thomas Aquinas did to advance the analysis of value and just prices by extrapolating from a small number of key loci in Aristotle.202 In so doing, it will be shown that the principles and arguments drawn from all three corpora

200 “Even among the Greeks, says Schumpeter, economic analysis is confined almost entirely to Aristotle. ... After Aristotle, there is what Schumpter calls the ‘Great Gap,’ which encompasses the period between the death of Aristotle and the work of Thomas Aquinas in the thirteenth century. Insofar as anyone deserves the title of founder of economics, according to Schumpeter, it was the ‘Scholastic doctors’ of the Middle Ages.” Mueller, Redeeming Economics, 13, citing Schumpeter, History of Economic Analysis, 9, 57, 60, 93. “Starting with Albert the Great and Thomas Aquinas, historians are able to trace the transmission of economic theories from teacher to student, and from one ‘school’ to another, right down the present. But no earlier tradition of a purely Aristotelian economics has been found, even though the Greek Academy continued to operate until A.D. 529.” Mueller, Redeeming Economics, 28.

201 Langholm, The Aristotelian Analysis of Usury; Wealth and Money in the Aristotelian Tradition; Price and Value in the Aristotelian Tradition; and the more recent publications already cited.

202 It should be noted that Aquinas is greatly indebted to his forebears, in both philosophy and theology, who led the way in their teaching and annotation of Aristotle. Above all others stands St Albert the Great, O.P., the first to comment on the entire Aristotelian corpus. See Irven M. Resnick, ed., A Companion to Albert the Great: Theology, Philosophy, and the Sciences (Leiden: Brill, 2013), 9–10.
were brought together and to a great extent harmonized and synthesized by Aquinas into a coherent body of teaching on justice in buying and selling.

St Thomas Aquinas dealt with economic subjects and employed intellectual tools for economic analysis at a number of places in his writings.\(^\text{203}\) However, all the relevant threads can be found intertwined in the *Summa theologiae, secunda secundae, question 77, “of cheating which is committed in buying and selling.”*\(^\text{204}\) In the four articles which are part of this question, two directly concern the subject: a. 1, “whether it is lawful to sell a thing for more than its worth?” and a. 4, “whether it is lawful in trading to sell a thing at a higher price than was paid for it?” A few points are also worthy of note in the other two articles.

Following his normal procedure in the *Summa theologiae*, Aquinas approaches the question “whether it is lawful to sell a thing for more than its worth” by first setting out arguments against the thesis he will adopt.\(^\text{205}\) Each of these three objections argues that it is lawful to sell a thing for more than its worth. The first argues from the civil law, citing the jurists’ maxim *licet contrahentibus sese invicem decipere*: “according to these laws it is just for buyer and seller to deceive one another” (*secundum eas licitum est emptori et venditori ut se invicem decipiant*).\(^\text{206}\) The second argues from common custom, citing a saying of St Augustine, as well as Proverbs 20:14, *It is nought, it is nought, saith every buyer: and when he is gone away, then he will boast.*\(^\text{207}\) The third argues from the demands of honesty: sometimes “the utility accruing to the receiver ... is worth more than the thing given,” and in that case honesty demands that the receiver provide a corresponding recompense to the deliverer.\(^\text{208}\)

\(^{203}\) Even a bare abbreviated list of these would be lengthy. See the references collected in Langholm, “The Medieval Schoolmen,” and the chapter on Aquinas in Economics in the Medieval Schools.


\(^{205}\) Aquinas, *Summa theologiae*, q. 77 a. 1.

\(^{206}\) Ibid., arg. 1. Cfr Cod. 4.44.8; Cod. 4.44.15.

\(^{207}\) *Malum est, malum est, dicit omnis emptor; et cum recesserit, tune gloriatetur*. Proverbs 20:14.

\(^{208}\) Aquinas, *Summa theologiae*, q. 77 a. 1 arg. 3.
Aquinas’s *sed contra* corresponds to the objection raised by Hostiensis against a supposed blanket permission of ‘deception’ in buying and selling:

*All things therefore whatsoever you would that men should do to you, do you also to them.* But no man wishes to buy a thing for more than its worth. Therefore no man should sell a thing to another man for more than its worth.

In his reply, Aquinas first sets aside the question of actual deceit (*fraus*) in order to sell a thing for more than its just price: this is altogether sinful. As was just seen in the discussion of law, *fraus* was dealt with under a separate remedy; the question here concerns selling a thing for more than its worth “apart from fraud.” In the first half of the reply, Aquinas makes use of Aristotle, drawing upon two notions elucidated in Aristotle’s *Politics* and *Nicomachean Ethics*. The first is that buying and selling “seem to be established for the common advantage of both parties” (Aquinas), they arise “at first from what is natural, from the circumstance that some have too little, others too much” (Aristotle); “and consequently all contracts between them should observe equality of thing and thing” (Aquinas). The second notion is that “the quality of a thing that comes into human use is measured by the price given for it, for which purpose money was invented” (Aquinas), as Aristotle points out in the *Nicomachean Ethics*:

But these must be equated. This is why all things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect—how many shoes are equal to a house or to a given amount of food. ... All goods must therefore be measured by some one thing, as we said before. Now this unit is in truth

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209 *Omnia ergo quaecumque vultis ut faciant vobis homines, et vos facite illis.* Matthew 7:12.


211 “Respondeo dicendum quod fraudem adhibere ad hoc quod aliquid plus iusto pretio vendatur, omnino peccatum est ...” Aquinas, *Summa theologiae*, q. 77 a. 1 co.

212 Ibid.


214 Aquinas, *Summa theologiae*, q. 77 a. 1 co.

215 Ibid.
demand, which holds all things together (for if men did not need one another’s goods at all, or did not need them equally, there would be either no exchange or not the same exchange); but money has become by convention a sort of representative of demand.\textsuperscript{216}

Therefore, Aquinas concludes, “if either the price exceed the quantity of the thing’s worth, or, conversely, the thing exceed the price, there is no longer the equality of justice: and consequently,” it is unjust and unlawful to sell a thing for more than its worth or to buy for less.

It was mentioned above that for the canonists a fully expounded doctrine of the nature of value was not necessary. The passage in Aquinas just quoted, however, combined with several other passages in the same question (2a 2ae q. 77), does provide the framework for such a doctrine. Skipping ahead to a. 2, in Aquinas’s reply to objection 3, he approaches the nature of economic value with a key distinction first drawn by St Augustine:

As Augustine says, the price of things salable does not depend on their degree of nature, since at times a horse fetches a higher price than a slave; but it depends on their usefulness to man.\textsuperscript{217}

The point of this distinction, expressed with Aquinas’s usual brevity, is that the place held by a thing in nature (e.g. sentient \textit{versus} that which has no sensation) is not what determines economic value, but rather its ‘convenience’ or ‘how it meets [one’s] need’ (Augustine).\textsuperscript{218} “Who would not rather have bread in his house than mice, gold than fleas?”\textsuperscript{219} Hence, returning to Aristotle, the unit by which economic value is measured “is in truth demand ... but money has become by convention a sort of representative of demand.”\textsuperscript{220}

Conjointly, Aquinas notes another factor which alters the economic value of goods:

\textsuperscript{216} Aristotle, \textit{Nicomachean Ethics}, 5, 5 (1133a15–35; McKeon, 1011).
\textsuperscript{217} Aquinas, \textit{Summa theologiae}, q. 77 a. 2 ad 3.
\textsuperscript{218} Augustine, \textit{The City of God}, 11, 16.
\textsuperscript{219} Ibid.
\textsuperscript{220} Aristotle, \textit{Nicomachean Ethics}, 5, 5 (1133a15–35; McKeon, 1011).
The measures of salable commodities must needs be different in different places, on account of the difference of supply: because where there is greater abundance, the measures are wont to be larger.\textsuperscript{221}

The phrasing of this observation suggests that it was inspired by Aristotle, who says, in a place quoted by Aquinas in a. 1, that “wine and corn measures are not everywhere equal, but larger in wholesale and smaller in retail markets.”\textsuperscript{222} Nevertheless, that the prices of goods are altered by abundance or deficiency of supply was already well-known apart from Aristotle; many illustrations could be cited.\textsuperscript{223} Aquinas also, a little further on, describes the scenario of a merchant selling wheat at a place where it fetches a high price, who knows that many other merchants will soon arrive carrying wheat, which will then “make it of less value.”\textsuperscript{224} “The seller, since he sells his goods at the price actually offered him, does not seem to act contrary to justice.”\textsuperscript{225} In other words, the merchant in this case is permitted to sell his goods at the current market price, and commits no sin in so doing, even if the goods will shortly be worth less because of the arrival of greater supplies. This leads naturally back to the second half of Aquinas’s reply in a. 1, where he defines what Odd Langholm calls the “double rule of just pricing.”\textsuperscript{226}

Secondly we may speak of buying and selling, considered as accidentally tending to the advantage of one party, and to the disadvantage of the other: for instance, when a man has great need of a certain thing, while an other man will suffer if he be without it. In such a case the just price will depend not only on the thing sold, but on the loss which the sale brings on the seller. And thus it will be lawful to sell a thing for more than it is worth in itself, though the price paid be not more than it is worth to the owner. Yet if the

\textsuperscript{221} Aquinas, \textit{Summa theologiae}, q. 77 a. 2 ad 2.
\textsuperscript{222} Aristotle, \textit{Nicomachean Ethics}, 5, 7 (1135a; McKeon, 1014–15).
\textsuperscript{223} E.g.: “Nonnullam tamen pretio varietatem loca temporaque adferunt: nec enim tantidem Romae et in Hispania oleum aestimabitur nec continuis sterilitatibus tantidem, quanti secundis fructibus.” Paul, in Dig. 35.2.63.2.
\textsuperscript{224} Aquinas, \textit{Summae theologiae}, q. 77 a. 3 ad 4.
\textsuperscript{225} Ibid.
\textsuperscript{226} Langholm, \textit{Merchant in the Confessional}, 253ff.
one man derive a great advantage by becoming possessed of the other man's property, and the seller be not at a loss through being without that thing, the latter ought not to raise the price, because the advantage accruing to the buyer, is not due to the seller, but to a circumstance affecting the buyer. Now no man should sell what is not his, though he may charge for the loss he suffers.227

Aquinas concludes the reply by another remark pregnant with implications for the moralists and for judging in the court of souls:

On the other hand if a man find that he derives great advantage from something he has bought, he may, of his own accord, pay the seller something over and above: and this pertains to his honesty.228

This principle comes to be associated with its own maxim, drawn from the rules of law in the final title (de regulis iuris) of the Liber Sext: scienti et consentienti non fit iniuria neque dolus.229 Since a seller has the freedom to simply give away the good which he is selling, if he so choose, and it would be licit for the buyer to receive it, similarly a buyer may willingly pay more for the good which he purchases than its normal value in the market; and, assuming he ‘knows and consents’ to this, it is licit for the seller to receive it.

In his reply to the first objection, which was based on the civil-law maxim licet contrahentibus, Aquinas develops a fully explicit explanation of what was expressed cautiously and laconically by Innocent IV with the formula iure fori, forsan non iure poli.

227 Aquinas, Summa theologiae, q. 77 a. 1 co.

Langholm’s exposition of this rule: “The full significance of the double rule emerges. It follows, that the market principle will trump both the labour and cost principle and the nonexploitation principle. If a thing is of little value to the seller, he can still, according to the Thomistic rule, charge the current, competitive market price from a needy buyer if the buyer can afford it, for no one is expected, as a matter of justice, to sell below the market price. If, on the other hand, the seller puts a high value on a good that the buyer needs, he can keep himself indemnified, that is, cover his cost, but only up to the level of the market price if the buyer has access to a competitive market, because the buyer then has a cheaper alternative there. Thus interpreted, Thomas Aquinas’s double rule of just pricing contains, in a nutshell, the essential elements of penitential price doctrine.” Langholm, Merchant in the Confessional, 255.

228 Ibid.

229 VI 5.[13.]27 (Scienti). Cfr Antoninus, Summa, 2.1.16, l. 400; ibid., 1.20.1.94.
As stated above, human law is given to the people among whom there are many lacking virtue, and it is not given to the virtuous alone. Hence human law was unable to forbid all that is contrary to virtue; and it suffices for it to prohibit whatever is destructive of human intercourse, while it treats other matters as though they were lawful, not by approving of them, but by not punishing them. Accordingly, if without employing deceit the seller disposes of his goods for more than their worth, or the buyer obtain them for less than their worth, the law looks upon this as licit, and provides no punishment for so doing, unless the excess be too great, because then even human law demands restitution to be made, for instance if a man be deceived in regard to more than half the amount of the just price of a thing.

Aquinas’s answer to the objection addresses the civil- and canon-law doctrine of *laesio enormis*, which demands restitution for ‘deception’ beyond half the amount of the just price; but if the deception amounts to less than half the just price, then it “looks upon this as licit.” Aquinas’s explanation is that this is a matter of human law — i.e. “the law of the forum” (*ius fori*) in Innocent IV’s phrase — which, as Aquinas has previously shown, permits, in the sense of “not punishing,” many matters which are contrary to virtue, aiming only at prohibiting “whatever is destructive of human intercourse.” This suffices for human, i.e. civil, law.

On the other hand the Divine law leaves nothing unpunished that is contrary to virtue. Hence, according to the Divine law, it is reckoned unlawful if the equality of justice be not observed in buying and selling.

Once again, Aquinas makes explicit what was expressed cautiously by Innocent IV in his phrase *forsan non iure poli accipiunt*, “but it may be that they do not receive this according to the celestial law,” i.e. Aquinas’s divine law, *lex divina*. Although in the order of enacted human law,

\[230\] “Human laws should be proportionate to the common good. Now the common good comprises many things. Wherefore law should take account of many things, as to persons, as to matters, and as to times.” Aquinas, *Summa theologiae*, 1a 2ae q. 96 a. 1–3. See also ibid., q. 90 a. 2.

\[231\] Ibid., 2a 2ae q. 77 a. 1 ad 1.

\[232\] Ibid.

\[233\] Ibid.
‘deception’ within half the just price is not prohibited and goes unpunished, in the moral order (“according to Divine law”) it is unlawful “if the equality of justice be not observed in buying and selling.” Glancing ahead to later centuries, this is the exact interpretation which will be applied by later canonists to Innocent’s IV’s formula:

... And Innocent’s dictum should proceed so that in the contentious forum this [deception] be tolerated, but not in the penitential forum, because we ought not to suffer that a neighbour be deceived, whom we ought to love as ourselves. Hence Innocent says that this has place in the law of the forum, not the celestial law, that is, the law of heaven or of God, i.e. in the penitential forum.234

The moral conclusion, then, is that buyers and sellers are obliged to observe “real equality” in the price of goods which they exchange: “in buying [the recompense] should be equal to the thing bought.”235 Following Augustine, Aquinas says that although “the desire to buy cheaply and sell dearly” appears to some to be “shared by everybody,” “this common desire is not a natural but a vicious one,” and “anybody can acquire the virtue of justice to resist and overcome it,” by observing a just price in buying and selling even when one might have the opportunity or temptation to depart from it.236 Hence:

He who has received more than he ought must make compensation to him that has suffered loss, if the loss be considerable. I add this condition, because the just price of things is not fixed with mathematical precision, but depends on a kind of estimate, so that a slight addition or subtraction would not seem to destroy the equality of justice.237

234 “Aut intervenit deceptio ex re ipsa, et ex proposito, non tamen intervenit dolus partis, et procedat dictum Inno. ut in foro contentioso toleretur, sed non in poenitentiali, quia non debebat pati proximum decipi, quem debet diligere sicut seipsum. Unde Inno. dixit quod illud habet locum iure fori, sed non iure poli. id est iure coeli, seu Dei. id est in foro poenitentiali.” Panormitanus, Commentaria, X 2.20.42 no. 4. See also ibid., X 5.19.6 not. 6. Quotations of Panormitanus (Nicolaus de Tudeschis) from Commentaria in quinque Decretalium libros, 9 vols (Venice, 1571).
235 Aquinas, Summa theologiae, 2a 2ae q. 77 a. 1 ad 3.
236 Ibid., 2a 2ae q. 77 a. 1 ad 2 (LeFébure, Injustice, 216–17).
237 Ibid., 2a 2ae q. 77 a. 1 co.
This final point, that the just price is not precise, but a kind of estimate, is another seminal one which is developed by later scholastics. Probably the most influential extension is made by John Duns Scotus, who says that the just price has a “latitude.”

Thus the first article of q. 77. The final article of this question, a. 4, addresses “whether in trading it is lawful to sell at a higher price than what was paid for it?” In this article, Aquinas approaches the complex conjunction of patristic and pseudo-patristic texts assembled by Gratian at D. 88 c. 9–13. Just as, in a. 1–3 of this question, Aquinas drew out and made explicit a theory of economic value which was implicitly contained in the combined corpora of Aristotle and Romano-canonical jurisprudence, in a. 4 he draws out and makes explicit a doctrine of the liceity of trade which is implicitly contained in the combined corpora of Aristotle and the Church fathers.

The initial objections in a. 4 make the argument that commerce is sinful by its very nature. The argument can be expressed in the form of a syllogism:

Major premise: commerce is to make profits by selling for more than the purchase price.
Minor premise: to make profits by selling for more than the purchase price is a sin.
Conclusion: therefore, commerce is a sin.

To establish the major premise, Aquinas cites Aristotle, as well as some of Gratian’s canons in D. 88, namely pseudo-Chrysostom and Cassiodorus; the latter two also serve to

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239 “When the use of coin had once been discovered, out of the barter of necessary articles arose the other art of wealth getting, namely, retail trade; which was at first probably a simple matter, but became more complicated as soon as men learned by experience whence and by what exchanges the greatest profit might be made. Originating in the use of coin, the art of getting wealth is generally thought to be chiefly concerned with it, and to be the art which produces riches and wealth; having to consider how they may be accumulated.” Aristotle, Politics, 1, 9 (1256b40; McKeon, 1137–8).
240 “There are two sorts of wealth-getting, as I have said; one is a part of household management, the other is retail trade: the former necessary and honorable, while that which consists in exchange is justly censured; for it is unnatural, and a mode by which men gain from one another.” Aristotle, Politics, 1, 10 (1258a38; McKeon, 1141).
240 “But he who buys a thing in order to gain something by alienating it whole and unchanged, he is a trader who is cast out of God’s Temple.” Pseudo-Chrysostom, Opus imperfectum in Matthaeum, 38, in D. 88 c. 11 (Eiciens).
establish the minor premise, to which is added a citation of Jerome, as well as a logical argument from Aquinas’s conclusion in the first article.

On the contrary, Augustine says in commenting on Psalm 70:15,

The businessman consumed by the profit motive blasphemes when he incurs a loss and lies and perjures himself to obtain the highest prices. But such vices belong to men who engage in commerce, they are not intrinsic to commerce as such, which can be conducted without them.

This is a fuller exposition of the sententia attributed to Augustine at D. 88 c. 10 (Fornicari):

To fornicate is always unlawful for everyone, but to engage in trade is at times lawful, at times unlawful. Before someone becomes an ecclesiastic, it is lawful for him to be in trade; once he has become one, it is no longer lawful.

The reason why clerics are bound to abstain from commerce is not because it is sinful per se, but because “clerics are bound to abstain not merely from things that are bad but from things that look bad,” “because of the likelihood of their falling victim to the vices of business men,” and because “commercial activity engrosses a person too much in secular cares.”

“What else is trade, except to wish to sell more dearly those things which can be purchased more cheaply? ... The Lord cast out such people from the Temple.” Cassiodorus, In psalmos, Ps 70, in D. 88 c. 13 (Quid est aliud).

241 “But nobody is thrown out of the temple unless he has committed some sin. Such commerce is, therefore, a sin.” Aquinas, Summa theologiae, q. 77 a. 4 obj. 1 (LeFébure, Injustice, 227).

242 “Negotiatorem clericum, ex inope divitem et ex ignobili gloriosum, quasi quasdam pestes fuge.” Jerome, Epistola ad Nepotianum de vita clericorum, 5, in D. 88 c. 9 (Negotiatorem).

“The only reason why clerics are forbidden to practise commerce is apparently that it constitutes sin.” Aquinas, Summa theologiae, q. 77 a. 4 obj. 3 (LeFébure, Injustice, 227).

243 “Because I have not known learning, I will enter into the powers of the Lord”; but in an alternate translation, “Because I have not known trade,” etc. Psalm 70:15. Quoniam non cognovi litteraturam [negotiationes], introibo in potentias Domini.

244 Augustine, Enarrationes in Psalms, Ps 70, 1, 17–20, in D. 88 c. 12 (Quoniam non); quoted here from Aquinas, Summa theologiae, 2a 2ae q. 77 a. 4 sed contra (LeFébure, Injustice, 227).


246 Aquinas, Summa theologiae, q. 77 a. 4 ad 3, citing Sirach 26:28 and 2nd Timothy 2:4.
In Aquinas’s reply he provides the exposition of a basic doctrine of the liceity of trade which was only implicit in the complex of texts collected by Gratian. Aquinas’s exposition hangs upon Aristotle’s distinction between “household management” and “the so-called art of getting wealth” in the Politics:

For natural riches and the natural art of wealth-getting are a different thing; in their true form they are part of the management of a household; whereas retail trade is the art of producing wealth, not in every way, but by exchange. ... And there is no bound to the riches which spring from this art of wealth getting. ... But the art of wealth-getting which consists in household management, on the other hand, has a limit; the unlimited acquisition of wealth is not its business. ... The source of the confusion is the near connection between the two kinds of wealth-getting; in either, the instrument is the same, although the use is different, and so they pass into one another; for each is a use of the same property, but with a difference: accumulation is the end in the one case, but there is a further end in the other. Hence some persons are led to believe that getting wealth is the object of household management, and the whole idea of their lives is that they ought either to increase their money without limit, or at any rate not to lose it. The origin of this disposition in men is that they are intent upon living only, and not upon living well; and, as their desires are unlimited they also desire that the means of gratifying them should be without limit.248

Now Aquinas points out that, although the ‘art of getting wealth’ — commerce, “the sort of exchange that belongs to business men in the strict sense” — is rightly open to criticism since it feeds the acquisitive urge which knows no limit but tends to increase to infinity; nevertheless, “profit, which is the point of commerce, ... does not carry the notion of anything vicious or contrary to virtue either.”249 What is necessary for commerce to be practised licitly is that it be “subordinated to an activity that is necessary, or even right. And this is the way in which commerce can become justifiable.”250 In other words, commerce is licit and can even be

248 Aristotle, Politics, 1, 9 (1256b40ff; McKeon, 1137–8).
249 Aquinas, Summa theologiae, 2a 2ae q. 77 a. 4 co. (LeFébure, Injustice, 227–9).
250 Ibid.

praiseworthy if used as a means or instrument for the achievement of good ends, as Aquinas says in another place:

Now it is evident that man’s happiness cannot consist in natural wealth. For wealth of this kind is sought for the sake of something else, viz. as a support of human nature: consequently it cannot be man’s last end, rather is it ordained to man as to its end.251

It is the conversion of profit-making into an end rather than a means which constitutes the characteristic fault of those who practice the art of getting wealth. “Even profit-making can become justifiable, ... provided this is not the ultimate aim and is meant to fulfil some necessary and worthy purpose.”252 This is how Aquinas answers the objection proffered from pseudo-Chrysostom: the sort of business condemned is that which pursues profit for its own sake. Once again, as was seen above with Gratian, the scholastic economic outlook shows a neat correspondence with Weber’s ‘economic traditionalism,’ and it condemns Weber’s ‘spirit of capitalism’ as avarice and as a confusion of means for ends.

This doctrine of the liceity of trade, seen at least implicitly in Gratian’s combination of patristic texts and drawn out explicitly by Aquinas, is the starting point for the more complete analysis of commerce which is found in Antonin’s chapters 2.1.16, 3.8.1, and 3.8.2 below. Once it is recognized that commerce is a means which can be put to a good use or a bad one — in Augustine’s phrase, that the vices of commercial traders are the “vices of the man, not of the craft,”253 — the way is opened for an analysis of all the attributes which are required for virtuous trade. Hence it becomes useful to scrutinize trade according to the seven circumstances of a human act, all of which must be correct in order for the act to be good.254

251 Aquinas, Summa theologiae, 1a 2ae q. 2 a. 1 co.
252 Ibid., 2a 2ae q. 77 a. 4 ad 1 (LeFébure, Injustice, 229). On wealth and commerce as means see also ibid., 2a 2ae q. 118 a. 1; ibid., q. 117 a. 3; ibid., 1a 2ae q. 2 a. 8; ibid., 1a 2ae q. 3 a. 8; ibid., 1a 2ae q. 4 a. 7; ibid., 2a 2ae q. 50 a. 3 ad 1.
253 Augustine, Enarrationes in Psalmodis, Ps 70, 1, 17–20, in D. 88 c. 12 (Quoniam non); quoted from Aquinas, Summa theologicae, 2a 2ae q. 77 a. 4 sed contra.
254 “Tully, in his Rhetoric, gives seven circumstances, which are contained in this verse: “Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando—who, what, where, by what aids, why, how, and when.” Aquinas, Summa theologicae, 1a 2ae q. 7 a. 3 co.
Thus Aquinas. By the late thirteenth century, the crucial principles governing justice in buying and selling were drawn out of the three corpora: the Scriptures, the Church fathers, and the sacred canons; Roman law; and Aristotle. With Aquinas a synthesis of all these is reached. Scholastics of the fourteenth and fifteenth centuries did, of course, develop further analyses and refinements of the doctrines concerning commerce, value, and justice in buying and selling elucidated so far. Doctors and authors in all branches of scholastic learning contributed: philosophers (e.g., John Buridan, Nicholas Oresme), theologians (e.g. Gerard of Siena), specialists in moral theology and confession (e.g. Raymond of Peñafort, John of Freiburg, Bartolomeo of San Concordio), canonists (e.g. Giovanni da Legnano, Gaspare Calderini, Lorenzo Ridolfi), and preachers (e.g. Bernardino of Siena). It is not necessary to lengthen this chapter to an extreme by expounding all of this material: it could not be done with much more brevity than that with which Antonin himself deals with it in the chapters of his Summa edited below. For the purpose of understanding the intellectual background of Antonin’s teaching on justice in buying and selling, Aquinas supplies a worthy foundation. As Langholm noted, “one is tempted to say, as is so often the case in scholastic thought, that ‘it’s all in Aquinas.’”

5. Postscript: Peter John Olivi via Bernardino of Siena

The Franciscan Peter John Olivi is an anomaly in the tradition of scholastic economics, as an early theologian whose recognition was greatly delayed, and whose acute economic ideas were nearly lost to posterity. The teaching of Olivi, written in the late thirteenth century, was introduced into preaching and penitential literature in the mid-fifteenth century via the Latin sermons of Bernardino of Siena. Bernardino possessed a manuscript of Olivi’s Tractatus de contractibus; the concepts which he found therein impressed him enough that he incorporated them, in some cases nearly verbatim, into his own Tractatus de contractibus in the sermon series...

255 “... In the present case, considering the contribution of Carletti, it would perhaps be more correct to say that it’s all in the Summa Angelica.” Langholm, Merchant in the Confessional, 255.
256 Langholm, Merchant in the Confessional, 259.
257 Bernardino’s own marginal annotations are printed in Piron, Traité des contrats.
St Antonin, encountering these ideas in Bernardino’s sermons, was taken with them and copied them in his turn into the sermon on fraud committed in buying and selling (Summa 2.1.16), in his discussion of the appraisal and valuation of things (section 3.1). From Bernardino and Antonin they were picked up by other Franciscan and Dominican authors in the next century, shorn of any attribution to Olivi. Although Olivi's Treatise on Contracts “has come to be recognized as a classic of the economic thought of the scholastics,” the legacy of Olivi’s ideas in subsequent centuries has not yet been traced in detail by scholars. Olivi’s ideas which Antonin incorporated into his own sermon 2.1.16 are summarized in the next chapter, at the section “Questions on buying and selling and the just price.” The reader is also directed to Olivi’s original text, whose first part, on purchases on sales, is brief yet conceptually dense.

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In hoc cum Beato Toma concordant Iohannes de Lignano et Iohannes Calderinus et plures alii canoniste, dicentes illam decretalem [X 3.17.3] habere locum “iure fori, non iure poli,” et hoc ad uitanda multa litigia que de leui possent cotidie fieri.

In this Giovanni da Legnano and Giovanni Calderini and many other canonists agree with Blessed Thomas, saying that this decretal has place “by the law of the forum and not the law of heaven” — and its purpose is to avoid the excessive lawsuits which could otherwise lightly be brought daily.

258 For references see the final paragraph of the Preamble above.
259 Piron, quoted from Thornton and Cusato, Treatise on Contracts, XIX.
260 Peter John Olivi, Traité des contrats, 1 q. 1 (94–109) and 1 q. 5 n. 52–61 (126–35).
4. St Antonin’s Teaching on Justice in Buying and Selling

Preamble. Renaissance Florence: a culture of avarice?

Antonin’s teaching on justice in buying and selling, although it was incorporated into his Summa for the benefit of the whole Christian world and for posterity, was written in a particular time, place, and historical milieu: the city of Florence in the mid-fifteenth century. While Antonin’s teaching cannot be described simply as a product of his environment — particularly since much of it comes from thirteenth-century authors like Thomas Aquinas and Peter John Olivi — nevertheless, it is worth knowing something about the Florence over which he presided as archbishop, and the audience to whom his teaching was addressed.¹

Florence in the later middle ages, from the thirteenth century to the sixteenth, has been singled out by economic historians as an early hub of commercial capitalism.² This is one component of a larger process: the ‘Commercial Revolution’ of the middle ages — a term first proposed by the business historian Raymond de Roover and then popularized by Robert Lopez.³ There are at least two reasons for the name ‘Commercial Revolution.’ The first is that this period of sustained economic growth and improvement in the material conditions of life in

¹ This discussion of economic activity in renaissance Florence is indebted to the teaching of Lawrin Armstrong and John Munro in Toronto. A comprehensive bibliography on medieval and early modern economic history can be found through John Munro’s University of Toronto website. For this preamble the most important monograph is Richard A. Goldthwaite, The Economy of Renaissance Florence (Baltimore: Johns Hopkins University Press, 2009).

² For example, Florence in these centuries is described as an early or preindustrial capitalistic economy in Goldthwaite, Economy of Renaissance Florence, 340–41.

³ The term is used here to describe the medieval period of European economic growth, as in Robert S. Lopez, The Commercial Revolution of the Middle Ages, 950–1350 (Englewood Cliffs, NJ: Prentice-Hall, 1971). Raymond de Roover first used the term thirty years earlier with a quite different signification: “By a commercial revolution I understand a complete or drastic change in the methods of doing business or in the organization of business enterprise just as an industrial revolution means a complete change in the methods of production, for example, the introduction of power-driven machinery. ... The commercial revolution marks the beginning of mercantile or commercial capitalism, while the industrial revolution marks the end of it.” Raymond de Roover, “The Commercial Revolution of the Thirteenth Century,” in Enterprise and Secular Change: Readings in Economic History, ed. Frederic Lane and Jelle Riemersma (Homewood, IL: R. D. Irwin, 1953), 80, reprinted from Bulletin of the Business Historical Society 16 (1942); quoted here from Goldthwaite, Economy of Renaissance Florence, 64.
Europe was driven by commerce; that is, by mercantile activity and long-distance trade conducted between widely-separated regions. Henri Pirenne, early in the twentieth century, argued that the economic development which took place in western Europe during the early and high middle ages was stimulated by the re-opening of the Mediterranean Sea for Christian trade with the Levant, when merchants began importing luxury goods and spices from Africa and Asia via Mediterranean ports. The basic picture drawn by Pirenne of trade-led growth of the European economy — in other words, of a relatively backwards economic region growing through trade with a more advanced and wealthy one — has been justified by subsequent research, and still forms the basic groundwork of economic historians’ understanding of the conditions for the Commercial Revolution. The second reason for the name ‘Commercial Revolution’ is to distinguish it from the later Industrial Revolution. It is not necessary here to wade into the many contested issues in the historiography of European economic growth; let it suffice to say that, while the Commercial Revolution brought about a great increase and diversification of economic activity in western Europe, as well as an increase in total wealth, the changes to the social fabric and to productivity were less transformative than in the socio-economic revolutions of the seventeenth century and after.

The most significant medieval transformation for understanding St Antonin’s social context is urbanization. In Italy especially, economic growth from the eighth to thirteenth centuries was primarily urban. The old Roman towns, growing into major ports or centres of international commerce, were swelled rapidly by the immigration which they attracted from the countryside, and which became possible as agricultural productivity increased. The citizens of

5 “As early as the eighth and ninth centuries Italian merchants ventured out to cross the boundaries separating three major areas: the new Carolingian Empire, in economically backward Europe; the Byzantine heir of the old Roman Empire, extending from southern Italy to Constantinople; and the Arab world, rapidly expanding along the southern and eastern Mediterranean. ... The major dynamic driving this enterprise arose out of the imbalance in the relative development of two vast economic areas, Europe and the Near East. ... The initiatives for this trade came from the undeveloped West, not from the Near East; thus, during the later Middle Ages, from the twelfth to the fifteenth century, the European economy expanded, while the economies in the Levant stagnated and declined.” Goldthwaite, *Economy of Renaissance Florence*, 3–6; on this theme see ibid., “Introduction: The Commercial Revolution.”
Florence began to construct a new set of city walls at the end of the thirteenth century, which “enclosed an area almost fifteen times the area enclosed two centuries earlier.”6 “By the time of Giotto and Dante, Tuscany was the most urbanized area in Europe, second, if that, only to the Low Countries.”7 Florence’s population was, according to historians’ estimates, between 90,000 and 130,000, making it one of the five largest cities in Europe. During the same era, Florentine merchants began going abroad carrying products to sell and seeking grain to import, “laying the foundation for their great international commercial and financial network.”8 The result of their endeavours was to build “medieval Europe’s largest and most integrated trade and banking network.”9 Florentine business and economic activity came to revolve around the wool trade and international banking for the rest of the middle ages.10 In the century after about 1340, a silk industry was also built in Florence.11 While these industries had a primarily outward focus, producing for export,12 there was also a diverse variety of artisanal trades producing goods for the local market.13 This artisan sector grew and prospered throughout the middle ages and transformed the wealth generated by the textile and banking industries “into the patrimony of urban architecture, artwork, and a tradition of craftsmanship unequaled in any other city.”14

Thus in St Antonin’s Florence circa 1450, the four most important businesses were large-scale banking based on international currency exchange, wool production for international

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6 Ibid., 5. However, the city’s growth was arrested temporarily by the plagues and famines of the next fifty years, so that the built-up area of the city did not fill the newest circuit of walls until the sixteenth century; see the map, ibid., 24.
7 Ibid., 22.
8 Ibid., 26.
9 Ibid., 32.
10 “Textile production represented by far the city’s most important industrial activity, though taking the measure of its impact on the economy is not easy.” Ibid., 336.
11 Ibid., 602.
12 “The strength of the sector [production of textiles] lay in its orientation to international markets for its products.” Ibid., 265.
13 “The people in this chapter [“Artisans, Shopkeepers, Workers”] worked in many activities, but they can be lumped together in one composite sector of the economy that produced goods and services primarily, if not exclusively, for the local market, not for export. ... The sector grew as a result of the increased demand for consumer goods that arose from the wealth that flowed into the city in the form of profits from textile exports and merchant banking abroad.” Ibid., 341.
14 Ibid., 607.
markets, silk production for international and local markets, and artisanal crafts in both mundane and luxury products for the local market, including art and architecture. The subject of banking shall be set aside for present purposes, since, within the body of Antonin’s teaching, this is dealt with as its own subject under the headings of usury and moneychanging. The subject of Antonin’s teaching in the chapters edited below — the obligation to pay a just price for what one purchases, and to purchase without fraud — potentially pertains to practically every adult, in as much as every adult must sometimes purchase victuals, clothing, and other necessities of life. Similarly, most adults have occasion to sell merchandise or property at times, in which the obligations of justice also apply. If, however, the more precise audience for Antonin’s teaching in these chapters is those people and social classes who are obliged by their trade to make daily decisions about buying and selling, then one can focus on certain specific groups within the overall set of industries in Florence. The textile and artisan sectors, being oriented fundamentally towards the purchase and sale of merchandise, are very much in Antonin’s view under the heading of justice in buying and selling, as will be seen shortly.

The various categories of merchants, artisans, shopkeepers, and workers in renaissance Florence were grouped into seven major guilds and fourteen minor guilds. Nevertheless, studies of the guilds in Florence have revealed that they did not define the economic life of the city in accord with the traditional historiographical picture of medieval guilds; hence, “it makes little sense to categorize workers [in Florence] according to guilds.” One peculiar feature of the Florentine guild system was the freedom which citizens enjoyed in choosing their own profession or trade. Antonin teaches in chapter 3.8.1 that one should choose a trade suitable for one’s interests, capacities, and temperament; in renaissance Florence, such freedom was not a mere fantasy. Vasari tells us that Cimabue discovered the young Giotto, whose father Bondone “was a tiller of the soil and a humble person,” sketching on a rock while tending his

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15 Ibid., 347; on the historiography of guilds see ibid., 342ff.
16 “The ranks of any particular group of craftsmen were not protected by a guild oligarchy in an effort to secure access for sons as a hereditary right. ... A young Florentine, less bound by the guild ties, and hence family traditions, so characteristic of guild society elsewhere, had the possibility, at least in theory, of selecting the trade he wanted to practice (or entering the one his father wanted to direct him to). ... The father of Brunelleschi was a notary, as was the father of Leonardo da Vinci.” Ibid., 349–50.
father’s sheep, “sketching one of them in a lifelike way, ... led on by his natural inclination towards the art of drawing ... Cimabue therefore asked Bondone, and he lovingly gave his consent and allowed Cimabue to take Giotto to Florence.”17 While its strict veracity may be doubted, the story does point out this fact of Florentine culture: the Florentine had available a real possibility of choosing a trade for himself in which, in the words of Antonin quoting Aristotle, ‘pleasure perfects the work.’18

At the top rung of the business classes were the merchant entrepreneurs of the textile industries, the calimala. As importers of cloth purchased in other regions for finishing in Florence, and exporters of the finished cloth, they were the operators of Florence’s international merchant network and the primary agents in the development of Florence’s commercial capitalism. They controlled one of the city’s major guilds.19 The manufacturers of wool cloth (lanaioli) and silk (setaioli) employed many different categories of textile worker, who by and large worked at piece rates, carrying out individual stages of the lengthy production process. Thus, most of the workers in the textile sector were industrial employees, and did not sell the finished goods themselves.20

On the other hand, there was an exceptionally large number of artisans, shopkeepers, and professionals in Florence, for whom establishing and haggling over prices was a daily routine, whether dealing in their own goods or retailing the goods of others. A picture of those social classes whom Antonin has in view can be drawn from within the Summa itself. In the chapters which immediately follow those edited below — 2.1.17 (De variis fraudibus quae committuntur in negotiando), 3.8.3 (De negotiatoribus et cansoribus et de diversis generibus

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18 Antoninus Summa, 3.8.1, l. 113; cf Aristotle, Nicomachean Ethics, 10, 4 (1174b30ff.; 1175a20ff), in McKeon, 1099–1100.

19 Goldthwaite, Economy of Renaissance Florence, 343–45.

20 The putting-out system in the textile industry is described in ibid., 317–336. Antonin’s comments on labour relations in the Florentine textile industry can be found at Summa, 2.1.17 and 3.8.4; for a summary, see de Roover, Great Economic Thinkers, Ch. 7 “The Problem of the Just Wage.”
cambiorum), and 3.8.4 (De diversis generibus artificum) — Antonin enumerates a variety of individual trades and the fraudulent or illicit practices in which they are often implicated when buying and selling.21 Trades which he specifically names and addresses include: mercatores, lanifices, retagliatores, serifices vel setaivoli,22 righatterii, mercatores victualium sub quibus continentur bladaioli et tabernarii seu caupones, macellarii,23 pizicangnoli, pollarioli, et trichones,24 merciaii, aurifices, gioiellieri,25 proseneti seu sensales,26 ministri artis lanae, sartores et stampatores, factores caligarm et chaliceorum, cerdones et planellarii, pelliparii,27 aromatarii,28 barbitonsores,29 architecti seu

21 I intend to edit and translate these chapters for publication together with the three already edited and translated below. They are briefly summarized in de Roover, Great Economic Thinkers, 15–16.

22 Antoninus, Summa, 3.8.3, §3 (M: fol. 72v, hand A; Ballerini, 3:304); 3.8.4, §2, §4, §5 (M: fol. 74r–76r, hand A; Ballerini, 3:310, 314, 315); 2.1.17, §5 (M: fol. 71r, hand A; Ballerini, 2:264–5). Mercante: “merchant, one who is active in commerce.” Lanaiuolo: “merchant or industrial entrepreneur in the woolen cloth industry (in Tuscany).” Setaiuolo: “silk merchant.” For vocabulary here and in the next footnotes see, s.v., Edler, Terms of Business; DMLBS; Alessandro Stella, La révolte des Ciompi: les hommes, les lieux, le travail (Paris: EHESS, 1993), appendix 3 “Glossaire des occupations.”

23 Antoninus, Summa, 3.8.3, §4 (M: fol. 72v–73r, hand A; Ballerini, 3:305–7); 2.1.17, §4–5 (M: fol. 70v–71r, hand A; Ballerini, 2:263–4). Rigattiere: “second-hand clothes dealer, who made over clothing and who sold new articles of linen (such as handkerchiefs, towels and sheeting, in Florence, where the linen merchants and the rigattieri were united in the same gild from the 14th century).” Bladaioloi: “merchant in oats, corn, in fact, of cereals generally.” Tabernarius: “tavern-keeper, one who sells beer or wine.” Caupo: “innkeeper.” Macellarius: “butcher.”


26 Ibid., 3.8.4, §1 (M: fol. 74r, hand A; Ballerini, 3:309). Proxeneta: “mediator, go-between, agent.” Sensale: “broker (a fee-taker, usually under the supervision of the gild of merchants or the government of a town).”


28 Ibid., 3.8.4, §6 (M: fol. 78r, hand A; Ballerini, 3:317); 2.1.17, §4 (M: fol. 70v, hand A; Ballerini, 2:263). Aromatarius: “spicer, apothecary.”

29 Ibid., 3.8.4, §7 (M: fol. 78r, hand A; Ballerini, 3:317). Barbitonsor: “barber, barbersurgeon.”
These social classes — from the merchant entrepreneurs down to shopkeepers, artisans, and humble peasants — are the audience whom Antonin’s teaching is meant to reach, and whose conduct it is meant to guide. Goldthwaite describes the variety of their relations to the market:

Some, like those working in the food and clothing sectors, produced goods for direct sale in the market; some, like painters and woodworkers, worked on commission; some, like construction workers, sold their labor or services; and some, like those in the textile industry, worked in the constricted market defined by capitalist producers. ... There is plenty of evidence, moreover, that many of these men, in trying to make their way in the market, demonstrated a certain entrepreneurial energy.

Do these entrepreneurial social classes in renaissance Florence represent a capitalistic culture? A few comments on this subject are offered here, addressed mainly to recent arguments made by Richard Goldthwaite and Odd Langholm. I will limit the scope of the question to culture, mores, and moral ideas, setting aside the socio-economic structures, patterns of production, and business organization which belong to the domain of economic historians; and I will attempt to make the question less anachronistic by rephrasing ‘capitalistic culture’ to

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31 Ibid., §.9 (M: fol. 77v–77r, hand A; Ballerini, 3:319). Fabbro: “smith, blacksmith (small master).” For ferrari cfr ferrum: “iron;” ferraria: “ironworks, (?) bloomery or forge.”
32 Ibid., §.10 (M: fol. 77r, hand A; Ballerini, 3:320). Carpentarius: “cartwright, carpenter, woodworker.”
35 Ibid., §.13 (M: fol. 78v, hand A; Ballerini, 3:322–4). Agricola: “husbandman, peasant (serf or free).”
36 Cfr Goldthwaite’s chart of the trades associated with each Florentine guild, Economy of Renaissance Florence, 344–5.
37 Ibid., 357.
'culture of avarice.' In this I follow the lead of Odd Langholm in his approach to the question in the final chapter of *The Merchant in the Confessional*. The answer proposed here is that it is more false than true to say that renaissance Florence represents a culture of avarice. However, there is some evidence of a change underway in Florentine culture, in the ‘forms of sensibility which they favour’ and the ‘ideas whose spread they advance,’ such that the ‘psychological coherence’ of the culture is disrupted and the oppositions between different views provoke conflict.\(^38\) The conflicts between humanists and anti-humanists are well known.\(^39\) It is also, in Langholm’s words, “an economic culture in a state of change,” and “it is tempting to locate the decisive factor of that change in the economic drive that the penitential handbooks called avarice.”\(^40\)

Goldthwaite considers this question in the conclusion of *The Economy of Renaissance Florence*, and it is necessary to quote him at some length. He claims there that:

> By the standard definition of the term, the economy of Florence qualifies as a capitalist economy. The entrepreneur conducted his affairs relatively free from some of the strongest cultural restraints of medieval Europe. ... This was an economy notable not just for the presence of capitalists in it; it was an economy organized around some of the basic principles of the capitalist system.\(^41\)

This is on the socio-economic and business side. Nevertheless:

> In other respects, however, these men were somewhat lacking in their ‘spirit of capitalism,’ as this phenomenon is often known. They seem not to have been driven by a strong competitive instinct ... At the level of the individual entrepreneur, so well documented for this city, it is difficult to detect much of a competitive instinct, certainly nothing like the kind of competition that is an ongoing process of discovery, searching

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\(^38\) These phrases are drawn from R. R. Bolgar, *The Classical Heritage and its Beneficiaries* (Cambridge: Cambridge University Press, 1963), 15–16, where he discusses the ‘psychological coherence’ of the ancient Greek and Roman cultures; his remarks are suggestive when applied to the renaissance.

\(^39\) For example Antonin’s mentor John Dominici composed a work, *Lucula noctis* (1405), attacking humanist learning; he dedicated it to the humanist chancellor of Florence, Coluccio Salutati.

\(^40\) Langholm, *Merchant in the Confessional*, 269.

\(^41\) Goldthwaite, *Economy of Renaissance Florence*, 583, 588. Goldthwaite has more extensive remarks on this subject, ibid., 583–88.
for opportunities for gain or for furthering other economic goals. Merchants’ letters reveal the urge to be ahead of the others in taking advantage of changing market conditions and new opportunities but nothing about cost-cutting, underselling, or calculated stockpiling. Nor does the theme of competition appear in their business papers, their professional manuals, or their personal memoranda. The cutthroat competition practiced by the new generation of merchants coming out of Antwerp must have been as foreign to these Florentines as it was to their Venetian colleagues. Moreover, these men made no effort to gain control over supply in order to strengthen their power in the markets where they operated. ... Abroad, none of them, not even the Medici, attempted to dominate the markets where they did business. ... In the industrial sector at home, textile manufacturers took little risk. ... They limited the capital invested in their firms to what was needed to get operations to the point where sales financed ongoing operations, they devised the means to meet short-term liquidity problems, and they had the flexibility to reduce or shut down operations at any time at little cost. ... In running their government they followed an economic policy of laissez faire, and privately they ran their business as highly individual enterprises. Yet their behavior at home and abroad often reveals an underlying spirit of corporatism. ... One might even go on to say that in a sense these men, however much their business practices anticipate modern capitalism, were still strongly tied into the medieval tradition of guild corporatism, a state of mind that may not have been altogether irrelevant to the dense networks that so characterized their social and political life as well. ... This stage in the history of capitalism, as exemplified by the Florentine experience, was still too early for us to talk about a natural link to the kind of individualism exemplified by *homo oeconomicus*, so important to later economic thinkers, not to mention today’s economic historians.42

The merchants and artisans of renaissance Florence, then, in Goldthwaite’s view, do not exemplify the ‘spirit of capitalism’ as commonly understood since Max Weber’s *The Protestant Ethic and the Spirit of Capitalism*. Nevertheless, Goldthwaite supposes that there was

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42 Ibid., 588–90.
longstanding friction between the business and clerical cultures, and that the Church’s attitude, as expressed through its representatives, was skeptical or even hostile to business and wealth:

Much more of an issue in the lives of these people who made their way in the marketplace were the moral problems arising from medieval churchmen’s suspicion about the avarice and materialism inherent in the mentality of the entrepreneur and their condemnation of usury in any form. It is hardly surprising, considering the prominence of Florence as a center of nascent capitalism, that two of the church’s most outstanding spokesmen on the subject had a notable presence on the local scene in the second quarter of the fifteenth century—the popular preacher from Siena, St. Bernardino (1380–1444), and the local bishop, St. Antonino (1389–1459). Churchmen, however, did not doubt the importance of commerce and industry in their society. The church went a long way toward placating the entrepreneur’s anxiety about the morality of these activities through the sacrament of confession and the institution of purgatory; it put at the entrepreneur’s disposal the instruments with which he could contract for divine favor with commemorative masses, private chapels, and donations to welfare and religious institutions. 

With respect to avarice, the entrepreneur’s anxiety was softened by a countervailing current that arose from the circle of the so-called civic humanists. It is hardly surprising that these thinkers, with close personal and professional ties to the entrepreneurs of the city, turned some of their attention to the problem of the morality of private wealth at precisely the time when SS. Bernardino and Antonino were making the church’s case. Avarice was the central problem. ... Churchmen recognized that wealth brought certain advantages, but this did not lessen their suspicion of the materialism inherent in the mentality of the entrepreneur, with its attendant social evils. ... However, the Florentine humanists shifted the emphasis to the positive aspects of wealth, resorting to the classical concept of magnificence. Wealth is good for the individual because it provides the wherewithal to make one happy and therefore helps one to be virtuous and to participate

43 This sentence has an affinity with an idea about the origins of the doctrine of purgatory in Jacques Le Goff, Your Money or Your Life: Economy and Religion in the Middle Ages, trans. Patricia Ranum (New York: Zone Books, 1988). Although I do not wish to engage in argument about it here, I look upon this idea with skepticism.
in civic life. Hence, private wealth is also good for the state and for the social order in general. There was thus a reassessment of avarice as a motive for economic activity, or rather, a new positive view of the desire to obtain wealth that relegated avarice to a lower form of behavior where gain is sought for its sake alone. ...

It was in the course of their entrepreneurial adventures that Florentines gradually eroded these traditional religious and social prejudices against their activities.44

Several points made in these three paragraphs about changing attitudes to avarice among the civic humanists are supported by the evidence examined by Odd Langholm.45 However, the larger narrative presented here must be questioned. That representatives of the Church, exemplified by St Antonin and St Bernardino, resisted recognizing the positive aspects of wealth, and that a ‘countervailing current’ arose from the civic humanists which encouraged the positive view, is vulnerable to a significant counterexample. Indeed, it is an interesting chance that Goldthwaite supports his contention of a humanistic shift of emphasis with reference to the ‘classical concept of magnificence.’ It so happens that St Antonin both preached and wrote on the ‘virtue of magnificence’ as one of the ‘virtues concerning money and its use.’46 Peter Howard has recently published a book evaluating St Antonin’s teaching and preaching on magnificence and his influence upon the culture of renaissance Florence. Antonin categorized magnificence, following Aquinas, as a part of the cardinal virtue of fortitude or courage: “its practice was seen in spending a great deal of money and the resolute accomplishment of imposing projects such as churches and chapels, hospitals for the poor, hospices for pilgrims, and even palazzi appropriate to the status of eminent citizens—all built or rebuilt for the honour of God and the good of the republic.”47 Nor can Antonin’s recommendation of magnificence as a virtue for the rich be attributed to the influence of the new civic humanism of Florence, since Antonin’s chapter in the Summa is an adaptation of the teaching of the Dominican Henry of Rimini, written circa 1300 in Venice, a manuscript of which was owned by Santa Maria Novella

44 Goldthwaite, Economy of Renaissance Florence, 584–6.
45 In Merchant in the Confessional, Ch. 16 “The Fortunes of Avarice,” and passim.
46 Antoninus, Summa, 4.3.6 (Ballerini, 4:85–6); quoted from Howard, Creating Magnificence, 119.
47 Ibid., 108; see also the ibid., 119–21, for an English translation of Antonin on magnificence.
in Florence.\textsuperscript{48} It is true that there were contemporary preachers who spoke in a more skeptical way about the ‘magnificence’ of the Florentines. St Bernardino, in particular, when he preached in Florence for the Lent of 1425, “criticized the Florentines’ propensity for almsgiving and for building chapels and hospitals as a substitute for true repentance.”\textsuperscript{49} This, however, only shows the diversity of views that could exist even among the Church’s most outstanding spokesmen — disagreeing not necessarily about the usefulness of wealth in general, but perhaps about the spiritual and pastoral priority of the moment. Considering, however, that archbishop Antonin, Henry of Rimini, and Thomas Aquinas can all be cited as recommending the classical virtue of magnificence, civic-humanist discourse about magnificence cannot, \textit{per se}, be counted as a shift of emphasis or a marker of significant cultural change. Goldthwaite cites Giovanni Rucellai as exemplifying a new attitude “about the desire to make money and the pleasures it provide[s];” Rucellai writes:

\begin{quote}
I believe that the proper spending of [the fortune I have accumulated] has brought me more honor, and more satisfaction in my soul, than the earning of it, ... [for] men always praise others for lavish spending and for conducting their affairs with generosity and magnificence. ... [however, one should] measure these things against one’s capabilities and against their honest and reasonable usefulness.\textsuperscript{50}
\end{quote}

This statement involves no significant disagreement with St Antonin on magnificence. Likewise, a quotation from Leon Battista Alberti’s treatise on the family,\textsuperscript{51} about whether trade would be an honourable occupation for the head of a family shows a social consciousness (Goldthwaite’s phrase) about the use of wealth and an economically traditionalist attitude towards business,\textsuperscript{52} both of which are in harmony with St Antonin’s teaching on these matters.

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\textsuperscript{48} Howard, \textit{Creating Magnificence}, 92–99.
\textsuperscript{49} Ibid., 110.
\textsuperscript{50} Giovanni Rucellai, quoted and translated in Goldthwaite, \textit{Economy of Renaissance Florence}, 585.
\textsuperscript{51} Quoted and translated in ibid., 307.
\textsuperscript{52} The term ‘traditionalism’ as an economic spirit is introduced and defined in contrast to the capitalistic spirit in Weber, \textit{Protestant Ethic}, 23–33.
\end{flushright}
Nevertheless, it was proposed above that renaissance Florence was an economic culture in a state of change. This is best seen in attitudes, not to magnificence, but to avarice. Although Goldthwaite’s narrative about changing economic attitudes has just been critiqued and qualified, he is correct to note that there was ‘a reassessment of avarice as a motive for economic activity,’ with avarice defined as ‘gain sought for its sake alone.’ Langholm comments, based on his examination of twelve late-fourteenth-to-early-sixteenth-century secular works dealing with commercial activity (mostly by Florentines), “the economic humanists accepted and often praised the profit motive, and in traditional usage a profit motive that reaches beyond natural and social need satisfaction is avarice.”

It took a different sort of humanist, however, to speak these authors’ minds for them in plain terms. Poggio Bracciolini, a harsh critic of Bernardino of Siena and the Franciscans of the Observance, composed a brief work De avaritia in dialogue form. The contribution of one of the discussants (who did not get the last word but probably expressed the sentiments of the author) is a veritable eulogy of avarice. Again and again he returns to the main theme. Avarice is a natural phenomenon. It is a virtue not a vice. It is innate in man as something necessary for the conservation of the city and the civil law. Early on, Poggio, through the mouth of his spokesman, anticipates Hume’s famous dictum about avarice as the spur of industry.

The attitude to avarice expressed by Bracciolini here stands, without a doubt, against the traditional scholastic teaching. The scholastics never failed to grasp the basic necessity and utility of buying and selling and of the construction of businesses for pursuing certain trades. Scholastic authors taught explicitly, during the early phases of the medieval Commercial Revolution, that merchants and commerce can and often do provide benefits for the individuals involved as well as for the wider community, and that commerce is licit so long as it is exercised in conformity with the requirements of moral law. Antonin teaches the same. The scholastics,

53 Langholm, Merchant in the Confessional, 270.
54 Ibid.
however, considered trade a means which must always be used for a good end. As Antonin puts it in two of the chapters edited below:

There is, therefore, nothing to stop profit being subordinated to an activity that is necessary, or even right. And this is the way in which commerce can become justifiable.\(^5^6\)

Therefore a right intention is required in every exercise of art, so that the remote and ultimate end be God, according to what the Apostle says, *All whatsoever you do in word or in work, do to the glory of God*;\(^5^7\) the proximate end be some rational thing, for instance the support of one’s need or that of neighbours.\(^5^8\)

It is when the pursuit of profit becomes abstracted from subordination to ‘an activity that is necessary, or even right,’ or to a proximate end in ‘some rational thing,’ that there is a decisive departure from the scholastic teaching and from a culture of ‘economic traditionalism,’ in Max Weber’s terminology. Bracciolini’s eulogy does, then, support the contention that, with regard to avarice, renaissance Florence is a culture to some degree in a state of change.

This concludes the consideration of Antonin’s social and cultural context preparatory to the examination of his teaching. We turn now to that examination.

### 1. St Antonin’s Teaching on Justice in Buying and Selling

This section will explain St Antonin’s teaching on justice in buying and selling as contained in the three chapters edited and translated below: 2.1.16 (*De fraudulentia*), 3.8.1 (*De merchatoribus et artificibus*), and 3.8.2 (*De diversis generibus contractuum*).\(^5^9\) For each chapter, a

\(^{56}\) Antoninus, *Summa*, 2.1.16, ll. 117–119. See his whole discussion of ‘End: greed,’ i.e. avarice.

\(^{57}\) Colossians 3:17; 1st Corinthians 10:31.

\(^{58}\) Antoninus, *Summa*, 3.8.1, ll. 78–81. See his whole discussion of ‘Right intention.’

brief summary is provided, followed by a more lengthy exposition of its doctrine, method, and sources. This exposition is meant to summarize the main points, elucidate the logical steps of Antonin’s arguments, and indicate authorities to whom he is indebted, insofar as this is clear. It should be understood that all of this represents the editor’s interpretation, and therefore a grain of salt is warranted. The interpretation is no substitute for a careful reading of the text itself.

In explaining the Antonin’s doctrine here, it is more convenient to depart from the original order of the chapters, and discuss first 3.8.1, then 3.8.2, and finally 2.1.16. This proceeds from more general topics to more specific ones: first, Antonin gives a theological view of human work at the broadest level; then, focusing specifically on contractual arrangements, he enumerates the different kinds of contracts and their liceity; and finally, he gives a detailed treatment of questions pertaining to justice in contracts of buying and selling.

**Theology of work: Summa 3.8.1**

This is a chapter of the Summa’s part three, which deals with the different states of life: their special duties and characteristic vices. It is the first chapter of the title *On the state of merchants and artisans*. In this chapter 3.8.1, *On merchants and artisans* in sermon form, Antonin unfolds a theology of work arranged in a way suitable for preaching. The first component is the theology of merit as applied to good and evil acts or ‘works.’ The second is a theology of manual work: that they were instituted by God; the conditions for their goodness; the origins of different sorts of work; and that restraint and conscience are necessary in their exercise.

Antonin’s approach to a theology of work here depends on three doctrines central to scholastic moral theology. In modern terms, these are: the sources of morality, obedience to the duties of one’s state in life, and the application of circumspection or discernment to every action.

Chapter 3.8.1 is organized according to the general scheme of the *sermo modernus* or scholastic sermon form, which had been standard since the thirteenth century. The hallmark of the *sermo modernus* is the use of a scriptural verse as a *thema*, and the unfolding of the sermon

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through division and development of this thema.\textsuperscript{60} Chapter 3.8.1 proceeds in this way. It has the following structure (numbers in square brackets indicate lines in the Latin text):\textsuperscript{61}

I. Thema [4–28]: *Exibit homo ad opus suum, et ad operationem suam usque ad vesperam* (Ps 103.23).

II. Introduction of the thema [29–60].

Division of work into three types [29–32]. Confirmation of each part with biblical quotations and development [33–60]. Note the parallelism:

1. Ad opus *virtuale*, Deo *principaliter* movente [33–40].
2. Ad opus *criminale*, diabolo *internaliter* suggerente [41–54].
3. Ad opus *manuale*, ingenio *naturaliter* agente [55–60].

III. Development of the thema [60–243].

Restatement of the thema [60].

Division of the thema into three principal parts [60–64], which are subsequently developed. Again, note the parallelism:

1. Bonam *conscientiam*, *Exibit homo ad opus suum* [65–109].
   The first principal part is further divided [70–73] according to the three ways in which *every one must prove his own work* (Gal 6.4).
   1.1 Si est *rectum* in intentione [74–91],
   1.2 Si est *licitum* ex improhibitione [92–98],
   1.3 Si est *congruum* in discretione [99–109].

2. Aptam *convenientiam*, *Ad operationem suam* [110–212].
   The second principal part is likewise divided [129–133] according to a threefold distinction of exterior human works.
   2.1 Ad quedam *cogit* necessitas [134–157];
   2.2 Quedam *invenit* cupiditas [158–202];
   An exemplum is included of a merchant redeemed from vice [196–202].
   2.3 Quedam *induxit* vanitas [203–212].

3. Debitam *permanentiam*, *Usque ad vesperam* [213–225].
   The third principal part functions as the conclusion of the whole sermon.

The subject of this chapter is work (*opus, opera, operatio*), presented in the form of a sermon. The sermon proceeds from the most general and universal level to the more particular, ultimately descending to the sort of work proper to ‘merchants and artisans,’ the subject of the

\textsuperscript{60} On the *sermo modernus* see Mulchahey, *Dominican Education*, Ch. 6 “Preaching Aids: Sermon Collections, Florilegia, Exempla, and Artes,” esp. 400–410.

\textsuperscript{61} The presentation of the structure of these chapters is adapted from the method employed by Alexander Andrée in the introduction to Christopherus Laurentii de Holmis: *Sermones, Disputatio in vesperiis et Recommendatio in aula. Academic Sermons and Exercises from the University of Leipzig, 1435–1438. Edition, Translation, and Introduction*, Runica et Mediaevalia, Editiones 4 (Stockholm: Stockholm University, 2012), 9–39.
title as a whole. Antonin takes as his *thema* a Psalm verse which speaks of man’s work and labour (opus, operatio). Before introducing and dividing this *thema*, however, Antonin sets out a very brief summary of the position of ‘work’ in an Aristotelian-Thomistic philosophy of being. Each creature has its own work proper to it, intrinsically related to the fulfillment of its fundamental nature. Man, therefore, as a creature, has his own sort of work which fulfills his nature: this is revealed in Sacred Scripture to be twofold, a spiritual work and a corporal work. The spiritual work, which is man’s “own proper work for which he was made,” “the highest and perfect work,” is “knowing and loving and enjoying God.”\(^62\) There is also, however, a corporal work proper to man, which was present even in the ‘paradise of pleasure’ before the Fall; but after the Fall and the expulsion of man from paradise because of sin, “he was compelled to work the earth,” as a necessity in order to live and to procure food, *till thou return to the earth* (Gen 3.19), that is, “until death.”\(^63\)

Antonin then, as an introductory section of the sermon, divides human work into three kinds: virtuous work, criminal work, and manual work. Each of these has its own source of inspiration or principle of action: namely God, the devil, and one’s own natural disposition. Antonin confirms the definition of each type of work with Biblical quotations and patristic commentary (the latter quoted *via* Lombard’s *Sentences* and Gratian’s *Decretum*) and briefly develops it in a short paragraph. As to virtuous and criminal work, Antonin outlines how God and the devil are implicated in man’s good and evil works, and how by them man can merit reward or punishment.

Arriving at manual work, Antonin enters into the main subject of the sermon. He defines the manual work which distinguishes man from other animals as that by which, “through the work of different activities, he may provide himself with means of sustenance and garment and defense from harmful things; and nearly all the exterior works of man are ordained to these.”\(^64\) At this point Antonin returns to the *thema*, restating it and applying it specifically to manual work; he then divides it into three principal parts: good conscience, apt


\(^{63}\) Ibid., ll. 18–23.

\(^{64}\) Ibid., ll. 55–60.
suitability, and necessary perseverance. The development of these three principal parts will produce the remainder of the sermon.

As to good conscience, Antonin points out that every work must be carried out “not only following the rule of that art, but also following the rule of a good conscience.” Antonin here reduces the requirements of ‘good conscience’ to three: right intention, non-prohibition, and appropriate discretion. These three requirements readily correspond to the standard moral-theological ‘sources of morality,’ which are end (i.e. intention), object (i.e. non-prohibited), and circumstances (which are judged by discretion). Antonin’s discussion of the first two requirements employs recognizably common scholastic doctrine: some sorts of work (‘objects’ in moral-theological terminology) are illicit or prohibited in themselves, as is the case with prostitution and usury, and no good intention can make them licit; all other sorts of work, however, take their morality, first, from the intention (‘end’) for which they are done. A distinction can be made here between the remote end and the proximate end. The remote or ultimate end of every human act must be God, as is taught in the Scriptures. The proximate end must be “some rational thing;” for instance, when in agriculture, wool-working, smithing, etc., the profits are employed to provide what is necessary for the corporal sustenance of oneself or one’s neighbour. Antonin then illustrates how such a proximate end can be the first link in a chain of ends terminating in God as the remote end:

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65 Ibid., ll. 67–69.
66 “What have we to attend to in order to know whether an action is according to right reason or not? There are three such elements ... They are the object, the end, and the circumstances of the action.” Thomas Slater, S.J., A Manual of Moral Theology for English-Speaking Countries, 5th ed., 2 vols (London: Burns Oates & Washbourne, 1925), 1, 4, 2 (1:21–26).
67 Antonin cites here Colossians 3:17 and 1st Corinthians 10:31. Although Antonin does not spell this out himself, the Aristotelian-Thomistic philosophy which he began with also supports this conclusion. If the fulfillment of man’s nature is “knowing and loving and enjoying God,” and man’s actions are good or bad according to whether they contribute to the fulfillment of his nature, then it logically follows that man’s actions are good or bad according to whether they contribute to his knowing and loving and enjoying God. Hence, at least the remote end of every human act must be God.
68 Antoninus, Summa, 3.8.1, ll. 80–81.
And rightly spoke Christ and the Apostle, *For the labourer is worthy of his reward.*

The end of his reward ought to be that from it he may take care and provide for himself and others according to his state; the end of sustaining himself and his ought to be that they may live virtuously; the end of virtuous living is the attainment of glory: for as Augustine says on John, “For to this end ought every one to live well, that it may be given him to live for ever.”

As for ‘appropriate discretion,’ this pertains to observing the due circumstances of a work whose object and intention are good. Antonin’s discussion of this point is brief and merely introduces the principle. A much fuller exposition of it is provided in 2.1.16, where Antonin explains each of the seven circumstances of a human act as applied to trade and commerce.

The second principal part of the sermon is about the ‘apt suitability’ of work. Antonin introduces this subject as a question, not so much of what causes a work to be moral, but of what causes it to be fit and suitable to a particular person. For each person should go forth to his labour, as the *thema* states, that is, “to that art which he judges to be more suitable and pleasing to him.”

Antonin cites both Aristotle and the Scriptures in support of this. This portion of the sermon seems to anticipate pastoral teaching about discernment of a state in life more commonly associated with St Ignatius of Loyola and St Francis de Sales. Antonin applies the theory, received from natural philosophy, of the four common human temperaments: melancholic, phlegmatic, sanguine, and choleric. Each of these inclines a person to the practice of different virtues, to the study of different sciences, and to the exercise of different corporal works or mechanical arts. A person should, as far as possible, choose that mechanical art or

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72 Antonin cites Albert the Great in support of this; on further investigation, however, he appears to be handing on a doctrine expounded by his mentor John Dominici in a work, *Dialogus*, which is no longer extant. Dominici also wrote a handbook on the care and upbringing of children — a subject to which knowledge and experience of the different temperaments is very pertinent.
trade which is “more suitable and pleasing to him,”73 for “pleasure ... perfects work.”74 This urban piece of pastoral direction stands out as particularly suited to Antonin’s Florentine audience: as noted above, in renaissance Florence a relative freedom was enjoyed to enter and pursue a trade of one’s own choosing.

Antonin continues his discussion of ‘exterior human works’ by introducing a threefold distinction drawn from a sententia of Hugh of St Victor: some works are compelled by necessity, some were invented by cupidity (greed), and some were introduced by vanity. Under these three headings the sermon is carried through to its conclusion. The latter two sorts of work are inventions of man, and from the beginning were deformed by his vices and inordinate passions; the works compelled by necessity, however, were instituted by God. Antonin briefly confirms how each of the typical works compelled by necessity has its own progenitor or forbear in Sacred Scripture: agriculture, husbandry, viticulture, shepherding, wool- and linen-working and the making of clothes, the building of dwelling-places and cities (a tainted lineage), tent-making, and smithing. “And thus step by step all the necessary arts were invented.”75

“The exterior work invented by cupidity is trade.”76 Antonin here mentions in passing Aristotle’s statement that trade, understood as the art of wealth-getting, has a certain baseness, though according to Antonin following Aquinas, it may be made licit by serving a good end. This sententia was already cited above in discussing Aquinas (Ch. 3); it will return in the discussion of 2.1.16 below. Antonin then introduces the scriptural progenitors of trade: the Ismaelites, whom he identifies as the ancestors of the Saracens (Arabs or Muslims) of his own day.77 In his eyes, the Saracens are a people specially associated with trade: first, because it was the original profession of Mohammed; and second, because they now make trade of Christians by capturing them and perverting them “to their perfidy.”78 They have a further association with trade, because a multitude of papal decretals have prohibited traders, on pain of papal

73 Antoninus, Summa, 3.8.1, ll. 128–129.
74 Ibid., l. 113, quoting Aristotle, possibly via Aquinas.
75 Ibid., ll. 156–157.
76 Ibid., l. 158.
77 See DMLBS, s.v. Saracenus.
78 Antoninus, Summa, 3.8.1, ll. 174–175.
excommunication, from delivering certain merchandise to Egypt or others of their lands.
Antonin passes on to warning about the dangers to salvation inherent in trade, drawing largely on familiar patristic texts collected in Gratian’s Decretum at D. 88 (discussed above, Ch. 3). He provides an exemplum for the inspiration and imitation of the faithful, drawn from the vita of the hermit St Paphnutius, of a merchant who carried out his trade in a way pleasing to God and in the end received heavenly glory rivalling that of Paphnutius himself.

As to arts introduced by vanity, typical examples are the art of silk-making, lace, embroidery, making of individualized shoe moulds, and cosmetics. It is notable that these are among the arts or industries for which Antonin’s own city of Florence was, and continues to be, justly famous. Antonin passes brief judgment on these arts, noting that they are often misused, abused, and thus debased, though they can be used fittingly by those for whom they are appropriate if they employ them in a restrained manner.

The third principal part, ‘necessary perseverance,’ provides the conclusion of the whole sermon. Its inspiration is a saying attributed to Pope Anacletus: “Diligence is the mother of the works of each art.”\textsuperscript{79} This is the meaning of the thema’s saying that man shall go forth to his labour until the evening, “that is, the end of life.”\textsuperscript{80} Here Antonin’s exemplum is of conduct to be avoided: he cites the ‘son of inconstancy,’ a parable which originated in a thirteenth-century pseudo-Boethian work, De disciplina scholarium, and in Antonin’s time had become proverbial.\textsuperscript{81} Finally, the reward for persevering in labour is held out to the faithful: Call the labourers and give them their reward,\textsuperscript{82} “the reward, namely, of glory.”\textsuperscript{83}

The principal sources employed by Antonin in developing this sermon are theological. The books of the Bible provide, by a wide margin, the majority of Antonin’s quotations and citations. In the second place come Church fathers quoted via Gratian’s Decretum and, to a lesser extent, Peter Lombard’s Sentences. A few points in the sermon are supported by references to

\textsuperscript{79} Anacletus, Epistola cunctis fidelibus (Pseudoisid., 1, 8) in D. 83 c. 6 (Nihil).
\textsuperscript{80} Antoninus, Summa, 3.8.1, ll. 214–217.
\textsuperscript{81} Boethius (pseudo), De disciplina scholarium, ed. Olga Weijers (Leiden: Brill, 1976), 104–108.
\textsuperscript{82} Matthew 20:8.
\textsuperscript{83} Antoninus, Summa, 3.8.1, ll. 224–225.
canon law, including the Liber Extra and papal decretales extravagantes. Similarly, a small number of notions drawn from philosophy are employed, cited from Aristotle, Averroës, and Albert the Great. Although citations of Thomas Aquinas are few, nevertheless several common scholastic doctrines are employed in this sermon whose formulation Antonin probably received from Aquinas. Finally some other works are cited only once, such as those of Seneca, pseudo-Boethius, and the anonymous Vitae patrum. Hugh of St Victor likewise is cited only once, though he provides the key sententia which structures the development of the second part of the thema.

**Liceity of contracts: Summa 3.8.2**

In the next chapter, 3.8.2, *On the various kinds of contracts*, Antonin provides a list of the different kinds of contracts in which property rights are transferred, and a summary of the conditions for their liceity. The list of contracts is standard among the late-medieval moralists, who inherited it from Roman law *via* medieval civilian and canonical jurisprudence. Antonin’s method of classifying them will be discussed below. About their liceity, Antonin says, in sum: these contracts are all licit per se if the due circumstances are observed; they become illicit if one or more of the circumstances is disordered. This is an application of the doctrine of the ‘sources of morality.’

Chapter 3.8.2 is not arranged as a sermon. Its structure is as follows:

I. Division into two articles [4–6]: in translatione rerum,
   (1) aliquando transfertur dominium rei,
   (2) aliquando [transfertur] solu sum usus rei retento dominio.

II. First article [6–47]: de translatione rerum.
   Six ways in which ownership of a thing is transferred [6].
   (1.1) Donatio [7–11].
      It is noted here that this first mode is liberal, the following five illiberal.
   (1.2) Permutatio [12–17].
   (1.3–4) Emptio-venditio [18–24].
   (1.5–6) Mutui datio-acceptio [25–28].
   (1.7) Liceity of these six conveyances [29–47].

III. Second article [48–79]: de translatione usus.
   Six methods as it were corresponding to the aforesaid six [49–50].
   (2.1) Commodatum [51–55].
   (2.2) Accommodatio [56–59].
(2.3–4) Conductio-locatio [60–67].
(2.5–6) Pignus-ypotheca [68–79].

IV. Corollary [80–104]: de fraude legi.
Four ways in which evasion of the law is committed [85].
(3.1) De re ad rem [86–91].
(3.2) De persona ad personam [92–96].
(3.3) De uno contractu ad alium [97–101].
(3.4) De uno contractu ad alium alio modo [102–104].

This chapter, unlike the preceding and following ones, does not proceed per modum sermonis but rather per modum doctrinae, “by the method of teaching.”84 It is very brief. First, Antonin enumerates six recognized types of contract by which ownership is transferred, and then six types of contract by which the use of a thing is transferred without transferring ownership. The contracts by which ownership is transferred are: donation (donatio), exchange (permutatio, and the innominate contracts are also in this category),85 purchase and sale (emptio-venditio), and giving and receiving a loan (mutui datio-acceptio). “And these six contracts are licit when they are carried out in due manner.”86 Antonin then briefly lays out basic conditions for the liceity of each of these types of contract, e.g., that they be free of fraud, that there be no excess or defect of price, that they involve no usury. The contracts by which use is transferred are: loan for use (commodatum), accommodation (accomodatio), hire and lease (conductio-locatio), pledge and mortgage (pignus-ypotheca). In this list, Antonin states the conditions for liceity as he enumerates the individual contracts; the conditions correspond to those of the contracts which transfer ownership.

This first part of the chapter has a parallel in an article of St Bernardino of Siena’s treatise on contracts.87 From verbal similarities it appears that Antonin drew upon Bernardino’s exposition, but adapted it to his own purposes: for example, Antonin applies a different division of the contracts — Bernardino divides them into mere liberalis and secundum quid liberalis — and enumerates them in a different order. The placement of pignus as a contract

84 Antoninus, Summa, 2 prologus (M: fol. Iir, hand G).
85 On the innominate contracts see Antoninus, Summa, 3.8.2, ll. 34–35.
86 Ibid., l. 29.
87 Bernardinus Senensis, De evangelio aeterno, 32, 3 (Opera omnia, 4:134–9).
corresponding to *mutuum* is not found in Bernardino; Antonin admits that it has only “some similarity, though small.”\(^{88}\)

The final part of this chapter is a corollary on ‘evasion of the law,’ which is committed by one who “respects the words of the law but circumvents its intention.”\(^{89}\) This subject is pertinent to the liceity or morality of contracts, since a formally legal contract may be the vehicle for subversion of the law’s intent, as in the oft-cited case of hidden usury. The rest of the chapter, defining the four types of evasion of law, is an adaptation of the *Glossa ordinaria* to C. 14 q. 3 c. 3 at the word *precepta*. Antonin quotes each sentence of the gloss, with few or no changes of wording, as the leading sentence of a paragraph, then expands upon each point with his own explanation of relevant cases.

In this chapter, Bernardino of Siena and the *Glossa ordinaria* to the *Decretum* are the major texts from which Antonin directly draws material. The other sources cited in this chapter are entirely legal: from canon law, Gratian’s *Decretum* and its gloss, the *Liber Extra*, and the *Liber Sext*; from civil law, the *Digest*.

The list of named contracts employed here comes from Roman law. It has often been noted that the Roman law of contract was based on distinct types of discrete transactions (‘contracts’), each with its own set of rules.\(^{90}\) Each ‘contract’ had its own name, e.g., *stipulatio*, *emptio*, *pignus*. These Roman contracts became part of the general jurisprudential apparatus in medieval Europe. Antonin, like other late-medieval moralists, makes use of them when he addresses the obligations of justice in business transactions. Various ways of dividing these contracts into categories were attempted across the periods of Roman and medieval civilian jurisprudence. One such distinction, of great practical significance in law and employed both in Justinian’s time and in the high middle ages, was between contracts *stricti iuris* and *bonae fidei*.\(^{91}\)

The most influential classification, however, was the one employed by Gaius and adopted by

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\(^{89}\) C. 14 q. 3 c. 3 *glossa ord.* *s.v. precepta*; quoted in Antoninus, *Summa*, 3.8.2, ll. 81–82. On the concept of *fraus legi facta* see Dig. 1.3.30 and Berger, *Dictionary of Roman Law*, *s.v.*

\(^{90}\) See, for example, du Plessis, *Borkowski’s Textbook on Roman Law*, 259–60.

\(^{91}\) On early Roman classification schemes see ibid., esp. Ch. 9, 256ff.
Justinian, which divides contracts according to the means by which the obligation is contracted: consensual contracts, verbal contracts, contracts re, and contracts litteris. This division of contracts, however, does not correspond to the division Antonin employs in 3.8.2: the contracts listed by Antonin, i.e. contracts in which property rights are transferred, include some contracts re and some consensual contracts, but not all of the latter (e.g. societas, mandatum are omitted). It appears that Antonin and Bernardino are experimenting to find a classification scheme which best answers to the requirements of their moral and pastoral priorities; as mentioned, Bernardino divides these contracts between liberal and illiberal, while Antonin divides them between those which transfer ownership and those which only transfer use. This sort of experimentation in contract doctrine was continued by jurists and moral theologians of the late fifteenth and sixteenth centuries; compare, for example, the novel division imposed by Jean Bodin in his Iuris universi distributio (1578).

This chapter is followed in the Summa by two more about merchants and artisans, 3.8.3 and 3.8.4. I intend to edit and translate those chapters for future publication.

**Questions on buying and selling and the just price: Summa 2.1.16**

The final chapter edited herein comes from the second part of the Summa in the lengthy treatise on the seven capital vices, from the title on avaritia ‘greed.’ Under the rubric of ‘greed’ the scholastic moralists were accustomed to deal with all kinds of ‘economic’ sins. Antonin is no exception; the first fifteen chapters of the title de avaritia, after several general sermons and two chapters on simony, deal with: usury and its various kinds; disguised usury and.

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95 On this see Langholm, Merchant in the Confessional, 261–3.
cooperation in usury; the public debts (montes) of the Italian cities and the controversy over trading in debt credits; robbery; unjust taxes, tolls, imposts, and forced loans (prestanze); and theft with its various means, including unjust prescription.

This chapter, 2.1.16, *On fraud* in the form of a sermon, is by a wide margin the longest of the three edited herein. It has three sections. In the first, Antonin shows what sort of trade is entirely virtuous and is recommended in Sacred Scripture, namely spiritual trade, which is symbolized by the merchant seeking good pearls. In the second section, Antonin deals with ‘criminal trade,’ which is vicious and to be avoided. Here he presents a comprehensive exposition of the doctrine of the ‘sources of morality’ as applied to trade; i.e., the ways in which trade can become wicked because of a disorder in end, object, or due circumstances. He examines this according to the traditional seven circumstances of a human act: why, who, when, where, by what aids, how, what. In the third section, on ‘temporal trade,’ Antonin considers the moderation or restraint required in exercising licit trade, as regards the price given or received. This section could be considered an eighth circumstance: assuming all the first seven due circumstances are observed, the final circumstance to be considered is the price, which has its own requirements in order for the whole contract to be virtuous. In sum: merchandise must be exchanged at a just price, i.e. a price which equalizes the value of what is given and what is received. Antonin expounds the doctrine of the just price in detail. First, he considers what causes prices, i.e., the nature and origin of economic value. Second, he considers the latitude which pertains to the just price, employing the doctrines of laesio enormis, free bargaining, and Aquinas’s double rule. Finally, he considers what is the consequence of an excess in price (too high or too low), and here there are three kinds of excess. The first two are unjust, namely excess against law and excess against conscience. The third, however, is neither unjust nor sinful, namely inadvertent minor excess.

Chapter 2.1.16, in the form of a sermon, has the following structure:

I. Thema [3–12]: *Quoniam non cognovi negotiationem, introibo in potentias Domini; Domine, memorabo iustitie tue solius* (Ps 70:15–16).

II. Division of the thema into three principal parts [12–17]. Note the parallelism.

   Triplex est genus negotiationis:
   (1) Prima est mundialis et scelesta et ideo cavenda: *Quoniam non cognovi*
II. Development of the thema [18–572].

The majority of the sermon proceeds by development of the thema, beginning from the second principal part, with each part subdivided in turn.

(1) De negotiatione spirituali [18–76].

This part is divided [25–30] into three regions where spiritual trade is carried out.

(1.1) Prima est regio celestis, in qua manifestatur Dei potentia ad remunerandum [31–47],

(1.2) Secunda est terrestris, in qua declaratur Dei potentia ad creandum et gubernandum [48–60],

(1.3) Tertia est in inferis, ubi comprobatur potentia Dei ad cruciandum [61–76].

(2) De negotiatio mundiali [77–292].

This part is divided [87–95] according to the seven circumstances of a human act, by which the act of trade can become iniquitous and to be avoided.

Septempliciter autem negotiatio est iniqua et cavenda:

(2.1) Ratione finis cupidii [96–133].

(2.2) Ratione persone clerici [134–161].

(2.3) Ratione temporis feriati [162–176].

(2.4) Ratione loci sacra[177–204].

It is noted at this point that profits gained through trade involving the above four undue circumstances should be paid out upon the poor, with direction giving about how this should be preached and counselled in the confessional [192–204].

(2.5) Ratione consortii iniji [205–234].

(2.6) Ratione medi iniqui [235–266].

(2.7) Ratione materie mal[267–292].

(3) De negotiatio tempore modesta [293–572].

The third principal part is divided [310–313] according to the three ways by which trade may be carried out against the justice of God. Only the first member of the division is developed in this sermon; the remaining two are left for the next sermon in 2.1.17.

(3.1) Ex iniqua appretiatione.

(3.2) Ex varia sophisticatione vel fraudatione.

(3.3) Ex illicita permutatione.

Development of the first member.

(3.1) Ex iniqua appretiatione [314–572].

The development of the first member proceeds through further divisions.

Pro pleniori declaratione materie tria videnda sunt [333–336]:

(3.1.1) Unde accipiendus sit debitus valor rei [337–379].

Ipse valor rerum ... tripliciter pensatur [349–350]:
The next member is introduced here [371–379].

(3.1.2) Que sit latitudo competens valoris rei [380–433].

Tripliciter hoc [latitudo] innotescere potest [381–382]:
(3.1.2.1) Ex iure [383–408].
(3.1.2.2) Ex consuetudine [409–419].
(3.1.2.3) Ex discretione [420–433].

(3.1.3) Quid dicendum quando fit excessus valoris rei [434–574].

Tripliciter potest fieri excessus in pretio rerum ... vel defectus [435–436]:
(3.1.3.1) Excessus ultra dimidiam iusti pretii [436–458].
(3.1.3.2) Excessus notabilis infra dimidiam iusti pretii [459–484].
(3.1.3.3) Excessus minor [485–506].

Si fiat diminutio vel excessus iusti pretii in contractibus in modicho, non est necesse restitutionem fieri, ad quod probandum inducunt triplicem rationem [504–506]:
(3.1.3.3.1) Ratione pacis et salvationis [507–517].
(3.1.3.3.2) Ratione mutae concordationis [518–530].
(3.1.3.3.3) Ratione humane extimationis [531–542].
(3.1.3.3.4) Si quis autem obstaret et diceret, ... [543–572].

III. Conclusion [573–4].

The conclusion explains that the second and third members, (3.2) ex varia sophisti
catione vel fraudatione and (3.3) ex illicita permutatione, are left to the next sermon in 2.1.17.

The subject of this chapter is buying and selling, i.e. ‘trade’ (negotiatio). The thema is a
verse of Psalm 70: Because I have not known trading, I will enter into the powers of the Lord: O Lord, I
will be mindful of thy justice alone.96 This is a text frequently cited in the Latin tradition: for
example, in D. 88 it is quoted by Pope Gelasius,97 and it is employed by St Augustine in a
discussion of the liceity of trade.98 Bernardino of Siena took this same text as the thema of a

96 Psalm 70:15–16. This Latin version, with the reading negotiationem (-es), is from the Vaticanus
text of the Septuagint, which the Roman Psalter follows (Lefèbure, Injustice, 226–7; George L. Haydock,
Haydock’s Catholic Bible Commentary [New York: Dunigan and Bro., 1859], Ps 70.15 s.v. Learning). The
Vulgate reads: Quoniam non cognovi litteraturam, “because I have not known learning.” The Glossa
ordinaria transmits the reading negotiationem (-es) alongside the Vulgate’s litteraturam.

97 Gelasius, Epistola ad episcopos per Lucaniam, 17, in D. 88 c. 2 (Consequens).

98 “Quoniam non cognoui litteraturam: Aliqu i codices habent ‘negotiationes’ in quo diuersitas
interpretem sensum ostendid, non errorem inducit.” Augustine, Enarrationes in Psalmos, Ps 70, 1, 17–20, in
D. 88 c. 12 (Friedberg, 1:309–10). “Because I have not known learning. Some manuscripts have tradings, in
which the difference shows the sense of the interpreters, and does not induce error,” (Silano, Concord).
This canon is mentioned above in Ch. 3.
sermon on the subject Quo pretio aestimari debeant res venales, et de culpa vendentium res maculatas.\textsuperscript{99} Nevertheless, Bernardino’s division and development of the \textit{thema} is quite different from that of Antonin in 2.1.16.

Antonin sets up the division of the sermon by pointing out an apparent contradiction between the \textit{thema} and the Lord’s parable of the talents in Luke 19, where the servants are told, \textit{Trade till I come.}\textsuperscript{100} In scholastic fashion, Antonin resolves the dilemma by means of distinction and definition: “the \textit{genus} of trade is of three kinds.”\textsuperscript{101} This provides the division of the \textit{thema}. The rest of the sermon will proceed by development of each of the three principal parts of the \textit{thema}. Trade is divided into spiritual trade, which is honest; worldly trade, which is dishonest; and temporal trade, which is modest.

Spiritual trade is recommended by the Lord in a parable in Matthew 13: \textit{The kingdom of heaven is like to a merchant seeking good pearls, who when he had found one pearl of great price, went his way, and sold all that he had, and bought it.}\textsuperscript{102} Antonin interprets this as signifying the Church militant (i.e. the Church in this world) and each of the faithful in it;\textsuperscript{103} he divides the subject according to the three regions in which the merchant proverbially travels to carry out his spiritual trade: in heaven, on earth, and in hell. To each region, Antonin applies the parable, explaining what is the pearl of great price to be found therein, and what is the money with which it is bought. In heaven, the pearl of great price is the “glory of the divine intuition,”\textsuperscript{104} and the money to buy it is grace: “Nothing is cheaper when bought, nothing is of greater price when possessed.”\textsuperscript{105} On earth, the pearl of great price is wisdom, and the money is the “labour of curbing and moderating one’s passions.”\textsuperscript{106} In hell, the pearl of great price is indulgence, “that

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101 Antoninus, \textit{Summa}, 2.1.16, l. 11.
102 Matthew 13:45–6.
103 This is a typical use of the allegorical and moral senses of Scripture. See Mulchahey, \textit{Dominican Education}, 410, and the references therein.
104 Antoninus, \textit{Summa}, 2.1.16, l. 33.
\end{flushright}
is, the remission of the penalty of eternal fire or of temporal purgatory,” and the money is penance. This part of the sermon, on spiritual trade, is much briefer than the next two parts. It is less doctrinal and more oriented towards edification and exhortation. Scriptural quotations constitute by far the most frequent source, with a few quotations embedded from Church fathers (mostly via Gratian or Aquinas) or other sources, including a hymn from the breviary and a verse from the poet Vergil.

In turning to dishonest worldly trade, the sermon shifts toward a more doctrinal orientation. Antonin expounds here the seven circumstances which can make trade iniquitous, unjust, and to be avoided. These circumstances correspond to the classical seven circumstances of a human act:

1. Cur (‘why’), “because of end: greed.”
2. Quis (‘who’), “because of person: cleric.”
3. Quando (‘when’), “because of time: holiday.”
4. Ubi (‘where’), “because of place: sacred.”
5. Quibus auxiliis (‘by what aids’), “because of combination: unjust.”
6. Quomodo (‘how’), “because of means: iniquitous.”
7. Quid (‘what’), “because of matter: evil.”

This is another place where Antonin’s exposition has much in common with a sermon of Bernardino of Siena. Nevertheless he has adapted the material for his own purposes, applying

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107 Antoninus, Summa, 2.1.16, ll. 61–63.
108 Aquinas’s explanation: “Tully, in his Rhetoric, gives seven circumstances, which are contained in this verse: “Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando—who, what, where, by what aids, why, how, and when.” ... But Aristotle in Ethic. iii, 1 adds yet another, to wit, ‘about what,’ which Tully includes in the circumstance ‘what.’” Aquinas, Summa theologiae, 1a 2ae q. 7 a. 3 co. Cfr Hostiensis, Summa aurea, 5.38 §. 50 (col. 1811).
109 A twentieth-century explanation: “Moral circumstances are those moral conditions which are added to and modify the already existing moral substance of the act. ... From the earliest times it has been customary to list seven circumstances contained in the following verse ...” Dominic M. Prümmer, O.P., Handbook of Moral Theology, trans. Gerald W. Shelton (Cork: Mercier Press, 1956) 21–2.
110 Bernardinus Senensis, De evangeli aeterno, 33, 2, 1–7. “Fit autem ex septemplici circumstantia illicita mercantia: primo, ex circumstantia personae; secundo, ex circumstantia causae; terto, ex circumstantia temporis; quarto, ex circumstantia loci; quinto, ex circumstantia consortii; sexto, ex
some of the circumstances differently: for example, where Bernardino has *circumstantia communis damni*, Antonin has *ratione materie mali*, and Antonin’s interpretation of *consortium*, ‘combination,’ is quite different. Analysis of trade according to the circumstances which can render it illicit has a long scholastic pedigree: Raymond of Peñafort led the way in his *Summa de paenitentia*, employing, however, only the first four of Antonin’s circumstances.\(^\text{111}\) Hostiensis employed a similar scheme in his *Summa aurea* in the title on penance, at the place where he discussed restitution of wrongly acquired goods.\(^\text{112}\) The major sources for Antonin’s discussion as a whole are Thomas Aquinas in the *Summa theologiae, secunda secundae*, q. 77; Raymond of Peñafort, *Summa de paenitentia*, 2.8; Hostiensis, *Summa aurea*, 5.38 on penance; and Bernardino of Siena, *De evangelio aeterno*, sermon 33.

It is not necessary here to expound Antonin’s treatment of each circumstance in more than summary form. Only a few points will be highlighted. The explanation of the circumstance of end, ‘greed,’ is based on Aquinas, *secunda secundae*, q. 77 a. 4, which was already discussed above in Ch. 3. The circumstance of person, ‘cleric,’ weaves together the substance of three texts: Aquinas’s reply to the third objection in q. 77 a. 4; Raymond of Peñafort’s explanation of the circumstance of person; and the corresponding circumstance in Bernardino of Siena’s sermon on this subject.\(^\text{113}\) The circumstance of time, ‘holiday,’ however, owes little to these three


\(^{112}\) Hostiensis, *Summa aurea*, 5.38 §.61 (col. 1858–9). Hostiensis writes, for the circumstance of ‘end,’ *fraudulenta intentione*, synonymous with *iniusto exercitio*.

\(^{113}\) Aquinas, *Summa theologiae* 2a 2ae q. 77 a. 4 ad 3; Raymundus de Pennaforti, *Summa de paenitentia* 2.8.1 (Ochoa-Diez, 1B:559); Bernardinus Senensis, *De evangelio aeterno* sermo 33, 2, 1 (Opera omnia, 4:145–6). The authorities Antonin cites are those cited by the former three authors, except for the citation of Pope Leo (“difficile est ...”) in *De pen.* D. 5 c. 2, and Psalm 100:6 (*ambulans in via immaculata*), both of which appear to be Antonin’s additions. Cfr also Hostiensis, *Summa aurea* 5.38 §.61 (*Restitutio male acquisitorum quibus, et qualiter, et inquantum sit facienda*) (col. 1858–9).
sources; it does suggest some debt to Raymond of Peñafort’s title *de feriis*,\textsuperscript{114} which provides precedent both for interpreting the Third Commandment as forbidding ‘servile works’ and for classifying trade among these.\textsuperscript{115} Antonin adds a pastoral note that moderate trading in the markets on feast days can be licit if the proper officies have been heard;\textsuperscript{116} he attributes this *sententia* to Peter of la Palud.\textsuperscript{117} On place, ‘sacred,’ namely trade in a church, Antonin’s discussion does not draw conspicuously on any of the usual sources. It is a straightforward declaration of why this is forbidden, with the Gospel of John the only source cited.\textsuperscript{118} Antonin does raise the question, “what about those selling candles there?,”\textsuperscript{119} and provides the requirements for this activity to be licit.

At this point, Antonin adds a pastoral note about what is required of the profits gained in trade carried out in one of the four aforesaid circumstances. Addressing the clerical reader, his instruction is to preach and counsel penitents that such profits should be paid out on the poor. “Nevertheless, this does not seem to be of necessity for salvation.”\textsuperscript{120} He briefly indicates the grounds for his opinion and then explains that this need not be mentioned, because,

it is not proper to open up every truth in preaching, because of the danger of people prone to loosening the conscience abusing the sentences of truth.\textsuperscript{121}

\begin{footnotes}
\textsuperscript{114} Raymundus de Pennaforti, *Summa de paenitentia*, 1.12 §4 (In diebus festivis) (Ochoa-Diez, 1B:398–9).
\textsuperscript{116} Antoninus, *Summa*, 2.1.16, ll. 169–173.
\textsuperscript{117} I have not found this *locus* in Peter of la Palud. The relevant volume is *Quartus sententiarum liber* (Paris, 1514).
\textsuperscript{118} John 2:16. *Et his qui columbas vendebant, dixit : Auferte ista hinc, et nolite facere domum patris mei, domum negotiationis.* “And to them that sold doves he said: Take these things hence, and make not the house of my Father a house of traffic.”
\textsuperscript{119} Antoninus, *Summa*, 2.1.16, l. 186.
\textsuperscript{120} Ibid., ll. 193–194.
\textsuperscript{121} Ibid., ll. 200–202.
\end{footnotes}
The remaining types of illicit trade, which occupy the rest of the sermon, constitute violations of justice; therefore, any profits gained by means of them are not to be paid out as alms but rather must be returned to the owner who suffered loss.\textsuperscript{122}

The next circumstance, combination, ‘unjust,’ appears most indebted to Hostiensis;\textsuperscript{123} towards the end of the section, there are also elements drawn from Bernardino of Siena.\textsuperscript{124} In this circumstance, Antonin condemns monopolies and cartels, drawing on both canon and civil law, and also warns those who join in partnerships with monopolists or unscrupulous businessmen that they become implicated in their sins. He also says that, where a legally established price exists (by ecclesiastical or, “what is better done,” municipal law)\textsuperscript{125} then merchants may not increase their prices beyond it without sin.

Coming to the circumstance of means, ‘wicked,’ Antonin says: “Trade is illicit because of means, that is, when one trades using perjuries as a means, and lies, and duplicities.”\textsuperscript{126} Antonin proceeds largely by weaving together and glossing Raymond of Peñafort and Hostiensis on the same subject, with some reference to Aquinas.\textsuperscript{127} The substance of the discussion is devoted to which such sins are mortal and which are venial. “Now about lies, Raymond says that if they do this in order to deceive, they also sin mortally, and are bound to make restitution of the thing over which they committed deception.”\textsuperscript{128} A difficulty of interpretation raised by the gloss on Peñafort’s \textit{Summa} is dealt with. There follows a discussion on lying in order to keep oneself indemnified (a venial sin), which is quite close in wording to Bernardino of Siena.\textsuperscript{129} Another difficulty of interpretation is dealt with, this time raised by a \textit{sententia} of Hostiensis, with

\footnotesize
\begin{itemize}
\item \textsuperscript{122} On this point, see Noonan, \textit{Scholastic Analysis of Usury}, 30–31, who cites this place in Antonin’s \textit{Summa} for ‘a clear and traditional distinction between unjust profit and \textit{turpe lucrum},’ as well as Aquinas, \textit{Summa theologiae}, 2a 2ae q. 62 a. 2, and Raymundus de Pennafort, \textit{Summa de paenitentia}, 2.7.5.
\item \textsuperscript{123} Hostiensis, \textit{Summa aurea}, 5.38 §. 61 (col. 1859).
\item \textsuperscript{124} Bernardino Senensis, \textit{De evangelio aeterno}, 33, 2, 7 (in the section \textit{de circumventionibus malitiosis}) (\textit{Opera omnia}, 4:153–4).
\item \textsuperscript{125} Antoninus, \textit{Summa}, 2.1.16, ll. 216–218.
\item \textsuperscript{126} Ibid., ll. 235–236.
\item \textsuperscript{127} Raymundus de Pennafort, \textit{Summa de paenitentia}, 2.8 §.5 (\textit{De poena eorum qui cum iuramentis et mendaciis emunt vel vendunt}) (Ochoa-Diez, 1B:563–4); Hostiensis, \textit{Summa aurea}, 5.38 §. 61 (col. 1859); Aquinas, \textit{Summa theologiae}, 2a 2ae q. 77 a. 2 co.
\item \textsuperscript{128} Antoninus, \textit{Summa}, 2.1.16, ll. 242–244.
\item \textsuperscript{129} Bernardino Senensis, \textit{De evangelio aeterno}, 33, 2, 7 §.1 (\textit{de mendaciis multis}) (\textit{Opera omnia}, 4:152).
\end{itemize}
Antonin taking Aquinas’s side contra the jurist. Antonin’s final word on the subject of wicked means: “about duplicities which are committed in trade, and frauds,” it must be said that they are “mortal when a notable deception of neighbour is intended, otherwise [they are] venial.”\textsuperscript{130}

The final circumstance is matter, ‘evil,’ which applies to trades which are evil in “the nature of the thing itself, as usury, simony, and suchlike.”\textsuperscript{131} Apart from the opening paragraph (adapted from Peñafort), Antonin does not make conspicuous use of any of his four standard sources.\textsuperscript{132} First, Antonin briefly explains that all must abstain from trading in things which cannot be used without mortal sin, or which are commonly used for evil. This subject is dealt with at other places in the \textit{Summa}, including the brief discussion in 3.8.1 of arts which serve vanity, and in other chapters of part two.\textsuperscript{133} Next, Antonin mentions certain doubtful matters, namely trading in the various public debt instruments of Italian communes, “which some say are licit, some illicit and usurious.”\textsuperscript{134} These are discussed by Antonin at great length in 2.1.11 (\textit{De materia montis de Florentia et imprestitarum Venetiis et locis Ianuensium, utrum scilicet sit licitum recipere tales redditus ...}), where “arguments are set out that favour both sides.”\textsuperscript{135} A major source for that discussion is Lorenzo Ridolfi, whose ‘tutiorist’\textsuperscript{136} position is what Antonin recommends: “therefore this is not to be facilely condemned, and what is safer should be counselled.”\textsuperscript{137}

\textsuperscript{130} Antoninus, \textit{Summa}, 2.1.16, ll. 263–266.
\textsuperscript{131} Ibid., ll. 292–293; quoting Raymundus de Pennaforti, \textit{Summa de paenitientia}, 2.8.6 (\textit{An liceat facere vel vendere gladios, venena et ornamenta}) (Ochoa-Diez, 1B:564–6).
\textsuperscript{132} The argument is similar at the general level to Peñafort’s at the place just cited.
\textsuperscript{133} E.g., Antoninus, \textit{Summa}, 2.1.17 (\textit{De variis fraudibus que commictuntur in negotiando}); 2.1.23 (\textit{De turpi lucro et ibi de ludo alearum}); 2.4.5 (\textit{De presumptione noutatum et ibi agitur de ornatu mulierum inordinato}).
\textsuperscript{134} Ibid., 2.1.16, ll. 286–288.
\textsuperscript{135} Ibid., 2.1.16, ll. 290–291.
\textsuperscript{136} “Ridolfi finally recommends a tutiorist position: “in doubt choose the safer way,” that is, the position in favour of the moral principle. In the present case, this translates into abstention from the market in \textit{monte} credits, which Ridolfi claims has always been his own practice. Contrast Peter of Anchariano, who argues that the principle of “in dubio via tutor est eligenda” has no application here” (Julius Kirshner, “From Usury to Public Finance: The Ecclesiastical Controversy over the Public Debts of Florence, Genoa, and Venice (1300–1500),” [PhD thesis, Columbia University, 1970], 200; quoted in Armstrong, \textit{Usury and Public Debt}, 373). See Lorenzo Ridolfi, \textit{Tractatus de usuris}, 2 q. 7 and 3 co. (Armstrong, \textit{Usury and Public Debt}, 180, 249).
Finally, Antonin comes to modest temporal trade, that is, trade which is exercised in accordance with the justice of God. After introducing the subject in general, Antonin again divides it:

Now just as God’s justice, that is justice according to God, is served when, in trading, a just price, not an excessive one, and the whole thing due, not counterfeited, is given, and an equitable exchange: so also by contrast, those engaged in trade, with the word taken in a wide sense for buyers and sellers, transgress against God’s justice in three ways:
1. By wrongful appraisal.
2. By various tricks and frauds.
3. By illicit exchange.\(^\text{138}\)

The latter two types of transgression are left out of this sermon, and taken up again in the next one, Summa 2.1.17. The rest of the sermon in 2.1.16 is about the ‘just price.’ It is the most doctrinally sophisticated and pastorally complex component of the sermon. Four sources predominate in this section: Thomas Aquinas, secunda secundae, q. 77 a. 1; John Duns Scotus, Quaestiones in librum quartum Sententiarum (Collationes Oxonienses), d. 15, q. 2; Bernardino of Siena, De evangelio aeterno, sermon 35, a. 1; and, via Bernardino, Peter John Olivi, Tractatus de contractibus, part 1 q. 1. The central moral principle is established in the introductory paragraph: “a good cannot licitly be sold for more than it is worth, neither can it be bought for less; with their value reckoned with respect to our use, and a probable judgement of human estimation measuring the value of the thing within the limits of the applicable latitude.”\(^\text{139}\) The elucidation of each component of this thesis is then divided into three subjects: the origin of value in exchange (i.e. economic value), the latitude of this value, and the consequences which follow when a thing is exchanged at an excessive or defective value (i.e. price).

The origin of economic value is introduced by employing the twofold doctrine of value drawn from Augustine and employed by both Aquinas and Scotus;\(^\text{140}\) everything has two kinds

\(^{\text{138}}\) Ibid., 2.1.16, ll. 307–313.
\(^{\text{139}}\) Ibid., ll. 330–333, repeating verbatim Bernardinus Senensis, De evangelio aeterno, 35, 1, 2 (Opera omnia, 4:191–2).
\(^{\text{140}}\) Discussed above, Ch. 3, in the section on Aquinas.
of value, natural value and use-value. Use-value, that is, value taken according to things’ utility for human purposes, is the sort of value which is relevant to buying and selling. The explanation of use-value which follows is an essentially complete transcription of Bernardino of Siena transmitting Peter John Olivi, with a few small changes of wording. This use-value in a thing for sale is assessed, according to Antonin following Bernardino and Olivi, from three factors. The first factor, *virtuositas*, touches a thing’s real powers, properties, and efficacy for human use. The second, *raritas*, touches scarcity and difficulty of acquisition. This factor, Antonin notes, varies with time; he does not mention place, though he certainly understood that scarcity applies to place as well. *Complacibilitas* touches attractiveness: “no small part of the value of things for sale is assessed from how pleasing they are to the will.” This threefold scheme of value was reckoned as an impressive and subtle piece of analysis by the economic historians Raymond de Roover and Joseph Schumpeter. In addition to specifying scarcity on the supply side, on the demand side it specifies an objective factor pertaining to the merchandise and a subjective factor pertaining to the human buyer. While the sum of *virtuositas* and *complacibilitas* may produce a quantified ‘demand’ factor, specifying the sources of value according to Olivi’s scheme adds a certain psychological and epistemological precision.

The next matter to be considered is the latitude of this value. “The value of things for sale scarcely or never can be determined by us except by a conjectural and probable opinion; and this not to a point, ... but against a certain applicable latitude with respect to time, place, and persons.” This latitude, i.e. the boundaries of a just price, may be known in three ways: from law, from custom, and from discretion. This section follows generally, though not exactly, Bernardino of Siena. As to law: “if the price at which a thing is sold exceeds half of the just price, or the price at which it is bought fails by half of the just price, ... then according to the

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145 Bernardino Senensis, *De evangelio aeterno*, 35, 1, 2 (Opera omnia, 4:191–2). Cfr ibid., *De christiana religione*, 37, 2, 1 (Opera omnia, 1:470–2).
laws the contract is null, and to be voided by a judge, or compelled to supply the defect.”\textsuperscript{146} This is the civil- and canon-law doctrine of \textit{laesio enormis}. After introducing the doctrine, Antonin jumps ahead to the subject of notable excess or defect which does not reach the legal limit of half the just price; this anticipates his more thorough discussion in the final section of the sermon, and is better explained at that point. As to custom: quoting Scotus \textit{via} Bernardino, Antonin says, “customarily it is left to the parties to the exchange that, having reckoned up the need on either side, they consider themselves to give equivalent value, and hence to receive equivalent value.”\textsuperscript{147} therefore, Antonin concludes after further exposition, “it is probable enough that when the contracting parties are mutually content, they wish to mutually remit it to each other if, by some small measure ... they fail of perfect justice.”\textsuperscript{148} Finally, as to discretion: Antonin here explains Aquinas’s ‘double rule’ of just pricing, discussed above in Ch. 3.

The final part of the sermon addresses the consequences which follow when a thing is exchanged at an excessive or defective price. Such an excess or defect can be of three kinds: beyond half the just price, notable but less than half, or minor. The discussion proceeds argumentatively. At each point, one or more objections are introduced, which Antonin then answers in order to support the true \textit{sententia}. The first objection, a jurists’ argument, is raised against the doctrine of \textit{laesio enormis}, by which a party cheated beyond half the just price may rescind the contract or sue for a restoration of his loss. Antonin here is indebted to Bernardino of Siena, though he does not follow him exactly.\textsuperscript{149} The objection relies upon two Roman-law principles, \textit{unusquisque in re sua est moderator et iudex}, and \textit{res tantum valet quantum vendi potest} (on which see above, Ch. 3). Antonin cites the canonists Hostiensis and Antony of Budrio in reply to the objection.\textsuperscript{150}

\begin{flushright}
\textsuperscript{146} Antoninus, \textit{Summa}, 2.1.16, ll. 383–388; see the additional references provided at this place in the edition and translation.
\textsuperscript{147} Ibid., ll. 410–412; Bernardinus Senensis, \textit{De evangelio aeterno}, 35, 1, 2 (\textit{Opera omnia}, 4:193); John Duns Scotus, \textit{In quartum (Oxon.)}, d. 15 q. 2 n. 15 (18:283b–284a).
\textsuperscript{148} Antoninus, \textit{Summa}, 2.1.16, ll. 417–419.
\textsuperscript{149} Bernardinus Senensis, \textit{De evangelio aeterno}, 35, 1, 3 (\textit{Opera omnia}, 4:194).
\textsuperscript{150} See the references at Antoninus, \textit{Summa}, 2.1.16, ll. 446–458.
\end{flushright}
The second argument concerns whether a notable excess not reaching half the just price is licit and may be retained: “some say that it is licit, and one is not bound to restitution, because the laws permit this, ... but Blessed Thomas and Scotus reprove this opinion as erroneous and dangerous to the salvation of souls.”¹⁵¹ The reply, drawing on Bernardino,¹⁵² follows the lines of Aquinas’s discussion of human law versus divine law.¹⁵³ Antonin concludes by agreeing with Aquinas and with the canonistic maxim that such excess is permitted iure fori, non iure poli.¹⁵⁴

The final argument is more lengthy than the others, and is the last section of the sermon.

The third kind of excess is when in such contracts a little injury is committed, as that the thing is sold for a little more, or bought for a little less, than the just price: and then, ... some say without distinction that no sin is committed, nor is one bound to restitution, because the prices of things do not consist in a precise mathematical point, but have a certain latitude in more and less.¹⁵⁵

Against this, Antonin cautiously advances two theses.¹⁵⁶ The first thesis:

if one sells for more or buys for less than the just price against conscience, that is, believing that it exceeds the highest degree in the latitude of price, even if by a small amount, then he cannot be excused from at least venial sin, for every cheat and fraud is a sin.¹⁵⁷

The second thesis is that in such cases, although the guilty party is bound to satisfaction, this should be done by paying out the unjust gains upon the poor: restitution to the original owner is not necessary. Antonin attributes this thesis, and the three arguments by which he

¹⁵¹ Antoninus, Summa, 2.1.16, ll. 460–465.
¹⁵² Bernardinus Senensis, De evangelio aeterno, 35, 1, 2 (Opera omnia, 4:192).
¹⁵³ Aquinas, Summa theologiae, 2a 2ae q. 77 a. 1 ad 1.
¹⁵⁴ Antonin cites the maxim from Giovanni da Legnano and Giovanni Calderini, probably via Lorenzo Ridolfi. The maxim appears to have originated with Innocent IV; see above, Ch. 3.
¹⁵⁵ Antoninus, Summa, 2.1.16, ll. 485–489.
¹⁵⁶ “Nevertheless, it seems more true that we must say ...” Ibid., l. 489–490.
¹⁵⁷ Ibid., ll. 497–500.
supports it in the next section, to Gerard of Siena, O.E.S.A.,158 and John of Naples, O.P.;159 but this attribution is doubtful.160 The thesis is not found in Gerard of Siena’s treatises on usury, prescription, and restitution. John of Naples did write a Quodlibet on the just price, wherein Antonin may have found the thesis just stated.161 However, neither John of Naples nor Gerard of Siena is the true source for Antonin’s three supporting arguments: the immediate source is Bernardino of Siena, whom Antonin transcribes essentially verbatim, and who in turn selected and transcribed the arguments from Peter John Olivi’s Treatise on contracts.162 The arguments in favour of the thesis are its conduciveness to temporal peace and the salvation of souls, the mutual agreement of the parties, and the uncertainty of human estimation. Finally, the objection is raised that whatever is illicit and sinful in contracts, being contrary to divine law, cannot be of any force, and consequently cannot transfer ownership to the one sinning. The objection is

158 Gerard of Siena (Gerhardus Senensis), O.E.S.A., c. 1295–1336, a theologian who may have had legal training, author of a highly esteemed commentary on the Sentences as well as quaestiones on legal problems. His treatises on usury, restitution, and prescription have recently been edited and translated by Lawrin Armstrong in The Idea of a Moral Economy.

159 In fact, Antonin writes “Io. de Rip.,” which is difficult to construe; John of Naples is Langholm’s solution (discussed in the next note) and is the best conjecture so far.

160 Odd Langholm addresses this attribution in Merchant in the Confessional, 152 n53. This section of Antonin’s Summa was, apparently, copied in substance and perhaps even verbatim in the Interrogatorium of Bartolomeo Caimi and the Somma of Pacifico of Cerano. Langholm may have been unaware that this passage quite likely derives from Antonin’s Summa. He investigated these names as they are printed in Caimi and Pacifico’s texts, and identified the first author as Gerard Odonis making use of Olivi: Gerhardus Odonis, De contractibus, 4 (Siena BCom U.V.8, fol. 81v). As for the second author: “One of the authorities cited by Caimi and Pacifico at this point is at first sight troublesome. They refer to Decretum, II.14.5.14 and to Gerald Odonis and “Jo. de ripole”. ... As to the last-mentioned reference, recourse to the manuscript tradition solved the puzzle. In Bologna BArch A.241, which, among other things, contains Caimi’s Interrogatorium, the reference in question is to “Jo de neapolis” (f. 129ra). Checking the quodlibet collections of the fourteenth-century Dominican John of Naples, I found that Caimi’s true reference is to Quodl. IV.18: Naples BNaz VII.B.28, ff.64va–65ra, where the author discusses the question of the just price, drawing copiously on Thomas Aquinas. This correction supports the hypothesis that Pacifico of Cerano drew on Bartolomeo Caimi and not vice-versa, and that Pacifico used a corrupt text (perhaps that of the first edition) of Caimi’s Interrogatorium” (Langholm, Merchant in the Confessional, 152 n53). My own investigation, explained in the text, casts doubt on the conclusion for John of Naples as a genuine source, though this is the most probable reading of Antonin’s citation.

161 Iohannes de Regina, Quodlibeta, 4, 18 (Naples, Biblioteca Nazionale, VII.B.28, fol. 64va–65ra).

162 Bernardinus Senensis, De christiana religione, 37, 2, 1 (Opera omnia, 1:470–2); Peter John Olivi, Tractatus de contractibus, 1 q. 5 n. 52–61 (Piron, Traité des contrats, 126–135).
answered initially by a somewhat obscure and subtle distinction between the ‘intrinsic intention’ and the ‘extrinsic act;’ but finally by a *reductio ad absurdum*:

otherwise, all such illicit excesses of price shall be a mortal fault in the ones acquiring them, ... every seller or buyer would also be bound to restore every such excess, and thus everyone who did not restore it would be condemned: which is indeed an extremely evil and harsh thought.\(^{163}\)

These theses, however, “must be preached with great discretion, since the people are prone to loosening their conscience.”\(^{164}\) “And therefore whatever things are safer are what we must speak.”\(^{165}\)

This chapter is followed in the *Summa* by chapter 2.1.17, which enumerates and discusses specific varieties of fraud committed in buying and selling. As already mentioned, I intend to edit and translate this chapter for publication with 2.1.16 and the four chapters of 3.8.

2. **Purpose: Preaching, Hearing Confessions, and Consulting in the Court of Souls**

The last matter to be dealt with in this introduction to Antonin’s teaching on justice in buying and selling is its final cause. The author himself made it clear in the preamble to the first part what overall purpose he had in view for his *Summa*:

But drawn by the hunger and sweetness of truth, especially of moral wisdom, I have collected a few things which appealed to me from what it occurred to me to read. For neither does the ant gather all the food that she finds, nor the more precious, but rather what she knows is suited to her. Therefore the sublime theories enclosed in libraries I have left to the masters and those accomplished in learning. But what I have judged apt as material for preaching, for hearing confessions, and for consulting in the court of souls, I took up from many doctors in theology or experts in law; not intending to compose elegant verses, since I am unschooled and ignorant of every science, but to


\(^{164}\) Ibid., ll. 570–571, repeating Bernardino.

\(^{165}\) Ibid., ll. 571–572.
make a collection in the tradition of the friars, for me and for my confrères who were with me, whose disposition does not soar to higher things, ...

Antonin’s stated purpose for compiling the *Summa* as a whole, then, is to provide material apt “for preaching, for hearing confessions, and for consulting in the court of souls,” that is, for resolving difficult moral dilemmas. We can now proceed to examine how this purpose applies to the teaching contained in these three chapters, 3.8.1, 3.8.2, and 2.1.16.

It is helpful at this point to bring in another distinction sometimes employed in more modern moral theology. This distinction is quoted from two Dominican moral theologians of the first half of the twentieth century, the Revs McHugh and Callan, O.P., in *Moral Theology: A Complete Course*. They describe three methods which are used in moral theology:

(a) The *positive* method is a simple statement of moral principles and doctrines, with little attention to argument, except such as is found in the positive sources (e.g., Scripture, tradition, the decisions of the Church).

(b) The *Scholastic* method is a scientific statement of moral teaching through accurate definition of terms, systematic coordination of parts, strict argumentation and defense, attention to controversies, and recourse to philosophy and other natural knowledge.

(c) The *casuistic* method, or case-system, is the application of moral principles to the solution of concrete problems of lawfulness or unlawfulness.

The *Scholastic* method is the one best suited for the study of Moral Theology, because it is more scientific, and fits one better to understand, retain, and apply what one learns. But it is not exclusive of the other methods, since it perfects the *positive* method, and is the groundwork for the *case* method. Each method has a special suitability for certain

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166 “Auditate tamen et suavitatem tractus ueritatis, precipue moralis sapientie, ex his que mihi occurrerunt legenda, paucus recollegi mihi grata. Neque enim formica omnia inuenta cibaria colligit nec pretiosiora, sed que nouit sibi congrua. Illas igitur sublimes theorias in librariis comprehensas, magistris et scientia perfectis dimisi. Que autem iudicauit apta ad materias predicationum, et audientiam confessionem, et consultationem in foro animarum, accepit a doctoribus pluribus in theologia uel iure peritis; non intendens inductus et omnis scientie ignarus poemata condere, sed recollectionem facere more fratrum, pro me et meis similibus qui mecum erant, quibus nec ingenium eminet ad altiora, ...” Antoninus, *Summa*, 1 prohemium (N fol. 3v–4r, hand G). For the full passage see above, Ch. 2.

ends. Thus: (a) the positive method is well adapted to preaching, and hence was much in favor with the Fathers of the Church, as can be seen from their moral homilies and treatises; (b) the Scholastic method is the best for study, teaching, apologetic, and was followed by the great classical works of theology in the Middle Ages and later; (c) the case method is very helpful to the seminarian and the priest in the exercise of the ministry of the confessional.168

This provides some markers to look for as evidence of Antonin’s intention in his teaching. Does he tend to favour the scholastic method in these chapters, or the positive, or the casuistic? Antonin does to some extent make use of all three. Predominantly, however, Antonin employs a combination of the positive and the casuistic methods.

Taking the latter first: the clearest examples of the casuistic method are the whole of 3.8.2 and the latter sections of 2.1.16 dealing with questions about the just price. Chapter 3.8.2, in fact, corresponds to an episode in Antonin’s life recounted by Vespasiano da Bisticci:

People came to consult him about contracts, as to whether they were lawful or not, ... when he had heard all, he decided at once which contracts were lawful.169

This is a clear example of material oriented towards ‘consulting in the court of souls’ and resolving ‘concrete problems of lawfulness or unlawfulness.’ The case is similar for Antonin’s discussions in 2.1.16 about the obligation of restitution of goods acquired unjustly. This matter is of great practical importance for hearing confessions, since the confessor must decide whether to grant the penitent absolution or not; if the penitent intends to retain goods which in justice belong to another, then he lacks the purpose of amendment which is a necessary element for a valid confession. It is crucial for the confessor, then, to know how to correctly distinguish

168 McHugh and Callan, Moral Theology, introduction, n. 13–14. Cfr Prümmer, Handbook of Moral Theology, introduction (1): “Three methods are used in this science: 1. The scholastic or speculative method, which considers carefully the various moral truths, proving and defending them against their adversaries but without ignoring completely their practical applications; 2. the casuistic method, which is chiefly concerned with passing judgement on individual moral cases; 3. the ascetical method, which has for its chief subject the practice of the virtues as the means of achieving Christian perfection. The best method is one which makes use of all three without sacrificing either clarity or brevity.”

between cases in which a penitent is strictly obliged to restitution, and cases in which he is not, even if it is encouraged as part of penance and satisfaction. Hence, it is consistent with the purpose of providing material helpful for hearing confessions that Antonin takes care to distinguish between these situations in 2.1.16.

The method most used by Antonin in these chapters, however, is the positive one, which McHugh and Callan say was in favour with the fathers of the Church in their moral homilies and treatises. This is the dominant method in 3.8.1 and 2.1.16. It is fitting that McHugh and Callan distinguish the positive method as ‘well adapted to preaching,’ because Antonin arranges the material of these chapters ‘for preaching,’ per modum predicationis. Although the casual reader might overlook it, it is undeniable that these chapters are designed for use in sermons: Antonin arranges both of them according to the standard scholastic schema of the sermo modernus. As noted above, this is evident in his use of a thema and his practice of dividing the thema in parallel rhyming sentences: all hallmarks of the scholastic sermon form.¹⁷⁰ His favoured authorities also fit McHugh and Callan’s description of the positive method: he quotes the Scriptures far more often than any other source, and also makes extensive use of ‘tradition,’ i.e. patristic texts, and ‘decisions of the Church’ as contained in the Decretum and the other canon-law compilations. His attentive reading of the sermons of St Bernardino of Siena, a renowned preacher, and his occasional borrowing of large extracts from these sermons, likewise show his focus on preaching.

The purpose of these chapters can be illuminated also by contrast with works exemplifying the ‘scholastic or speculative’ method as applied to moral questions. This method, according to McHugh and Callan, is specially suitable for study, teaching, and apologetic; in the context of the late middle ages, one would expect the ideal milieu for such texts to be the university, in the faculties of arts, theology, or law. A brief comparison of some examples of

¹⁷⁰ “The difference between the two techniques, as Waleys describes it, was this: the modus antiquus consisted in a complete verse-by verse commentary on the Gospel reading of the day, while a modern sermon was based on the careful elaboration of a single selected thema, an individual line from Scripture, analogous to the lemma of biblical exegesis. ... [The thema] should contain latent within it the whole sermon [the preacher] imagined, to be drawn out through a complex yet organic development.” Mulchahey, Dominican Education, 402. Antonin’s own instructions on preaching are found in Summa, 3.18.
such texts is sufficient to illustrate the marked contrast with Antonin’s method. Here is a very brief list of scholastic texts of diverse genres, products of all three university faculties, occupied with some of the same questions which Antonin treats in these chapters.


g. Panormitanus, *Commentaria in decretales*, especially on X 3.17. Legal commentary. University of Bologna, Faculty of Law; thereafter universities of Parma, Siena.

These texts, though they originate in different university faculties and represent distinct genres, all have certain features of the ‘scholastic or speculative method’ in common. They are concerned with the systematic analysis of problems, with constructing a rational account of their solution, and with the defence of such solutions against possible objections. They tend to proceed argumentatively, frequently employing locutions such as *obiicitur* (‘it is objected’), *aliqui dicunt* (‘some say’), *sed contra* (‘but on the other hand’), *respondeo* (‘I answer’). There is freedom, indeed sometimes exercised to excess, in coordinating apparently contradictory texts or premises, and in exploring the implications of one possible answer or another. Among the authorities cited, the Scriptures occupy a relatively minor place, or at least are no more
prominent than philosophical and legal authorities, including non-Christian authors. It is not necessary to labour this point by mustering quotations from these texts or examining passages in detail, as was done in the previous chapter with Aquinas’s *Summa* and a corpus of thirteenth-century legal commentaries. The interested or skeptical reader is free to consult some of these texts and compare their method with Antonin’s in 3.8.1 and 2.1.16.

In saying that Antonin does not habitually use the scholastic or speculative method, there is an exception which can be cited in proof of the rule. This is 2.1.16’s final sections, numbered in this edition 3.1.3.1–3, on ‘excess in valuation.’ Here, as noted above, Antonin proceeds argumentatively.\(^\text{171}\) His cited authorities are modern doctors in theology and law; apparently contradictory texts are brought together and harmony is produced through distinctions. The reason for the change of method is fairly clear: there was a degree of controversy among doctors and moralists about the moral and legal obligations which truly apply in each of the situations discussed. If one is concerned with delivering the right answer, or at least the best-grounded, and the matter is not a settled one where the authorities are in agreement, then it is necessary to rely on reason as expressed and tested through argument; honesty also demands acknowledging that one’s own position is in opposition to others of high repute. Hence Antonin’s procedure is to raise the key objections, enumerate some of the chief interlocutors, state his own opinion, and provide some of the arguments in its favour or authors whom he is following. The most controversial and uncertain case would seem to be the one dealt with in 3.1.3.3, minor excess against the just price; and, at that place, he ceases to attempt to answer the objections in his own words, but transcribes several passages taken from a truly scholastic or speculative work, that of Peter John Olivi (*via* Bernardino). Another place in the *Summa* where Antonin proceeds in a scholastic or speculative fashion is in the chapter on the **monte** of Florence and other Italian cities. The reason for the speculative procedure is the same:

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\(^{171}\) Some of his typically scholastic locutions: “nec obstat si dicatur,” “respondeo,” “secundum Hostiensem,” “secundum Antonium de Butrio,” “aliqui dicunt,” “hanc oppinionem ... reprobant B. Tomas ... et Schotus,” “ad rationem ... respondet B. Tomas,” “concordant Iohannes de Lignano et Iohannes Caldridinus,” “quamvis quidam dicant ... verius tamen videtur dicendum,” “ad quod probandum inducunt triplicem rationem.” Antoninus, *Summa*, 2.1.16 ll. 434–506.
the market in monte credits was a subject of controversy and enduring dispute among the doctors, and so Antonin was obliged to rehearse the arguments and draw what seemed to him the best-justified conclusion (that of Ridolfi). All of this serves to reinforce the contrast with Antonin’s typical method in these chapters, which fits the description of the ‘positive’ method.

As to the intended audience for these chapters: initially, the foregoing discussion should suffice to clarify that the intended audience is not university students or teachers, and its intended use is not primarily in the classroom, as is the case for most or all of the contrasting exemplars of university texts. The intended audience would appear to be, primarily, Dominican preachers and confessors as well as other mendicants, and the clergy more generally, whether secular or religious, who carry the burden of pastoral care. Antonin’s characterization of those for whom he writes confirms this: “for me and for my confrères who were with me, whose disposition does not soar to higher things.” Another pair of facts support the conclusion.

First, the description of these two chapters as ‘arranged for preaching’ should be qualified: they are not fully prepared sermon texts (i.e. model sermons), ready to be preached, but rather ‘sermon material’ which would have to be adapted by the cleric to produce an actual preachable sermon. This would be straightforward, to be sure, since Antonin has provided both a collection of scriptural themata suited to the material and examples of their division and development. It is clear, nevertheless, that the chapters are not complete sermons because of the absence of a standard element of the scholastic sermo modernus: the captatio benevolentiae and invocation of divine aid at the outset of the sermon. An illustrative contrast is ready to hand, from a surviving manuscript of Antonin’s sermon notes, which provides evidence (usually only in outline) about his actual preaching practice. For instance, in his sermon for Septuagesima Sunday (1427 or 1430), Antonin concludes the opening paragraph with the expected invocation of divine aid: ... propter gratiam acquirendam: quam ut impetremus, Virginem salutabimus.172 Most of Antonin’s sermons in this collection begin with a similar invocation of divine aid through the

172 Florence, BNC, Conv. soppr. A. 8. 1750, fol. 1r; quoted from Howard, Creating Magnificence, appendix 1, 115–16.
Virgin Mary. However, neither 3.8.1 nor 2.1.16 contain such an invocation. Other common elements prescribed in scholastic sermon manuals are also absent.

Another argument against viewing Antonin’s chapters ‘arranged for preaching’ as true model sermons is that Antonin includes within 2.1.16 several asides instructing clergy on how best to preach on a given subject or on what is required in the confessional; for example, in sections 2.3 and 2.4. Note also his words at the close of the final section: these theses “must be preached with great discretion, since the people are prone to loosening their conscience,” “and therefore whatever things are safer are what we must speak.” Such asides address the clerical reader directly, and were meant to be grasped by the cleric and applied to his preaching and ministry; they show that the chapters were not meant to be simply read out verbatim by the preacher. Moreover, Antonin warns the preacher that he must have a certain circumspection in what he openly discusses with or teaches to a lay audience, more than once noting the tendency of ‘the people’ towards ‘loosening the conscience’ and ‘abusing the sentences of truth.’ Such warnings preclude Antonin’s Summa being intended for general consumption by lay and clergy alike.

The intended audience for these chapters, then, is twofold. The proximate audience is the clergy, particularly the mendicant and secular clergy who have pastoral care as a foremost duty. For these sorts of clergy, it provides a compendium of doctrine and practical advice to aid them in their ministry, especially the ministries of preaching, hearing confessions, and resolving doubtful moral questions. The remote audience is the Christian people generally, and especially those social classes and professions who habitually engage in buying and selling as part of their business. Though Antonin’s teaching was surely intended to be applicable and useful in more or less any commercial town, the social classes with whom he would have been most familiar.

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173 Their incipits and explicits are printed in Orlandi, Bibliografia antoniniana, 106–40.
174 Antoninus, Summa, 2.1.16, ll. 570–571, repeating Bernardinus Senensis, De christiana religione, 37, 2, 1 (Opera omnia, 1:470–2).
175 Antoninus, Summa, 2.1.16, ll. 571–572.
176 Ibid., ll. 200–202.
and experienced are those merchant entrepreneurs, artisans, and shopkeepers who made up the main fabric of Florentine society, discussed above in the preamble.

It was noted above that there is some ground for thinking that the society of renaissance Florence was in a state of change from a more economically traditionalist to a more capitalistic culture. Which culture would Antonin’s teaching tend to strengthen? I consider it certain that Antonin’s economic teaching, despite its reputation among business historians as sometimes anticipating more modern economic concepts, must be counted as traditionalist. The essence of Weber’s economic ‘traditionalism’ is that the goal of business and profit is the satisfaction of personal needs, rather than ‘a struggle for profit free from the limits set by needs.’ This attitude is in accord with medieval scholastic teaching: trade or business profits are only good insofar as they serve some worthy end; growth of business and increase of profits are not considered *per se* good things, neither are they considered intrinsically to bring good results in their train, whether individually or socially — though they do so often enough that it tends to be possible to make a good use of them in many situations. Antonin, like the contemporary moral manuals examined by Odd Langholm, transmits the traditional teaching.

This, I conclude, is the primary purpose of Antonin’s teaching on justice in buying and selling. Its purpose is to transmit the common doctrine of the best doctors on the liceity of commerce, the obligations of justice in business, and the particular obligation of observing equality of exchange in buying and selling; and to transmit this in a form that answers to the needs of the mendicants and the parochial clergy who carry the burden of pastoral care for their flock. Antonin provides instruction on the application of this doctrine to the hearing of confessions and counselling of penitents with moral doubts; he argues for the best resolution of difficult and controversial questions; and, where possible, he arranges the material for preaching, so that it will be readily adapted to produce a preachable sermon. Antonin’s

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177 *Weber, Protestant Ethic*, 27.
178 “There is one important conclusion that can be drawn. ... What finds its fullest and final expressions in the Franciscan summas composed at the flourishing stage of the Italian Renaissance is not, properly speaking, a Renaissance code of penitential doctrine but a medieval one.” Langholm, *Merchant in the Confessional*, 260.
teaching is pastorally oriented, and may be counted as one of the more comprehensive and sophisticated contributions to medieval *pastoralia*. The examination of these chapters, then, has tended to confirm Antonin’s own description of the end and method of his work in the *Summa*.

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Hoc peccatum est grave quia est contra Deum, contra proximum, contra se ipsum.  
Peccat avarus contra Deum in quantum propter bonum temporale divitiarum contemptit bonum ecternum. ... Item avarus peccat in proximum, cum scilicet plus debito accipit et conservat peccunias et bona alia temporalia in dampnum et nocumentum proximorum. Cum enim bona temporalia non possint simul presideri a multis, non potest unus homo in bonis temporalibus superhabundare nisi alteri deficiat, et sic avaritia est directe contra proximum. ... Tertio peccat avarus in se ipsum quia per hoc deordinatur affectus eius. Licet non deordinetur corpus sicut per vitia carnalia, substinet etiam corpus multa incommoda contra rationem. ... Est autem avaritia mortale tripliciter, et tunc gravat et deicit ad infernum: primo ratione equitatis quam offendit, secundo ratione charitatis quam excludit, tertio ratione finis quem pervertit.

This is a grave sin because it is against God, against neighbour, and against self. The avaricious sins against God in as much as for the temporal good of riches he despises the eternal good. The avaricious also sins against neighbour, namely when he takes more than he is due and hoards money and other temporal goods to the injury and harm of his neighbours. For since temporal goods cannot be owned by many at the same time, one man cannot have superabundance of temporal goods unless another lacks them, and thus avarice is directly against neighbour. Third, the avaricious sins against himself because through this his affection is disordered. Although the body is not disordered as it is

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179 In the left margin (M: fol. 97v, hand A): “secundum Thomam, 2a 2ae q. 118 a. 1; ad Ephe. 5.”
180 Ballerini prints *possideri* (2:11c).
through carnal vices, nevertheless the body sustains many inconveniences contrary to reason. Avarice, then, is a mortal sin in three ways, and moreover oppresses and throws into hell: first because of the equity which it offends, second because of the charity which it excludes, third because of the end which it perverts.
POSTSCRIPT: POSITION IN THE HISTORY OF MORAL THEOLOGY

In the course of my research I have had occasion to look up various questions in Catholic manuals of moral theology written in the first half of the twentieth century. The teaching of these moral theologians is commonly described today as the ‘manualist’ tradition. These manuals were written for the use of seminary students and faculty and as reference works for the clergy.¹ In consulting these manuals I have often been struck by the harmony of their teaching and pastoral approach with that of St Antonin as described in the chapters of this dissertation. I think that this is worth noting and bringing to the attention of those interested in the history of moral theology and the state of the discipline today. This postscript provides a few illustrations of this consistency between manualist authors and St Antonin’s teaching.

Thus the Revs McHugh and Callan, O.P., on the content and sources of moral theology:

Hence Moral Theology includes: (a) the revealed doctrines concerning man’s destiny and duty that are contained in the written and oral Word of God and as interpreted by their custodian, the Catholic Church; (b) the conclusions that are contained in revelation; (c) the duties of man to human laws that are based on the divine natural or positive law; (d) the opinions of theologians on matters that are disputed, as in the controversy about the systems of conscience.

The Sources of Moral Theology, therefore, are: (a) Holy scripture; (b) tradition; (c) the decisions of Popes, Councils, and Congregations, Laws, etc.; (d) the authority of Doctors and theologians; (e) natural reason.²

Henry Davis, S.J., on the definition and scope of moral theology:

Moral Theology is that branch of Theology which states and explains the laws of human conduct in reference to man’s supernatural destiny, the vision and fruition of God. As a science, it investigates the morality of human acts, that is, the moral good and the moral

¹ My copy of Davis, cited below, bears the stamp: “Grand Séminaire Saint-Boniface, Man.” The library copy used of Slater’s Cases of Conscience is stamped “St. Basil’s Seminary,” and the copy of Slater’s Short History is owned by the Society of Jesus’ Regis College, both in Toronto.
² McHugh and Callan, Moral Theology, introduction, n. 5–6.
evil in conduct in relation to man’s ultimate end. It is a practical science because it has to regulate action.

... Pastoral Theology is not a separate science having its own subject-matter; but it is the practical art of applying the conclusions of Moral Theology. This is done by the pastor of the Christian flock, in preaching and directing souls, and most especially in administering the Sacraments.

... Canon law is the body of church law which regulates man’s conduct as a member of the visible society of the Church, that is, it imposes a certain discipline on man in his external relations within that society. Human acts must conform to the laws of the Church, since it is, for man, a divinely appointed teacher and ruler. But it is only in this external relationship, in the *forum externum*, as it is termed, that Canon law imposes specific lines of conduct, whereas Moral Theology considers the obligation in conscience, termed the *forum internum*, that arises whenever the Church, through its canons, imposes such definite rules of conduct.

... Casuistry is merely the reasoned application of law to concrete cases, and it determines, with all possible exactitude, the limitations of law, or the bearings of law in particular cases. ... Casuistry is as necessary in the determination of morality in conduct, as it is in the reasonable interpretation of all Civil and Ecclesiastical law, and of treaties and concordats. The atmosphere of Law Courts is, as it were, charged with casuistry. All men are casuists in the innumerable affairs of everyday life, and, therefore, when the term is correctly understood, casuistry must commend itself to everyone.³

Thomas Slater, S.J.,⁴ on the end of human life:

The Christian faith teaches that the end of human life is to know, love, and serve God. If a man fulfils this obligation faithfully till death, it further gives him the assured hope of eternal happiness with God in heaven. All our actions should be directed towards the

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⁴ “Several manuals in English on Moral Theology have been published within recent years. The *Manual of Moral Theology* of Fr. T. Slater, S.J., held an honoured place for many years, but its author was unable to incorporate in the later editions of his work as much of the codified Canon law as he would have wished.” Davis, *Moral and Pastoral Theology*, preface (1:VII).
end for which the whole man exists; if an action is such that it conduces to that end, it is a good, moral action; if, on the contrary, it does not conduce to that end, it is a bad, immoral action.\(^5\)

The Rev. Slater on the sources of morality in human acts:

What have we to attend to in order to know whether an action is according to right reason or not? There are three such elements ... They are the object, the end, and the \(\textit{circumstances}\) of the action.

By the object is here meant that to which the will primarily and directly tends; that which it determines to do looked at in itself, apart from the circumstances with which the action when done will be clothed; or it is the action considered in the abstract. ... Human actions, then, derive their specific morality from the object, whenever that object is of itself conformable to rational human nature or, on the contrary, not conformable to it. If the object is indifferent, without any objective moral quality, as walking, the action will derive its morality from the circumstances in which the action is performed.

By end is here understood the reason or motive which induces the agent to act.

The end of all human life is called the \(\textit{last}\) end; other motives for action are \(\textit{intermediate}\) ends. ... It is obvious that the end or motive which induces the agent to act holds a very prominent place among the sources of the morality of an action. ... It is the end or motive which sets the will in motion and gives its own moral quality to the action which follows. ... A good motive gives its own moral quality to an indifferent action and makes it good. ... A good intention certainly cannot make a bad action good. It is not lawful to tell a lie even to save another’s life, according to the teaching of Innocent III. Evil must not be done that good may come of it. ... By the circumstances of an action we understand certain accidental conditions, which, as it were, surround \(\textit{circumstantial}\) and complete the substance of the action. There are seven enumerated in the doggeral line—who, what, where, when, by what means, why, and how. ... It is obvious that circumstances of this kind are sources of morality, for they make the action conformable or not to the norm of morality. ... At the proper time it is a good action to play in the proper place and with

\(^5\) Slater, \textit{Manual of Moral Theology}, 1, 1, 1 (1:1).
good playmates; if any of these circumstances be wanting, the action becomes so far bad. ... In order that an action may be altogether and simply good, the object, the end, and the circumstances must all be good; for good indicates completeness and perfection; there is evil in any defect.⁶

Compare the Rev. Slater’s teaching on contracts, as excerpted here, with St Antonin’s teaching in 3.8.1:

Gift: A gift is a unilateral contract by which property is gratuitously transferred to another. ... It differs from a promise in that it takes effect at once, while a promise regards the future, and from such contracts as sale and exchange in that it is gratuitous. ... By the law of nature any property may be transferred to another by gift provided that the donor is capable of making a valid gift, and it is accepted by the donee.⁷

Mutuum and Usury: The matter of the contract of mutuum is something fungible, which is consumed in the very first use of it. ... As an equivalent for mutuum we may make use of the expression loan for consumption as distinguished from loan for use. In all contracts justice requires that values which are given in exchange should be equal. ... The fair price of a fungible commodity which is consumed in the first use of it is the money equivalent of the value which that use has. ... In other words, the value of the first consumption of the commodity is the value of the commodity. ... Money considered as a medium of exchange is a fungible.⁸

Compare Slater’s teaching on the just price with St Antonin’s in 2.1.16:

In all contracts justice requires that values which are given in exchange should be equal. A sin against justice is committed by charging an unreasonable price for a horse. What the reasonable price is depends on the demand, on the available supply, and on a great

⁶ Ibid., 1, 4, 2 (1:21–26).
⁷ Ibid., 7, 2, 2 (1:314).
⁸ Ibid., 7, 2, 4 (1:321–26).
variety of factors, but it is proximately determined by the common estimation of intelligent men at a fixed time in a certain place.\textsuperscript{9} 

... Sale is a contract by which the seller transfers the ownership of a certain commodity to the buyer in consideration of a fixed price. ... In conscience, however, the price of things sold does not depend merely on the agreement of the parties. In contracts the equality which justice demands must be observed, and so in sale the price must be equivalent to the value of the thing sold. We do not mean the individual value in use to the buyer or to the seller, but the social or exchange value which the thing possesses.\textsuperscript{10} 

Slater’s brief explanation of the obligation to exchange at a just price here is, in essentials, identical to St Antonin’s teaching in 2.1.16 and throughout the \textit{Summa}.\textsuperscript{11} The same can be said of the teaching of McHugh and Callan.\textsuperscript{12} The teaching of the Rev. Prümmer, O.P., is extremely concise and, again, entirely consistent with that of St Antonin in 2.1.16 and 2.1.17, except for lacking the discussion of economic value drawn from Peter John Olivi:

The obligations of the seller. He must demand a just price. ... He is bound to reveal to the buyer any \textit{substantial} defects in the commodity sold, ... He is bound to hand over a commodity which is physically or at least morally the same as the buyer intends to purchase. ... He is bound to deliver to the buyer the commodity in the same condition as it was at the time of the sale. 

... The buyer must observe all the just conditions agreed upon in the contract, such as the time and manner of receiving the commodity, of paying the price, etc. The buyer has a special obligation to pay a \textit{just} price. 

Definition and quality of the just price. \textit{The price of an article is its value expressed in terms of money}. But it is far from easy to decide how this value is to be measured ... 

Kinds of price. There are three kinds of price: the legal price, the market (or common) price, and the price agreed upon by the contracting parties themselves.

\textsuperscript{9} Ibid., 7, 2, 4 (1:321).
\textsuperscript{10} Ibid., 7, 2, 5 (1:327–34).
\textsuperscript{11} See also his more lengthy treatment of the question, Thomas Slater, S.J., “The Just Price,” in \textit{Questions of Moral Theology} (New York: Benziger, 1915), 15–32.
\textsuperscript{12} McHugh and Callan, \textit{Moral Theology}, n. 2122–2130.
1. The legal price is fixed by public authority or by law, such as the price of railway tickets and of chemist’s drugs, etc. Commutative justice requires the observance of this price unless it is manifestly unjust. Therefore any notable departure from the legal price normally obliges a person to restitution—with a few exceptions.

2. The market price is that which is fixed by common estimation based on the varying circumstances of time and place. There is no single market price, and therefore there are the highest, lowest and mean market prices. If no legal price has been determined one is obliged to observe the market price, so that selling above the highest price and buying below the lowest price are violations of commutative justice, since the market price is fixed by social valuation which is presumed to be just.\(^\text{13}\)

... 3. The price agreed upon by the parties themselves is that which is freely decided between the buyer and seller. Such a price is just, provided a) the article has no legal or market price attached to it, and b) no deceit or fear is used in the sale.\(^\text{14}\)

The same harmony with Antonin can be seen in pastoral approach. For example, consider the advice which Slater gives to pastors in one of his example ‘cases of conscience:’

The case. Caius, a priest, thinks that moral theologians do not take sufficient account of the circumstances in which the faithful of the humbler sort live in our days. Very many are so accustomed from childhood to sins of drunkenness, lust, and neglect of Sunday Mass, that they scarcely think anything of them; they contract bad habits in childhood which blind their consciences and weaken their wills; besides, such people scarcely ever think of God except perhaps when they come to Church, and so even if they do wrong, they do not intend to offend God with danger of eternal punishment. For these reasons when such people confess such sins to him Caius imposes a light penance and absolves them without difficulty.

Caius is wrong in acting in this way, and instead of helping his penitents to lead better lives he will probably make them think still less of sin and commit it more readily. What

\(^{13}\) At this place, Prümmer also notes that sometimes “it is permissible to sell at a higher price” or “to buy an article at less than the market price,” and he expounds Aquinas’s double rule.

\(^{14}\) Prümmer, *Handbook of Moral Theology*, treatise 10 q. 4 c. 2 a. 2 (157–159).
he says is unfortunately true of large numbers in our towns. Their antecedents and surroundings have much to do with their sad condition. Still the fact that many in the same circumstances lead very good lives show that even their wretched surroundings do not deprive them of the power of being good if they choose to be so. We know that unfortunately men may know very well what sin is, and yet drink it in like water. From what was said above it is plain that to commit sin it is not necessary to think expressly of God or of the punishments of hell; it is sufficient if they know that what they do is seriously wrong. They may be partly excusable on account of their surroundings; how far can be known only to God. Caius, however, should change his method of dealing with them; he may be as considerate and kind as he can be; but he should be a more faithful dispenser of the mysteries of God. As the Council of Trent teaches, he should impose penances which are salutary and have some proportion to the number and gravity of the sins confessed, and try to arouse in his penitents a hatred and detestation of sin. Of course he must also be on his guard against frightening such penitents away from the sacraments by imposing penances that are too severe for them.\textsuperscript{15}

In another case, Slater cautions against unfolding all truths in preaching, in terms very similar to Antonin’s warnings about those who will abuse the sentences of truth:

An abuse of probabilism: ... Titius tells his people that they need not trouble themselves about directing their intention to God, for it is solidly probable that an intention elicited once for all will suffice to direct all the actions of one’s life to God if it is not retracted. This is probably true, bearing in mind the clause “if it is not retracted.” But it would most likely be understood to mean that there was no necessity for thinking about God oftener than once in a lifetime, which is, of course, altogether false. Besides it is only an opinion, and those who acted upon it might lose a great deal of merit if it is not the true opinion. Titius adopted the wrong tone in his instructions; he should not be content with the minimum, even if he tells his people what the minimum is, but he should exhort them

frequently to renew their intention of pleasing God, so that they may be the more secure and may reap the greater reward.\textsuperscript{16}

It may be hoped that the case is a fictitious one, and that no priest was ever so foolish and ignorant as to misapply probabilism in the way that Titius is said to have done.

Probabilism is specially meant to settle doubts of conscience, and for use in the confessional. It is not intended to furnish matter for pastoral instruction and sermons.

The preacher and instructor, without exaggerating obligations, should always propose a high ideal to his hearers and exhort them to follow it. As Rodriguez says: “By this discourse we easily see how important it is that in our spiritual exhortations we speak of that only which is perfect in a sovereign degree. If we preach, for example on humility, it must be that humility which is most profound, and which reaches to contempt of oneself. If we preach on mortification, it must be on that which subjects all our passions to reason; if we preach on conforming our will to God, we must recommend a conformity which leaves us no will but that of the Almighty, which resigns our will entirely to His, and which establishes all its content and joy in the accomplishment of the divine will. ...

Because you are weak I must propose to you the most perfect kind of virtue and devotion, that by your aiming at what is best you may be able to perform at least what is of strict obligation.”\textsuperscript{17}

The Rev. Davis, likewise, urges the pastor not to speak to his people only of the minimum obligation, but to put before them the best course to follow:

The standard for the pastor of souls to put before his people is certainly not the standard of Moral Theology alone; he must lead his people to aim at Christian perfection, for as all men fall below their ideals, ordinary Christians who aim at keeping law substantially will sometimes fail to do so. In many cases, reasons may prove in the abstract that a given line of conduct may be adopted, but in the concrete, taking human nature as it is, one would say that the line of conduct should be avoided.\textsuperscript{18}

\textsuperscript{16} Ibid., 2, 7 (1:66-68).

\textsuperscript{17} Ibid., quoting Rodriguez, \textit{Practice of Religious Perfection}, vol. 1, c. 8.

\textsuperscript{18} Davis, \textit{Moral and Pastoral Theology}, 1, 1 (1:4).
Compare Davis’s final thought here with St Antonin’s remarks on the problem of trade in Florentine *monte comune* credits, in 2.1.16, section 2.7. Indeed, the Rev. Davis may have been a kindred spirit of St Antonin, for the stated purpose of his *Moral and Pastoral Theology* is similar to the purpose Antonin had in mind for his *Summa*. It was noted above in Ch. 4 that St Antonin inserted pastoral notes for the clergy in certain places; consider the following from Davis:

Since Moral Theology is closely connected with Pastoral Theology, some attention should be given to the duties of pastors, and this practical aspect of the subject should be emphasized. Consequently, in this work, many Pastoral Notes have been embodied in the text.  

The consistency in method and teaching which has been observed here is interesting because it complicates the received narrative of the history of Catholic moral theology. It is common to state that St Thomas Aquinas’s *Summa theologiae* embodied the most perfect approach to moral theology, and to posit a drastic and unfortunate break from Aquinas’s method and spirit in the century immediately after him; this ‘new method,’ on which aspersions are often cast, is associated with casuistry, legalism, rationalism, and moral minimalism, and is supposed to have culminated in the manuals of the sort just examined. For example, the Rev. Pinckaers, O.P., writes of comparing Aquinas to the post-seventeenth-century manuals:

Clearly we are dealing with two different types of moral teaching. ... This simple comparison between the subject matter of the two types of moral teaching shows the profound changes made between the century of St. Thomas and the era of the manuals. ... For St. Thomas, therefore, practical reason functions in coordination and harmony, in synergy with the world of faith and the integrated human person. When, later on, reason became increasingly separated from faith on the one hand and from the will and sensibility on the other, scholasticism was in danger of turning into rationalism and intellectualism. Rationalism sought to explain everything in terms of laws, judgments, and rational criteria; intellectualism confounded reality with abstract

\[19\] Ibid., preface (1:VII).
concepts and logical reasoning. Scholastic moral theory was greatly impoverished by its loss of contact with human and spiritual experience.\(^{20}\)

This represents a view from the perspective of contemporary post-Vatican-2 Catholic moral theology. On the other hand, the pre-Vatican-2 manualists saw themselves as continuing the medieval tradition.\(^{21}\) Slater, writing in 1909, summarizes the ‘middle’ or scholastic period of moral theology this way:

To meet the more practical and concrete needs of the confessor, St. Raymund of Pennafort composed his “Summa de Poenitentia et Matrimonio,” about the year 1235. ... The work of St. Raymund was the first of those innumerable handbooks written for the training and use of the confessor especially from the practical and casuistical point of view. Although in the treatment of the different titles the work of St. Raymund leaves little to be desired, yet it lacks something in orderly arrangement and in completeness. These defects were soon made good by others. A Friar Minor, of Asti, in the north of Italy, composed the “Summa Astensis” in the year 1317. In the Roman edition of 1728 it fills two volumes folio, and in its aim, in the matter which it contains, and in the method of treatment, it differs little from the handbooks of moral theology which are published at the present day. ... The dogmatic treatment of moral theology reached its high-water mark in the second part of the “Summa” of St. Thomas of Aquin. That marvelous production of genius has never been surpassed or even equaled as an exposition of the general principles of Christian ethics. Neither has the casuistic treatment of morals in general made much progress since the thirteenth century. Of course there have been numerous changes in discipline during the last six centuries, and these require to be noted in new moral treatises as they occur. There have also been some changes in theological opinion. ... But in spite of some such changes in detail, the general assertion


\(^{21}\) A rather moderate view of the state of the discipline in the mid-twentieth century can be found in John C. Ford, S.J., and Gerald Kelly, S.J., *Contemporary Moral Theology*, especially the first half of vol. 1, *Questions in Fundamental Moral Theology* (Baltimore: Mercier, 1958), where the authors rehearse and assess contemporary criticisms of the manualist tradition.
remains true that moral theology to-day is substantially what it was in the thirteenth or at the beginning of the fourteenth century.22

Slater here draws a picture very different from the one drawn by Pinckaers in the three chapters he devotes to the history of moral theology since St Thomas. Some of the characterizations of post-fourteenth-century moral theology in those chapters do seem to apply to St Antonin’s *Summa*; others, however, in the light of this study, are evidently inapplicable to it. The subject cannot be pursued further here: it would take me well outside my area of competency to enter into these contemporary debates about the history of scholasticism and moral theology in the modern period, about the nature of change or development in Catholic doctrine, the reception of the thought of Thomas Aquinas and its revival in neo-Thomism, the proper use of casuistry and legal reasoning, and the need for a renewal in moral theology. I can only point out that the study of the teaching of St Antonin may have something to contribute to these debates. His *Summa* does not fit easily into the standard categories applied to the history of moral theology.

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La profonde sagesse de son esprit se manifeste surtout dans l’oeuvre de théologie qui a perpétué sa mémoire: la *Somme morale*. Par elle il mérite d’être placé entre saint Thomas d’Aquín et saint Aphonse de Liguori, parmi ceux qui ont le mieux mérité de la théologie.23

The profound wisdom of his mind shows itself above all in the theological work which has sustained his fame: the *Moral Summa*. By it, he merits a place between St Thomas Aquinas and St Alphonsus Liguori among those who have deserved best of theology.

23 Morçay, “Antonin (Saint),” in *Dictionnaire d’histoire et de géographie ecclésiastiques*. 
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———. *Summa Sancti Antonini: Summa reverendi patris et domini fratris Antonini de Florentia . . .*. Florence, BNC, Cod. n. (57) Landau Finaly 68.


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Printed sources

ALB. M. = Albertus Magnus.


AMBR. = Ambrosius Mediolanensis.


ANT. BUTR. = Antonius de Butrio.

ANT. FLOR. = Antoninus Florentinus.


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ARIST. = Aristoteles.


— — —. De caelo et mundo (Guillelms de Morbeka translator Aristotelis). Edited by F. Bossier. AL 8.2.


AUG. = Augustinus Aurelius.

Augustinus Aurelius. *De gratia et libero arbitrio liber unus.* PL 44.

— — —. *De trinitate.* PL 42.

— — —. *Enarrationes in Psalmos.* PL 36.

— — —. *Epistolae.* PL 33.

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BERN. SEN. = Bernardinus Senensis.


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BOETH. = Boethius (Anicius Manlius Severinus B-).

Boethius. De differentiis topicis. PL 64.


CHRYST. = Iohannes Chrysostomus.


Cod. = Codex Justinianus. See:
Corpus iuris civilis.
Annotated Justinian Code.
Roman Law of Sale.

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Dig. = Digesta seu pandectae Iustiniani. See:
Corpus iuris civilis.
The Digest of Justinian.

DUR. CAMP. = Durandus Campanus. See above, manuscript sources.


GER. ODON. = Gerhardus Odonis. See above, manuscript sources.


Glossa ord. = Glossa ordinaria:  
Bibliorum sacrorum glossa ordinaria.  
Corpus iuris canonici cum glossis.


GREG. M. = Gregorius Magnus.

Gregorius Magnus. Moralia in Iob. PL 75.


— — —. XL homiliarum in Evangelia. PL 76.

GUIL. RED. = Guillelmus Redonensis. See below, Raymundus de Pennaforti.

Henricus de Segusio (Hostiensis). In Decretalium libros commentaria. 4 vols. Venice, 1581.  

Hier. = Hieronymus Stridonensis.


Hostien. = Henricus de Segusio (Hostiensis).

Hugo S. Vict. = Hugo de Sancto Victore.


Inno. IV = Innocentius IV.


Io. Andr. = Iohannes Andreae.

Io. Dominici = Iohannes Dominici de Florentia.

Io. Lig. = Iohannes de Lignano. See above, manuscript sources.

Io. Reg. = Iohannes de Regina (de Neapoli). See above, manuscript sources.

Io. Scot. = Iohannes Duns Scotus.

Io. Et Gasp. Cald. = Iohannes Calderinus et Gaspar Calderinus senior. See above, manuscript sources.


**Laur. Rod.** = Laurentius de Rodulphis.


**Nic. IV** = Nicolaus IV.


**Panorm.** = Nicolaus de Tudeschis (Panormitanus).

**Petr. Lomb.** = Petrus Lombardus.

**Petr. Oliv.** = Petrus Iohannis Olivi.

**Petr. Pal.** = Petrus de Palude.


*Psalt. Rom.* = *Psalterium Romanum*.

RAYM. PENN. = Raymundus de Pennaforti.


SEN. = Seneca (Lucius Annaeus S-)


THOM. AQ. = Thomas de Aquino.


Vulg. = *Biblia Sacra iuxta Vulgatam versionem*. 


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Part Two:

Appendices
APPENDIX 1. INTRODUCTION TO THE EDITION

TEXTUAL WITNESSES

Autograph manuscripts

N  Florence, Biblioteca Santa Maria Novella, I.B.54  (Antoninus, Summa, part 1)
M1 Florence, Museo di San Marco, Inventario n. 504  (Antoninus, Summa, part 2)
M2 Florence, Museo di San Marco, Inventario n. 505  (Antoninus, Summa, part 3 vol. 1)
M3 Florence, Museo di San Marco, Inventario n. 506  (Antoninus, Summa, part 3 vol. 2)
M4 Florence, Museo di San Marco, Inventario n. 503  (Antoninus, Summa, part 4)

Apograph manuscripts

F1 Florence, BNC, Conv. soppr. A. 4. 2555 striscia 78  (Antoninus, Summa, part 1)
F2 Florence, BNC, Conv. soppr. A. 4. 2555 striscia 79  (Antoninus, Summa, part 2)
F3 Florence, BNC, Conv. soppr. A. 4. 2555 striscia 80  (Antoninus, Summa, part 3)

Notes on the manuscripts

The autograph manuscripts, N M1 M2 M3 M4, are described above in Ch. 2, where their status as autographs is also demonstrated. About fifty-four manuscripts of the Summa (each manuscript typically a single part) were described by Orlandi in 1961; some additions to this list have been made by subsequent research. Only one set of apograph volumes have been consulted in preparing this edition, designated herein F1 F2 F3. They form a set and can be described together. These volumes belonged to the Florentine Badia: each volume is marked as

1 Orlandi, Bibliografia antoniniana, 25–64; Kaeppeli and Panella, SOPMA, 1:80, 4:28; Lapidge et al., CALMA, Antoni 1.18.

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owned by Abbatiae Florentiae. The colophon of part one: Explicit prima pars fratris Antoni (sic) archiepiscopi Florentini scripta per me Lottum [de Bancosis] indigum presbiterum. Explevique eam hac die XIII mensis Maii, anno vero MCCCC'LXXIII. Ex quo gratias refero Christo. Amen. These are large and exceptionally beautiful volumes, libri pulchissimi, bound in leather with metal clasps. The writing surface is parchment, very white and strong. The text is written in two columns. Black ink is used to write the text, with red and blue highlights, paragraph marks, initial letters, and pen work throughout; purple and orange are sometimes used as well. The first folio of each volume bears a historiated initial enclosing an image of St Antonin: F1 (striscia 78) shows Antonin in his Dominican habit standing below the crucified Saviour, with a gold background; F2 (striscia 79) shows Antonin in profile wearing the bishop's mitre, holding a maroon book which bears a more than passing resemblance to the autograph volumes of the Summa (blue background); F3 (striscia 80) has the largest and most attractive historiated initial, with a portrait of St Antonin seen from the front, on a blue background, with his face in half-profile, wearing episcopal garb over his Dominican habit, holding a crozier in his right hand and a green book in his left, with marks of the stigmata showing on his hands. The script and hand vary, with the script typically either gothic textualis or humanistic. Each volume contains marginal notes at certain chapters, but a large portion of the folios remain free of marginal annotations. Full description of these manuscripts can be found in Orlandi, Bibliografia antoniniana.

EDITORIAL PRINCIPLES

This edition aims, for each chapter of the Summa, at reproducing the final recension of the original text as the author intended it to stand. Since we possess the author's original autograph volumes of each part (except the first half of part four, not relevant to this edition), the text of each chapter has been transcribed and edited from the autograph volume as if it were a codex unicus. There are, however, two qualifications to be made. First, the initial transcription was made with reference to the text printed in the editions of Ballerini and, for 2.1.16, of

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2 F1 fol. Ir.
Iste liber est abbatic Florentine. F2 fol. 1r. An identical note is on F3 fol. 1r.
3 F1 fol. 219v; quoted in Orlandi, Bibliografia antoniniana, 44.
Mamachi. Ballerini’s text was found to conform generally to the autograph at the chapter- and paragraph-levels, but to contain many changes at the sentence-level, principally replacement or corruption of individual words and introduction of explanatory clauses or additional references into the text. Mamachi’s text, on the other hand, which is limited to parts one and two of the *Summa*, is nearly faultless in its adherence to the autograph, with only the occasional misreading or typographical error introduced. The second qualification is that in a few places where the autograph is visually obscure or illegible, in addition to consulting Mamachi and Ballerini, I have consulted the apograph manuscript volumes which I designate $F_1 F_2 F_3$, held in Florence, written *circa* 1473. These manuscripts provided enough help to resolve the small number of difficulties, though I have not always adopted their readings. The text of these manuscripts, from the samples I have taken, is very close to that of the autographs; in addition, the disposition of the titles and chapters of part three mimics the organization of the autographs, whereas the printed editions and (according to Orlandi) non-Florentine apographs have adopted a different scheme. This is intriguing evidence about the *Summa*’s textual tradition after it left the hands of the author; it would merit further investigation, but for the present has been left unexplored.

The orthography of the autograph manuscripts is generally followed, apart from obvious misspellings. There are many nonstandard usages in the autograph which have been retained: collapsed diphthong *e* for *ae* and *oe*, *ci* for *ti*, doubled letters such as *cc* for *c*, use of *n* for *m*, insertion of initial *h* before a vowel, substitution of *y* for *i*, and epenthetical *p* as in *condemnavit*. There are two exceptions where orthography has been standardized: the letter *j* (long-*i*) is always printed as *i*; minuscule *u* and *v* in the autograph are always printed as *u*, while majuscule *U* and *V* are always printed as *V*. For numbers, I have reproduced the autograph’s usage of arabic or roman numerals, but have written out numbers in a few places where it is necessary for the comprehension of the text. The use of capital letters has been normalized. The autograph’s punctuation has been taken as a guideline but not consistently followed; I have adapted the punctuation to be more comprehensible to the modern reader. Paragraph breaks generally follow the autograph, but are occasionally introduced for clarity. Abbreviations have been expanded, except for ambiguous citations of biblical and legal texts.
There are two apparatus on each page of the edition. The first is the apparatus fontium. Entries in the apparatus fontium provide the exact reference in modern format for sources cited within the text, as well as sources which are not explicitly mentioned but correspond closely to or are probable reference points for the text. Sources not explicitly cited within the text are preceded by cfr or, in the case of extensive near-verbatim transcription, by textus ex. Many texts of the Church fathers are cited by Antonin from Peter Lombard’s Sentences or Gratian’s Decretum; in such cases the original author and work are indicated followed by the reference to the Sentences or Decretum. References to the Bible are included in the apparatus fontium; biblical quotations within the text are italicized when they are verbatim. Latin abbreviations for books of the Holy Bible follow those employed in Vulgate Bible: Douay-Rheims Translation, Dumbarton Oaks Medieval Library. Citations to texts of the canon and civil laws follow the standard format in use among historical scholars: see James A. Brundage, “The Romano-Canonical Citation System,” appendix 1 in Medieval Canon Law (London: Longman, 1995), 190–205. Abbreviated Latin forms for the names of medieval authors are expanded in the bibliography above. Abbreviated Latin titles for works of ancient and medieval literature are from the Novum glossarium mediei latinitatis, the Thesaurus linguae latinæ, or have been created by employing the same principles. In addition to citing sources according to their internal divisions (e.g., part, question, article, chapter; sermon, article, chapter; etc.), wherever possible, the page, column, or folio number in the edition consulted has been provided within parentheses. The edition used can be found under the author’s name in the bibliography above. However, page numbers are omitted for frequently-used texts which have standard and accessible editions. To wit: Biblia sacra: Latin text is from Weber’s edition; English is from Holy Bible: Douay-Rheims. The Glossa ordinaria is quoted from Bibliorum sacrorum glossa ordinaria (Venice, 1603).

Corpus iuris canonici: Latin text is from Friedberg’s edition; English translations of the Decretum are from Silano’s translation. The Glossa ordinaria is from the Roman edition (1582).

Corpus iuris civilis: Latin text is from the edition by Mommsen et al.; English translations of the Digest are from Watson’s translation; English translations of the Code are from Annotated Justinian Code by Blume.

Thomas de Aquino: Latin text is quoted from the Leonine edition accessed online through *Corpus Thomisticum* or, for the *Summa theologiae* in Latin and English, through the website of the Dominican House of Studies.

Wherever it seemed appropriate or helpful for the reader, I have provided the Latin text of the relevant sources within the *apparatus fontium*. This provides some help in discerning how Antonin makes use of his sources, as well as suggesting whether he is quoting from memory. In many cases, including several instances of near-verbatim transcription from Bernardino of Siena, printing the source text has been precluded by the length of the extracts.

The *apparatus criticus* indicates peculiarities of the autograph manuscripts: principally, these are deletions, corrections, and supralinear and marginal additions. It also indicates editorial interventions, which are few, wherever it has been necessary to emend the autograph’s text on account of grammar or sense.

I have added headings in the left margin which show the divisions and subdivisions of each chapter. These headings are not present in the autographs, with the exception of the heading ‘Exemplum’ at one point in 3.8.1; however, the divisions which they represent are indicated within the text, and follow conventions of scholastic writing and preaching. Each chapter is preceded by a *summarium* which shows the overall structure of that chapter; as with the marginal headings, these have been devised by the editor for the utility of the reader.

Each chapter is introduced, at the head of its first page, by a rubric of one or two lines. These are supplied from the *tabula capitulorum* of the relevant volume, and the folio from which they are taken is indicated in the right margin. Folio numbers continue in the right margin, with the transition from one folio to the next indicated by | within the text.

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4 This procedure was suggested by the example of Alexander Andrée’s edition in *Christopherus Laurentii de Holmis*. 
The English translation requires little explanation. In translating I have kept fairly close to the syntax of the Latin; the resulting English may be stilted, but I have tried not to stray excessively from current English. At times, where the sense I have understood from the Latin seemed to require a paraphrase or an English idiom, I have adopted one. The footnotes provide English translations of many of Antonin’s sources, as in the *apparatus fontium*.

The appendices provide some of the information contained in the edition and translation in the form of summary tables. The autograph of 3.8.1 contains a remnant of an early stage of drafting on Ms. fol. 69r. This early draft is transcribed in Appendix 4.2, and the corresponding passages of the final recension are compared. For a discussion of what these folios reveal about the composition of 3.8.1 see Ch. 2, in the section “The composition of the *Summa*.” Appendix 4.1, 4.3, and 4.4 summarize substantial additions made to the first recension of each chapter. Appendix 5 provides a summary table of sources and parallel passages for 2.1.16. Appendix 6 is a supplement to Ch. 2, providing a more thorough palaeographical description of the hand A’s letter-forms, and visual tables showing its majuscules, arabic numerals, and abbreviations.

**APPARATUS ABBREVIATIONS**

- *a.c.* ante correctionem
- *add.* addidit
- *cap.* capitulum
- *cfr.* confer
- *cod.* codex -icis
- *del.* delevit
- *dext.* dexter -tra -trum
- *e.g.* exempli gratia
- *fol.* folium -ii
- *infer.* infer -fera -ferum
- *marg.* margo -inis
- *om.* omisit
- *p.c.* post correctionem
praeb. praebet
sin. sinister -tra -trum
s.l. super lineam
super. superus -a -um
tr. transponit
vid. videtur

<> addenda
[ ] delenda
APPENDIX 2. CRITICAL EDITION
ANTONINUS FLORENTINUS, Summa, 2.1.16: De fraudulentia per modum predicationis

Summarium ab editore confectum

Thema.

1. De negotiatione spirituali.
   1.1. Regio celestis.
   1.2. Regio terrestris.
   1.3. Regio infera.

2. De negotiatione mundiali.
   2.1. Ratione finis cupidi.
   2.2. Ratione persone clerici.
   2.3. Ratione temporis feriati.
   2.4. Ratione loci sacrati.
      Haec lucra in pauperibus eroganda.
   2.5. Ratione consortii iniusti.
   2.6. Ratione medii iniqui.
   2.7. Ratione materie mali.

3. De negotiatione temporali modesta.
   3.1. Ex iniqua appretiatione.
      3.1.1. Debitus ualor rei.
3.1.1. Ex virtuositate.

3.1.1.2. Ex raritate.

3.1.1.3. Ex complacibilitate.

3.1.2. Latitudo ualoris rei.

3.1.2.1. Ex iure.

3.1.2.2. Ex consuetudine.

3.1.2.3. Ex discretione.

3.1.3. Excessus ualoris rei.

3.1.3.1. Excessus ultra dimidiam iusti pretii.

3.1.3.2. Excessus notabilis infra dimidiam iusti pretii.

3.1.3.3. Excessus minor.

3.1.3.3.1. Ratione pacis et saluationis.

3.1.3.3.2. Ratione mutue concordationis.

3.1.3.3.3. Ratione humane extimationis.

3.1.3.3.4. Contra quoddam obiectionum.
PRIMUS TITULUS: DE AVARITIA.

16th capitulum: de fraudulentia per modum predicationis.

De fraudulentia que commictitur in emptione et uenditione seu negotiatione.

Thema. Vnde Ps. 70, Quoniam non cognoui negotiationem, introibo in potentias Domini;

Domine, memorabor iustitie tue solius. Sed cum Dominus dicat Lu. 19 per parabolam loquens Negotiamini, dum uenio, tradens seruis suis peccuniam qua possent negotiari et demum exigens rationem ab eis seruum, quem reperit non fuisse negotiatum, dure increpauit peccuniam ab eo abstulit et condemnauit: quomodo Dauith asserit se abstinuisse a negotiatione ut Domino gratus esset et suum regnum intraret dicens, Quoniam non cognoui etc.? Sciendum igitur quod triplex est genus negotiationis, circa quod Psalmista docet nos recte habere sui exemplo.

Prima est mundialis et scelesta et ideo cauenda: Quoniam non cognoui negotiationem.

Secunda est spiritualis et honesta et ideo exercenda: Introibo in potentias Domini.

Tertia est temporalis et modesta et ideo permittenda: Domine memorabor iustitie tue solius.

1. De negotiatione spirituali.

Et a secunda inchoando, scilicet de negotiatione spirituali, parabolam ponit circa hoc Salvator dicens Matth. 13 Simile est regnum celorum homini negotiatori querenti bonas margharitas. Regnum celorum hic significat ecclesiam militantem, et est sensus: quod fit in ecclesia a quolibet fidelis est simile ei quod narratur in

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parabola ista de negotiatores. Negotiator enim querens margaritas, *una inuenta* que sibi uidetur pretiosior unde et ditior fiat, *uendit omnia que habet, et emit eam.*

Negotiator discurret per diuersas regiones; pretium portat ut merces accipiat. Sic negotiator spiritualis discurret non corpore, sed mente, per tres regiones que sunt dominio Domini sui, ubi manifestat potentias suas.

Prima est regio celestis, in qua manifestatur Dei potentia ad remunerandum.

Secunda est terrestris, in qua declaratur Dei potentia ad creandum et gubernandum.

Tertia est in inferis, ubi comprobatur potentia Dei ad cruciandum.


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33 Visio...34 merces] *Aug.* *Trin.* 1, 8–9: Contemplatio quippe merces est fidei. ... In eius [filii] visione merces tota promittitur dilectionis et desiderii nostri. Cfr *THOM.* *AQ.* *Sum. th.* 1\textsuperscript{a} 2\textsuperscript{ae} q.4 a.1 ob.1: Videtur quod delectatio non requiratur ad beatitudinem. Dicit enim Augustinus, in I de Trin., quod visio est tota merces fidei. Sed id quod est praemium vel merces virtutis, est beatitudo, ut patet per Philosophum in I Ethic. Ergo nihil alius requiratur ad beatitudinem nisi sola visio. 35 Porte...margaritis] *Breviari Romani* hymn. *Urbs Ierusalem beata dicta pacis visio* (§3) ex officio dedicationis ecclesiae: Portae nitent margaritis / adytis patentibus. ... Cfr *Apc* 21.9–21: Et duodecim portae, duodecim margaritae sunt, per singulas : et singulae portae erant ex singulis margaritis : et platea civitatis aurum mundum, tamquam vitrum perlucidum. 36 Posuisti...38 pretioso] *Ps* 20.4: Quoniam praevenisti eum in benedictionibus dulcedinis; posuisti in capite ejus coronam de lapide pretioso.

animam, subponit gracie ad eam habendam, conservandam, et augmentandam:
et ea mediante recipit gloriam, quia *graciam et gloriæ dabit Dominus*, Ps. Vnde et
paruulus baptizatus, etsi nulla habeat opera meritorum: tamen quia habet
graciam, recipit decedens gloriam. Hinc et Gregorius: "Regnum celorum tantum
ualet quantum habes," ut scilicet omnia subiciantur uoluntati Dei et gracie sue.
"Nil uilius cum emitur, nil carius cum possidetur."

1.2. Regio

terrestris.

In secunda regione, scilicet huius mundi, sunt multe margarite. Multa sunt
genera bonorum, quia diuitie, honores, scientia, et huiusmodi; sed pretiosior
omnibus est sapientia. Vnde de ea dicit Sapiens: *Nec comparavi illi*, sapientie
scilicet, *lapidem pretiosum, et omnia que desiderantur huic non ualent comparari.*

Sapientie 8. Sapientiam autem uocho uirtutem infusam tantum, et sic accipitur
communiter in sacra Scriptura. Ipsa comprehendit in se omnes uirtutes morales,
quibus in uita nil est utilius, ut dicit ibi Sapiens. Peccunia qua emitur est labor

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43 *graciam...Dominus* [Ps 83.12: Quia misericordiam et veritatem diligit Deus, gratiam et
gloriam dabit Dominus.]
45 *Regnum...possidetur* [GREG. M. *In evang.* 1, 5 in Mt 4.18–22
(1093–4): Sed fortasse alliquis tacitis sibi cogitationibus dicit: ad vocem dominicam uterque
iste piscator quid aut quantum dimisit, qui pene nihil habuit? ... Multa, fratres, relinquitis, si
desideris terrenis renuntiatis. Exteriora etenim nostra Domino quamlibet parva sufficiunt.
Cor namque, et non substantiam pensat; nec perpendit quantum in eius sacrificio, sed ex
quanto proferatur. Nam si exteriorum substantia perpendamus, ecce sancti negotiatores
nostri perpetuam angelorum vitam datis reibus et navi mercati sunt. Aestimationem quiipe
pretii non habet, sed tamen regnum Dei tantum valet quantum habes. ... Valuit Petro et
Andreae dimissis reibus et navi (Matth. iv, 20), valuit viduae duobus minutis (Luc. xxi, 2),
valuit alteri calice aquae frigidae (Matth. x, 42). Regnum itaque Dei, ut diximus, tantum valet,
quantum habes. Pensate igitur, fratres, quid vilius cum emitur, quid charius cum possidetur?
Cfr THOM. AQ. *Sum. th.* 2* 2ae* q.100 a.1: Praeterea, nihil magis est spirituale quam regnum
caelorum. Sed licet emere regnum caelorum, dicit enim Gregorius, in quadam homilia,
regnum caelorum tantum valet quantum habes. ... Ad tertium dicendum quod regnum
caelorum dicitur emi, dum quis dat quod habet propter Deum, large sumpto nomine
emptionis, secundum quod accipitur pro merito.  

50 *Nec...pretiosum* [Sap 7.9: Propter hoc optavi, et datus est mihi sensus; et invocavi, et venit in me spiritus sapientiae; et
praeposui illam regnis et sedibus, et divitiis nihil esse duxi in comparatione illius. Nec
comparavi illi lapidem pretiosum, quoniam omne aurum in comparatione illius arena est
exigua, et tamquam lutum aestimabitur argentum in conspectu illius.  

51 et...comparari* [Pro 3.15: Beatus homo qui inventit sapientiam, et qui affluuit prudentia. Melior est acquisitio ejus
negotiatioe argenti, et auri primi et purissimi fructus ejus. Pretiosior est cunctis opibus, et
omnia quae desiderantur huic non valent comparari.

50 dicit] dicitur a.c.  
52 Sapientie 8] in marg. super. add.  
1 uirtutem] + secundum quod eam uocant stoicy a.c.
cohibendi et moderandi suas passiones. Nam ut dicit Philosophus, “uirtus est scientia circa difficilia.” Et Virgilius, “Sursum attollere gradum,” scilicet ad uirtutem, “hoc opus, hic labor est.” Et Prouerb. <2> dicitur, Si quesieris sapientiam quasi effodiens tesaurum, inuenies. In effossione thesauri est labor in abiciendo terram, id est terrena affectu despiciendo; est et desiderium tesauri magnum; est et profundatio que innuit humiliationem.


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55 uirtus...56 difficilia] ARIX. Ethica Nic. 2, 3 (1105a10); ibid. 3, 3 (1112b9). Cfr THOM. AQ. Sum. th. 1° 2°q 8.68 a.7 ad 3: Scientia etsi praeferatur consilio ratione iudicii, tamen consilium praefertur ratione materiae, nam consilium non habet locum cum in arduis, ut dicitur in III Ethic.; sed iudicium scientiae in omnibus locum habet. Cfr ANT. FLOR. Chron. 1.4.3 pr. (chronicon opus [Lyon, 1586], 122bd): Quicumque enim removet a corporalibus et hoc ipso gaudet, castus qui autem tristatur incontinentem, idem. Difficilius est passionem delectationis repellere quam irae, quernadmodum Heraclitus, Circa difficilimum autem semper et ars sit et virtus, In his quae sunt secundum virtutem requiritur qualiter habens operetur. Primum quidem si sciens, deinde si volens, Praeter hoc autem tertium si firme et immutabiliter operetur. Haec autem ad habendum alias artes non connumerantur aut ipsum scire. Ad habendum igitur virtutes scire quidem partum aut nihil prodeat, ad alia vero non parum, sed omne. Lib. 2 Eth. c.3. 56 Sursum...57 est] VERG. Aen. 6, 128–9 (Opera, 231): Sed reuocare gradum superasque euadere ad auras, / hoc opus, hic labor est. 57 Si...58 inuenies] PROV. 2.4–5: Si quaesieris eam [sapientiam] quasi pecuniam, et sicut tesauros effoderis illam : tunc intelliges timorem Domini, et scientiam Dei inuenies. 63 Non...64 peccet] 3 Rg 8.46: Quod si peccaverint tibi (non est enim homo qui non peccet) et iratus tradideris eos inimicos suis, et captivi ducti fuerint in terram inimicorum longe vel prope. 68 Venia...correcto] VI 5[13].5 [Peccati: Peccati venia non datur, nisi correcto. Cfr De pen. D.5 c.2 [Qualitas]; ANT. FLOR. Summa 1.20.1.69 (Mamachi, 1:1405–6). 70 Neminem...71 transire] De pen. D.1 c.43 [Neminem]: Neminem putes de errore ad ueritatem, et a peccato quocumque seu paruo seu magno ad correctionem sine penitentia posse transire.
ad uirtutem sine penitentia posse transire.” Per penitentiam enim principaliter
cordis et contritionem ueram tollitur culpa, et de pena debita plus et minus
secundum quantitatem doloris. De ista igitur negotiatione spiritualiter
intelligitur quod Dominus precepit dicens, Negotiamini. Et ad hanc exercendam
dicit Psalmista se intraturum in potentias Domini, id est in regiones sue potentie,
suo exemplo nos ad idem prouocans.

2. De Reuertendo ad primum genus negotiationis, scilicet quam faciunt mundani:
quia plena est multis uitiis, ideo cauenda in quantum uitiosa. Quod ipse
Psalmista nos docet suo exemplo dicens, Non cognoui negotiationem, et hic textus
est secundum aliam Biblie translationem, loco cuius nostra translatio habet: Non
cognoui litteraturam, hoc est exercitium iniquorum. De quibus dicitur Baruch 3,
Filii Agar exquisierunt prudentiam que de terra est, negotiatores Teman etc. Et ideo
hanc Dominus Jesus prohibit dicens Io. 2, Nolite facere domum patris mei domum
negotiationis. Domus patris est non solum ecclesia materialis sed multo magis
spiritualis, id est collectio fidelium, que tunc fit domus negotiationis cum fideles
intendunt negotiationibus iniquis et injustis. Vnde et Crisostomus de huiusmodi
dicit quod “Merchator numquam potest Deo placere.” Septempliciter autem
negotiatio est iniqua et cauenda.

1º. Ratione finis cupidit.

2º. Ratione persone clerici.

3º. Ratione temporis feriati.

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79 Non…negotiationem] Cfr D.88 c.12 [Quoniam non]; Glossa ord. ad Ps 70.15–16. 82 Filii…
Teman] Bar 3.23: Filii quoque Agar, qui exquirunt prudentiam quae de terra est, negotiatores
 Merrhae et Theman, et fabulatores, et exquisitores prudentiae et intelligentiae : viam autem
 sapientiae nescierunt, neque commemorati sunt semitas ejus. 83 Nolite…84 negotiationis] Io
2.16: Et his qui columbas vendebant, dixit : Auferte ista hinc, et nolite facere domum patris
mei, domum negotiationis. 87 quod…placere] D.88 c.11 [Eiciens]: Eiciens Dominus
 uendentes et ementes de templo, significauit, quia homo mercator uix aut numquam potest
Deo placere. Et ideo nullus Christianus debet esse mercator, aut, si uoluerit esse, proiciatur
de ecclesia Dei.

4o. Ratione loci sacrati.

5o. Ratione consortii iniusti.

6o. Ratione medii iniqui.

7o. Ratione materie mali.

Quantum ad primum clarum est quod cuius finis est malus et ipsum opus necessario est malum. Si ergo finis negotiandi sit principaliter cupiditas, que est radix omnium malorum, negotiatio erit iniqua. Sed pro huiusmodi declaratione sciendum secundum Beatum Tomam, 2a 2ae q. 77 articulo 4, quod ad negotiatores pertinet commutationibus rerum insistere, importat enim negotiatio in facto quamdam commutationem. Est autem duplex commutatio rerum, secundum Philosophum in primo Polit., una quidem quasi naturalis et neccessaria per quam uidelicet fit commutatio rei ad rem, uel rerum et denariorum propter neccessitatem uite: et talis commutatio non propriamente pertinet ad negotiatores sed magis ad ychonomichos, et politicos, id est hiis qui habent prouidere domibus et familie sue aut ciuitate de rebus neccessariis uite. Hec igitur commutatio secundum Philosophum de se est laudabilis, quia habet finem honestum, quia scilicet deseruit neccessitati uite humane. Possent tamen in ea commicti diuersa peccata, sed illa sunt uitia hominum, non artis in se. Alia commutatio est denariorum ad denarios, ut in cambiando; uel denariorum ad merces, ut in

96 cuiius... 97 malum] BOETH. Diff. top. 2 (PL 64:1189). Cfr Thom. AQ. Sum. th. 1a 2ae q.18 a.4: [Utum actio hominis habeat quod sit bona vel mala] ex fine. ... Sed contra est quod Boetius dicit, in Topic., quod cuius finis bonus est, ipsum quoque bonum est, et cuius finis malus est, ipsum quoque malum est. 97 cupiditas... 98 malorum] 1 Tim 6.10: Radix enim omnium malorum est cupiditas: quam quidam appetentes erraverunt a fide, et inseruerunt se doloribus mali. Cfr RAYM. PENN. Sum. paen. 2.8.1 (Ochoa-Diez, 1B:558–9): Ex causa sunt haec inhonesta, quando fiunt cum intentione corrupta, videlicet, propter cupiditatem vel alium malum finem. Et secundum hoc prohibita sunt omnibus indifferenter, primo, in Decalogo: “Non concupiscis rem proximi tui” (Ex 20.17), et dist. 47 Omnes, Virum, Sicut hi [D.47 c.3; D.47 c.6; D.47 c.8]. 99 ad... 124 laboris] Textus ex Thom. AQ. Sum. th. 2a 2ae q.77 a.4, quibusdam mutatis. 101 Est...rerum] ARIST. Polit. 1, 3 (1253b13); ibid. 1, 9 (1256b40). 106 Hec... 107 laudabilis] ARIST. Polit. 1, 10 (1258a38). 109 uitia...artis] Thom. AQ. Sum. th. 2a 2ae q.77 a.4 sed contra. Cfr D.88 c.12 [Quoniam non].

92 4o... 93 iniusti] tr. per litteras A (ratione temporis feriati) C (ratione consortii iniusti) B (ratione loci sacrati) cod. 106 Hec] Alia enim com- a.c.
emptione et uenditione; uel rerum ad res, ut in permutacione, que dicuntur baratti, non propter res necessarias uite, sed ordinata ad hunc finem, scilicet lucrum ex ipsa commutatione consequendum: et hec proprie dicitur negotiatio. Et quia quantum est de se, deseruit cupiditati lucri, que terminum nescit sed infinittum tendit: ideo secundum se considerata habet quamdam turpitudinem, in quantum in sui ratione non importat aliquem finem honestum uel neccesarium. Nichil tamen importat in sui ratione uitiosum uel rationi contrarium. Vnde ordinarì potest ad finem aliquem honestum et necessarium, et sic efficietur negotiatio licita. Puta si negotiator, lucrum quod querit, moderatum tamen, ordinat ad hunc finem, scilicet ad substentationem sui et familie, secundum scilicet statum suum decentem, aut etiam ut inde pauperibus subueniat, uel etiam cum negotiationem intendit propter publicam utilitatem, ne scilicet res neccesarie ad uitam patrie desint, et lucrum inde expedit non quasi finem, sed quasi stipendium laboris, seruatis aliis debitis circumstantiis, de quibus dicetur: sic non potest condemnnari. Sed si finem ponat ultimum in lucro, intendens solum diuitias augere in immensum, et sibi reseruare, in statu permanet damnationis. Et de huiusmodi negotiatoribus dicit Beatus Tomas esse intelligendum quod ait Crisostomus super Mattheum, “Quicumque rem comparat ut integram immutamque uendendo lucretur, ille est qui de templo eicitur,” ut habetur D. 88 c. Eiciens, quod uerum est quando ultimum finem constituit in lucro, tunc enim est extra ecclesiam quoad meritum. Nolite hoc modo facere domum meum domum negotiationis etc. Hic tamen summimus large negotiationem, et insequentibus huiusmodi sectionibus.

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120 ordinat…121 familie] Cfr Raym. Penn. Sum. paen. 2.8.1 (1B:559): Ex causa sunt haec honesta, quando fiunt cum recta intentione, videlicet, ut possit de suo labore sibi et suae familiae in necessariis provide. Item ut possit hospitalitatem tenere ac cetera misericordiae opera exercere. dist. 86 Non satis [D.86 c.14]; 11 q. 1 Sic enim [C.11 q.1 c.30]; de cons. dist. 1 Sicut [D.1 c.11, de cons.]; 23 q.8 Si nulla [C.23 q.8 c.15]. 128 intelligendum…131 lucro] THOM. AQ. Sum. th. 2.2 2° q.77 a.4 ad 1. | Quicumque…130 eicitur] D.88 c.11 [Eiciens].

Secundo negotiatio est mala ratione persone, cum scilicet aliquibus personis specialiter aliquo iure prohibetur, quod fit cunctis clericis et multo magis religiosis, *Extra, Ne clerici uel monachi*, per totum, ubi non solum negotiatio sed plura negotia ibi ponuntur eis interdicta. Dicit etiam Augustinus: “Negotiari aliquando licet, aliquando non licet: antequam sis clericus, licet; postquam effectus es clericus, non licet.” *De 88 Fornichari*. Ratio huius est, secundum Beatum Tomam, 2\(\text{o}\) 2\(\text{e}\) q. 77 articulo 4, quia clerici abstinere debent non solum a malis, sed etiam ab his que habent speciem mali, quod in negotiatione contingit, et hoc tripliciter. Primo, quia negotiatio est ordinata ad lucrum, cuius clerici debent esse contemptores. Vnde Ieronymus: “clerichum negotiatorem ex inopi diuitem tamquam quamdam pestem deuita,” *D. 88 Fornichari*. Ratio huius est, secundum *Beatum Tomam*, 2\(\text{o}\) 2\(\text{e}\) q. 77 articulo 4, quia clerici abstinere debent non solum a malis, sed etiam ab his que habent speciem mali, quod in negotiatione contingit, et hoc tripliciter. Primo, quia negotiatio est ordinata ad lucrum, cuius clerici debent esse contemptores. Vnde Ieronymus: “clerichum negotiatorem ex inopi diuitem tamquam quamdam pestem deuita,” *D. 88 Secundo, propter frequentia negotiatorum uitia, quia difficultuer exuitur negotiator a peccatis labiorum*, ut dicitur Ecclesiastici 26. Et Leo Papa: “Difficile est inter uendentis ementisque...
commencium non interuenire peccatum,” *De pen.* D. 5 *Qualitas.* Sed clericus debet se multum cauere a peccatis iuxta illud: *Ambulans in via immaculata,* 

seruabat mihi etc. Tertio, quia negotiatio nimis implicat mentem curis secularibus et per consequens a spiritualibus retrahit, unde Apostolus, 2 ad Thim., *Nemo militans Deo implicat se negotiiis secularibus,* et ad idem D. 88 *Consequens,* habent autem frequentem uacare diuinis. Licet tamen clericis uti prima commutationis specie que ordinatur ad neccessitatem uite emendo vel uendendo. Et si emendo ad sui usum uictualia uel libros uel uestes et huiusmodi, postea non indigendo hiis, uel alia querendo, empta charius uendant clerici, quia tunc plus ualent quam prius: non peccant, clerici uel layci. Similiter licet eis rudem materiam emere, et inde artificilia facere honesta, tamen que congruant statui suo: sicut emere ferrum <et> inde facere ligones et uendere, et alia huiusmodi honesta exercitia, non tamen ex hoc dimittendo ecclesie officia, arg. D. 91 *Clerichus.* Nolite quam ea quae respiciunt contemplativam. supra de renun. nisi cum pridem. §. nec putes. et no. supra in prooemio. §. unde habuit originem. ver. civilis.

148 Ambulans…149 mihi] *Ps* 100.6: Oculi mei ad fideles terrae, ut sedeant mecum; ambulans in via immaculata, hic mihi ministrabat. 150 Nemo…151 secularibus] 2 *Tim.* 2.4: Nemo militans Deo implicat se negotiiis saecularibus : ut ei placeat, cui se probavit. 151 habent…152 diuinis] D.88 c.2 [*Consequens*]. 153 Et…156 layci] Cfr *Aq.* *Sum. th.* 2e 2e* q.77 a.4 ad 2. Cfr *RAYM.* *PENN.* *Sum. paen.* 2.7.9 (1B:547): Non licet anonom vel vinum emere, ut postea carius vendantur. De quibusdam autem qui tempore messis vel vindemiae emunt annonam vel vinum vilius ut postea vendant carius, dico quod peccant et turpe lucrum est. Secus si aliquis propter necessitatem emat, et postea non indiget sicut credebat; hic potest licite vendere prout venditur communiter in foro, licet carius quam emerit. 14 q. 4 Quicumque [C.14 q.4 c.9], *Canonum* [C.14 q.4 c.3]. In hoc tamen gravius peccant clerici quam laici. Neutros tamen dico teneri hic ad restitutionem faciendam certae personae, sed debent ergore tale lucrum in usus pauperum. 159 arg…Clerichus] D.91 c.3 [*Clericus*]: Clericus uictum et uestimentum, sibi artificiolo uel agricultura, absque offitii sui dumtaxat detrimento, preparat. §. 1. Clericus enim, qui absque corpusculi sui inequalitate uigiliiis deest, stipendio priuatus excommunicetur. D.91 c.4 [*Clericus*]: Clericus quilibet uerbo Dei eruditus artificio uictum querat. Item: §. 1. Omnes clerici, qui ad operandum ualidi sunt, et artificiola, et litteras discant. Qui uero non pro emendo aliquid in nudinis uel in foro deambulant, ab offitio suo degradentur. Inter temptaciones autem ab offitio declinantem uel negligentius agentes ab ipso offitio remoueantur. Cfr *RAYM.* *PENN.* *Sum. paen.* 2.8.2 (1B:561–2): Quattuor in casibus licet clericis honesta negotia tractare. ... Quartus casus est, si clericus indigeat. Tunc enim potest recipere possessiones excolendas ad firmam, sive conducere. Arg.: dist. 86 *Pervenit,* versu Avaritiae causa [D.86 c.26]; dist. 91 c. 2 versus Agricultura [D.91 c.1 Gra.]. Potest etiam talis clericus artificio suo honesto acquirere sibi victum, dum tamen occasione
ergo, qui clerici uel religiosi estis, negotiationibus uacando, facere domum patris mei domum negotiationis.

2.3. Ratione temporis feriati. Tertio negotiatio est mala ratione temporis feriati, id est diebus festiuis. Quilibet enim debet talibus diebus [debet] abstinere ab operibus seruilibus iuxta Domini preceptum, Exo. 20, Omne opus seruile non facietis in eo. Sed computatur inter opera seruilia negotiari, nisi emendo que sunt necessaria uictui cotidiano; et de hoc habetur diffusa infra, [ti. c.]. Per huiusmodi enim negotiationem non solum uiolantur festa, sed frequenter ommituntur diuina officia, quibus uacandum est diebus festiuis. De cons. D. 3 <c. leiunia> dicitur, “In illa sancta die,” scilicet festiua, “nil aliud agendum nisi Deo uacandum.” Dicit tamen Petrus de Palude in 4o, in nundinis negotiando, auditis diuinis, non quidem causa auaritie, id est congregandi ad superfluitatem, sed aliquo fine honesto, scilicet ad proudiendum ex lucró necessitati sue et familie, uel dandum pauperibus, uel proudiendum bono communitatis de rebus necessariis: possent tales excusari, ex talis artificii non desit divinis officiis. dist. 91 per totum [D.91 per totum]; de cons. dist. 5 Numquam [D.5 c.33 de cons.]; Extra ne clerici vel monachi, c.1 [X 3.50.1]. Item, quod dictum est supra, in titulo proximo [Lib. II tit. 7 n. 9: UBI 1B:547], quod non licet clerico emere vilium ut vendat carius, ita intellegas, si eiusmodi intentio est ut vendat carius in eadem forma; sed ut vendat carius, mutata forma, bene potest. Puta, emit tabulas ut faceret scrinium, vel chartas ut faciat libros, vel linum et faciat retia, et similia. dist. 88 Eiciens [D.88 c.11]; de cons. dist. 5 Numquam [D.5 c.33 de cons.]; Extra ne clerici vel monachi, c. 1 [X 3.50.1]. Potest etiam pullum emere, et illum educatum et opera sua melioratum carius vendere. Arg.: dist. 91 Clericus [D.91 c.4]. Et est ratio, quia talis quaestus ex artificio intellegitur provenire. Cfr HOSTIEN. Sum. 5.38 §.61 (1858): (Restitutione male acquisitorum quibus, et qualiter, et inquantum sit facienda). Sunt tamen casus, in quibus haec secularia negotia, etiam clericis sunt concessa. ... Quartus est, quando clericus indiget, nec habet alias unde vivat. ar. 86. dist. pervenit. ibi, avaritiae causa suscipiunt. 91. dist. clerici caetera, quae circa hanc materiam deficiunt, require supra ne cler. vel mon. per totum. ubi plenissime expeditur. Cfr PANORM. Comm. ad X 5.19.19 §.18–19 (1571 ed., 7:150va–151vb).

164 Omne...eo] Ex 20.10: Septimo autem die sabbatuum Domini Dei tui est : non facies omne opus in eo, tu, et filius tuus et filia tua, servus tuus et ancilla tua, jumentum tuum, et advena qui est intra portas tuas. Cfr RAYM. PENN. Sum. paen. 1.12.4 (1B:398–9). 165 de...166 c] Locum ANt. Flor. non inveni. 166 Per...168 festiuis] Cfr RAYM. PENN. Sum. paen. 2.8.1 (1B:559): Ex tempora sunt haec inhonest, si fiant in tempore festivo vel feriatu, quia tunc non est vacandum nisi orationibus et divinis officiis et alios operibus spiritualibus, et ab omni servili oper opere est cessandum. 168 In...169 uacandum] De cons. D.3 c.16 [leiunia]: Die autem dominica nichil aliud agendum est, nisi Deo uacandum. Nulla operatio in illa die sancta agatur, nisi tantum ynnis, et psalmin, et canticis spiritualibus dies illa transigatur. 170 in...174 tollerant] Locum PETR. PAL. non inveni.

quo prelati ecclesiarum sciunt, et tollerant. Secus, si sint prohibite per aliquam
exchommunicationem et huiusmodi. Conuenientius tamen prouideretur per
penas peccuniarias, que magis timentur si exigantur.

Quarto est mala ratione loci, cum scilicet exercetur negotiatio in ecclesia: fit enim
ex hoc magna irreuerentia locho sacro, et per consequens Deo, cuius est domus.
Vnde et Dominus uendentes et ementes in templo eiecit dicens: Nolite facere
domum patris mei domum negotiationis. Sed dignius et sacratius est in tempori
gratia templum ecclesie, quam templum Salomonis: ibi enim offerebantur
animalia, et sanguis hirchorum, et uitulorum, hic autem offertur corpus et
sanguis Christi uerum. Et cum plura peccata perpetrentur in emptione et
uenditione, grauiora etiam fiunt ratione loci sacri, sicut et alia ibi perpetrata.
Impeditur etiam deuotio orantium propter tumultum, qui solet contingere in
huiusmodi. Sed quid de uendentibus ibi candelas in ecclesia? Dicendum uidetur
quod clerici uel religiosi qui hoc faciunt principaliter ad satisfaciendum
deuotioni fidelium, qui solent eas accendere in honorem Dei, excusari possunt.
Si autem ad cupiditatem et lucrum principaliter: non uidentur posse excusari a
uitio eis prohibito negotiationis, et precipue in tali loco, sicut nec sacerdotes
ueteris testamenti in hiis que uendebant in templo.

177 cum...ecclesia] Cfr RAYM. PENN. Sum. paen. 2.8.3 (1B:562): Ex loco in quo tractantur,
inhonesta dicuntur quaedam negotia. ... Item quaedam negotia dicuntur inhonesta ex loco
propter ipsius loci excellentiam, puta quia in ecclesia talia fiunt quae, teste Veritate, non
debet esse domus negotiationis, sed orationis; unde et ipse Dominus eiecit inde vendentes et
ementes; quod habes diligenter expositum ab Origine. 16 q. 7 Et hoc diximus [C.16 q.7 c.9].
Require de hoc supra, De immunitate ecclesiarum, § Ipsa ecclesia [Lib. I tit. 14 n. 2: UBI 1 B
403]. Cfr HOSTIEN. Sum. 5.38 §.61 (1859): Sed et ratione loci inhonesta est negotiatio in
ecclesia: unde Dominus ementes et vendentes eiecit de templo. quod Orig. diligenter exponit,
sicut legitur 16. quaestio. 7. et hoc diximus, in qua etiam non sunt placita secularia exercenda.
supra de immu. eccl. c. j. et quae circa hoc membro membro deficiunt, ibidem in summa invenies
plenius notata.

Et in his quattuor casibus predictis, quamuis consulendum sit quod lucra facta
in huiusmodi pauperibus erogentur, non tamen uidentur hoc esse de neccessitate
salutis. Et ratio est quia datio et acceptio peccunie in huiusmodi de se non est
prohibita: sed actus negotiandi, non simpliciter, sed in tali loco, tempori,
persona, uel fine. Licet alii qui contrarium dicant, non tamen inueni alii quod ius,
vel doctorem solemnem hoc expresse dicentem, scilicet quod de neccessitate sit
pauperibus dandum illud lucrum. Quod autem predictur, hoc pauperibus
dandum, cautum est absque alia declaratione, esse scilicet de neccessitate, uel
consilii honestate. Nec enim oportet omnen ueritatem aperire in predicacione
propter periculum abutentium | sententiis ueritatis, qui proni sunt ad
conscientiam dilatandam: quinymmo et in interrogationibus super hoc decret
aliaquando “prudenter eludere,” ar. D. 43 In mandatis. Semper etiam tutior uia
consulenda, sed non imperanda, ar. 26 q. 7 Alligant.

2.5. Ratione
consortii iniusti.

Quinto negotiatio redditur illicita ratione mali consortii: puta si inter se
mercatores conueniant, et pactum faciant, quod omnes uendant tali pretio tales
merces, uel unus solus uendat et non alii certam rerum speciem. Tales si pactum

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192 quamuis...194 salutis] cfr RAYM. PENN. Sum. paen. 2.7.11 (1B:548–50): Usurarii et eorum
heredes compelluntur restituere usuras. ... In foro autem paenitentiali indubitanter tenetur
tam usurarii quam heredes ad solidam restitutionem omnium usurarum quas illicite
accepissent, vel saltum faciant posse suum, et doleant de peccato, et quia non possunt plene
restituere, et proponant in ano restitutione si pervenerint ad pinguiorem fortunam, et
semper pro posse nitantur ad hoc. Possunt etiam tales contritii et satisfacere non valentes,
postulare dilatationem, vel causa eleemosynae remissionem sibi fieri ab eo cui tenetur
restituere; et sic erunt in statu salvandorum; aliter, non. 14 q. 6 Si res [C.14 q.6 c.1]. Cfr ibid.
2.5.44 [De forma restitutionis] (1B:524–5). 200 Nec...203 eludere] D.43 c.2 [In mandatis]:
Quod si ingesserit se, et prouocabit nos dicere, que eum minus recte agentem non oporteat
audire, prudenter eum debemus eludere. Cfr Glossa ord. s.v. prudenter. Cfr HOSTIEN. Sum. 5.38
§.49 (1805): Interrogationes quae debet fieri in confessione. ... Sacerdos autem sit discretus et
cautus, ut more periti medici, superinfundant vinum et oleum vulneribus saucitati: ... Nota
quod dicit, discretus et cautus, discretus, enim debet esse: ut no. supra e. §. cui confitendum
sit, sic ergo necesse est, quod non solum *prudentiam* [dub.] sed etiam scientiam habeat, et
poenitentia non ignoret. ... Sit igitur diligens inquisitor, subtilis investigator, sed et cautus, ut
sapienter et quasi astutus interroget, et a peccatore extrahat, quod forte ignorat. Sed in hoc
cautus sit sicut, ut nec plures interrogationes faciat, quam forte expediat... 203 Semper...204
imperanda] C.26 q.7 c.12 [Alligant]; cfr Glossa ord. s.v. melius est (1:1952–3): Misericordia est
praefera rigor. 

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192 predictis] scilicet negotiatio iniqua ratione finis vel persone vel temporis vel loci 193 de] s.l.
205 et...faciant] in marg. dext. add. 207 merces] + et non minus a.c.
faciant, quod uendant certo pretio competenti, et non plus, sed in minus, sint
liberi: iustum est. Ymmo consulit Hostiensis quod ad hoc quod mercatores sua
officia exerceant bona fide, de licentia sui episcopi sciant quantum possunt
lucrari in mensura bladi, et uini, et huiusmodi: uel quantum possunt pro libra
ultra id quod emerunt uendere in recompensatione laboris, industrie, et
expensarum, et secundum pretium taxatum ab eo uendant sine mendaciis, et
tuti erunt a peccato negotiationis; Extra, De emptione et uenditione, c. 1. Bonum et
equam consilium est: sed quia consilium est, non obligat, cum consuetudo
ubique quasi sit in contrarium. Vbi tamen siue per episcopum, siue quod melius
fieret, prouideretur per rectores ciuitatis, scilicet quod taxato pretio ab eis
uenderentur uictualia, et alia que sunt ad usum necessaria: non possent
mercatores seu uendentes pretium augere absque peccato. Sed si pactum faciunt
mercatores insimul, quod certo pretio uendant merces suas, et non minus, per
hoc non tam intendentes se conseruare indempnes, cum iustum pretium ponunt
mercibus secundum ualorem illius temporis, quam lucra immoderata [lucra]

\[209\] consulit...214 \[1\] HOSTIEN. Sum. 5.38 §.61 (1859): Verum sacerdos debet tales in viam
rectam dirigere, et inducere quantum potest, ut recto fine laborent, et rectam intentionem
habeant, et sine omni fraude officia sua exerceant bona fide: et consulerem talibus quod de
licentia episcopi sui scirent, quantum possent lucrari in mensura bladi et vini, et similibus,
vel quantum pro libra possent ultra quam emerent vendere, in recompensatione laboris et
expensarum, et sic venderent sine mendacio: ippos crederem esse in tuto, quo ad peccatum
negotiationis. arg. supra de contrah. empt. c. j. supra de voto. c. j. et c. magnae. §. fi. 10. q. j.
regenda. et sic possent intelligi 88. dist. formicari. Hi autem qui hoc non faciunt, sine periculo
vix evadunt. et sic potest intelligi quod dicit Leo, Difficile esse inter ementis vendentisque
commercium non intervenire peccatum. de poe. di. 5. qualitas. et c. seq. Cfr X 3.17.1 [Placuit]:
Cogit episcopus, ne carius vendatur transeuntibus, quam in mercato venderetur. Cfr
PANORM. Comm. ad X 3.17.1 n.9 (1583 ed., 3:96r): In gl. 2 in fi. Sed Hostiensis tenet quod
etiam hodie episcopus habet in hoc iurisdictionem, nec valet consuetudo in contrarium
tanquam impediens correctionem peccati. . . . Et hoc credo verissimum non solum ratione
huius capitis sed quia de quolibet crimine notorio, ubi deprehendit negligentia iudicis
secularis, iudex ecclesiasticus habet iurisdictionem in laico. . . . Et plus dico ultra doctores hic;
quod negandum respectu transeuntium et peregrinorum habet episcopus iurisdictionem in
casu huius capitis, sed etiam respectu habitantium in loco. Nam versatur in hoc causa pia, ut
pauperes non vexentur, nec compellantur emere necessaria ultra debitum. Et hoc videtur
approbari etiam per ius civile, ut est text. secundum unam lecturam quam sequitur ibi
Baldus in Cod., de epi. audien. quod no. l. 1. Quare concludo, quod episcopus poterit
compescere istos, qui exponunt venalia victualia, ut non vendant ultra iustum precium, et
fraudatores compellere.

209 Ymmo] + fieri debet taxatio pretii a.c. 218 alia] + co- a.c. 222 lucra}\[2\] bis
querere ex nimietate pretii: pessime faciunt. Et dicuntur hii monopolitae a monos, quod est unum, et pola, quod est uenditor, uel polis, quod est ciuitas, quasi unus solus uendens in ciuitate. Et tale pactum monopolitarum est illicitum, et a iure prohibitum secundum Hostiensem, Codex, De monopoliiis, l. una: et cauetur in dicta lege quod exercens tale officium, propriis bonis spoliatus exilio perpetuo dampnetur. Si quis etiam societatem facit cum eo, quem noutit esse male conscientie, et per phas et nephas negotiari, licet ipse ab illicitis commertiis caueat, et socium admoveat ab illicitis abstinere: non excusatur, nisi prohibeat in quantum potest, et societatem cum eo soluat, si potest; uel protestetur, si non potest, de illicitis lucris participare non uelle, nec ipsum in illis se intromittere, ar. D. 83 Error, et c. Facientis. Et super hoc debet inquirere, ne laboret crassa ignorantia que non excusat.

Sexto est illicita ratione medii, id est cum mediantibus periuriis, et mendaciis, et dupplicitatibus negotiatur. Vnde Cassiodorus: “Illi negotiatores abhominabiles sunt” coram Deo, “qui iustitiam Dei minime considerantes, per immoderatum pecunie ambitum merces suas plus periuriis quam pretiis honerant,” D. 88 <c. 13> in palea. Et de periuriis quidem non est dubium, quod qui utuntur eis, quod est monopolite a monos, quod est unum, et pola, quod est uenditor, uel polis, quod est ciuitas, quasi unus solus uendens in ciuitate. Et tale pactum monopolitarum est illicitum, et a iure prohibitum secundum Hostiensem, Codex, De monopoliiis, l. una: et cauetur in dicta lege quod exercens tale officium, propriis bonis spoliatus exilio perpetuo dampnetur. Si quis etiam societatem facit cum eo, quem noutit esse male conscientie, et per phas et nephas negotiari, licet ipse ab illicitis commertiis caueat, et socium admoveat ab illicitis abstinere: non excusatur, nisi prohibeat in quantum potest, et societatem cum eo soluat, si potest; uel protestetur, si non potest, de illicitis lucris participare non uelle, nec ipsum in illis se intromittere, ar. D. 83 Error, et c. Facientis. Et super hoc debet inquirere, ne laboret crassa ignorantia que non excusat.


unicho perjurio scienter, scilicet falsum iurando, quod peccant mortaliter
secundum Raymundum et B. Tomam, 2a 2e <q. 98 a. 3>, quia expresse contra
preceptum Dei faciunt, notabilem irreuerentiam committendo. De mendaciis
autem dicit Raymundus quod si hoc faciunt ut decipiant, etiam mortaliter
peccant, et tenetur ad restitutionem eius in quo deceperunt. Et glossa dicit ibi
quod non distinguit, utrum in modicho uel in magno decipiat. Credo
Raymundum loqui de mendacio, ex quo quis intendit nocere seu decipere in
muito si posset, sicut in modicho, cum dicit esse mortale: nam si in modicho
tantum intendat decipere, non est ratio, quare debeat esse mortale. Et quod dicit
glossa, uidetur referendum ad factum, non ad intentionem: quod ex modo
loquendi patet, hoc est cum et si intendat decipere in molto, actu tamen non
decipit nisi in modico, quia non potest. Vel etiam potest referri ad factum
restitutionis: quia ita in modicho decipient tenetur ad illud modicum, sic ad

meo. Ergo est peccatum mortale. . . . Perjurium autem de sui ratione importat contemptum
Dei, ex hoc enim habet rationem culpae, ut dictum est, quia ad irreverentiam Dei pertinet.

243 si . . . 244 deceperunt] RAYM. PENN. Sum. paen. 2.8.5 (1B:563): Ad hoc dico quod, quoties
scienter et causa decipiendi proximum peierat vel mentitur, peccat mortaliter, et tenetur ad
restitutionem in quantum deceperit proximum, illi eidemcepto faciendum, si scit vel
potest, vel heredi eius; vel si nescit personam, vel non potest, procedat ut dixi supra De
usuris, § Sed pone, in fine [Lib. II tit. 7 n. 16: UBI 1 B 555] et supra De raptoribus, § Forma
restituendi [Lib. II tit. 5 n. 44: UBI 1 B 524]. Cfr HOSTIEN. Sum. 5.38 §.61 (1844): Restitutione
male acquisitorum quibus, et qualiter, et inquantum sit facienda. . . . Breviter respondes,
quod damnum passis, vel haeredibus, sive successoribus eorum, si extant. Ab his qui
damnum dederunt, vel haeredibus eorum. Et insolidum si facultas suppetit, facienda est
restitutio, alioquin frustratoria est poenitentia, quia secundum Augustinum non dimittitur
peccatum, nisi restituatur ablatum. supra de usur. cum tu. 14. q. 6. si tres. et no. de hoc plene
infra e. sub §. fi. qui incipit, sed quae forma servanda est. et iunge quod no. supra de test. §.
ad quid haeres tenetur. sub §. tenetur. et supra de usur. §. qua poena. 245 non . . . decipiati] 
GUIL. RED. Glossa in RAYM. PENN. Sum. paen. 2.8.5 s.v. in quantum (1603 ed., 247): Non
distinguit utrum in modico, vel in magno. 249 ex . . . 251 potest[?] Cfr RAYM. PENN. Sum. paen.
2.8.5 (1B:563–4): Si autem ignoranter dicit falsum credens dicere verum, vel etiam scienter,
sed intendit et scit per mendacium illud sibi prodesse, ut sic se servet indemnim, et proximo
non obesse, quia non decipit eum in re unam pro alia vendendo, nec in valore rei, quia non
vendit ei ultra debitum valorem, tale mendacium potest dici forte veniale. Require supra, De
mendacio, § Mentiri [Lib. I tit. 10 n. 1: UBI 1 B 381] et § Ut plane liqueat [Lib. I tit. 10 n. 3: UBI
1 B 381] et § Restat videre [Lib. I tit. 10 n. 5: UBI 1 B 382].
multum qui in multo decipit. Sed si quis mendacio utitur in uendendo et
demendo ut conseruet se indemnem, puta ut uendat iusto pretio rem suam, dicit
constitisse sibi plus quam constitit et huiusmodi: peccat talis uenialiter
secundum Raymundum. Sed Hostiensis dicit, si hoc facit assidue et ex
consuetudine, mortaliter uidetur peccare. Arguit a simili de ebrietate, quam
dicit Augustinus esse mortale si sit assidua, ut patet D. 25. §. 

et de hoc supra in prima parte titulo 6o: sed bene disponit ad mortale. Nec est
simile de ebrietate, unde et dictum illud Augustini exponit Beatus Tomas, 2o 2o

253   Sed...255 uenialiter] Cfr RAYM. PENN. Sum. paen. 2.8.5 (1B:563): Et breviter: [quid de
mercatoribus qui] mentiuntur simplicibus rem vilem vel corruptam pretiosam esse, et in
hunc modum excent pro magna parte quidquid doli et fraudis excogitari potest? | Sed...
258 Alias] Cfr BERN. SEN. Evangel. aet. 33, 2, 7 §.1 de mendacis multis (4:152). 256 si...257
peccare] HOSTIEN. Sum. aur. 5.38 §.61 (1859): Verutamem ex quvo assidue et de consuetudine
quicquid dicat Ray. et ex aequitate et benignitate, tamen de veritate mortale
videtur; sicut et ebrietas, si assidua sit, est mortalis. 25. dist. §. alias. et ut patet in his qua no.
supra e. §. quae interrogationes. sub §. dixisti unquam mendacium. 257 de...258 assidua]
D.25 c.3 Gr.p. §.3 [Alias]: Multa enim ex deliberatione procedunt, que nisi sepius iterata et in
consequutudinem fuerint deducta, quumuis grauent post mortem, non tamen eternaliter
perdunt: quia etsi quadam ratione crimina appellantur, tamen mortifera, et capita non sunt.
... et si longo tempore teneatur, iracundia, et ebrietas, si assidua sit, in eorum numero
computatur. 259 ueniale...260 mortale] THOM. AQ. Sum. th. 1o 2o q.88 a.4: Ea quae differunt
in infinitum, non transmutantur in invicem. Sed peccatum mortale et veniale differunt in
infinitum, ut ex praedictis patet. Ergo veniale non potest fieri mortale. ... Quod si sic
intelligatur quod ex multis peccatis venialibus integraliter constitutur unum peccatum
mortale, falsum est. Non enim omnia peccata venialia de mundo, possunt habere tantum de
reatu, quantum unum peccatum mortale. ... Augustinus loquitur in illo sensu, quod multa
peccata venialia dispositive causant mortale. Cfr ibid. a.5 ad 1: Diuturnitas non est
circumstantia trahens in aliam speciem, similiter nec frequencia vel assiduitas, nisi forte per
accidens ex aliqo superveniens. Non enim aliquid acquirit novam speciem ex hoc quod
multiplicatur ver protelatur, nisi forte in actu protelato vel multiplicato superveniatur aliquid
quod variet speciem, puta inobedientia vel contemptus, vel aliquid huiusmodi. Cfr Glossa
ord. ad D.25 c.3 Gr.p. §.3 s.v. criminales ee ebrietas. 261 de...6o] ANT. FLOR. Summa
1.6.13.7 [Quomodo unum peccatum est causa alterius] (1.6.14 apud Machami, 1:857–8): Per se
autem, sicut cum ex uno actu peccati homo disponitur ad hoc quod alium actum consimilem
facilius committat. Ex actibus enim causantur dispositiones et habitus inclinantes ad
consimiles actus. | Nec...263 contemptus] THOM. AQ. Sum. th. 2o 2o q.150 a.2 ad 1: Ad
primum ergo dicendum quod assiduitas facit ebrietatem esse peccatum mortale, non propter
solam iteratem actu, sed quia non potest esse quod homo assidue inebrietur quin sciens
et volens ebrietatem incurrat, dum multoties exerpit fortitudinem vini, et suam habilitatem
ad ebrietatem.

q. <150 a. 2>. Est igitur illud mendacium ueniale, nisi addatur contemptus. Et idem dicendum de dupplicitatibus, que ibi fiunt, et fraudibus, scilicet quod sit mortale, ubi intenditur notabilis deceptio proximi, alias ueniale: de hoc plenius infra.

2.7. Ratioe materie mali: quedam enim negotia sunt, que sunt de se mala in sui natura, ut usura, symonia, et huiusmodi. Vnde Ambrosius: "Reperiuntur quamplurimi negotiatione muneris merchari uelle gratiam Spiritus Sancti," 1 q. 1 Reperiuntur. Et horum negotiatio, id est exercitatio, omnibus prohibetur clericis et laycis secundum Raymundum.

Quedam alia sunt, que non sunt in sui natura mala, tamen eis utuntur homines, ut in pluribus, ad malum: ut facere taxillos, cartas seu naybos, fuchos, et ornamenta superflua uestium, et huiusmodi. Et ab horum negotione, id est emptione, et uenditione, et factione, debet quilibet abstinere, et per maxime ab hiis que sine peccato mortalì fieri non possunt, seu quorum usus communiter est ad mortale peccatum. Et sic intelligendum est quod dicit Innocentius in c. Fratres nostros, De pen. D. 5, “Verum falsa penitentia est, cum penitens ab officio,” id est actu “negotiali non recedit, quod sine peccatis agi non potest;” et
quod ait Gregorius in omelia, scilicet negotia “que ad peccatum implicant, neccesse est ut ad hec post conversionem animus non recurrat,” De pen. D. 5 Negotium. Loquuntur enim de mortalibus peccatis. Nam si de quibuscumque etiam uenalibus intelligantur, nullus posset etiam negotia licita exercere. De huiusmodi tamen artibus, quarum artificia sunt frequenter ad peccata, dicetur infra in sequenti capitulo.

Quedam alia sunt dubia, ut emere prestantias solutas communitati ab aliis, seu denarios montis, et imprestita Venetorum, et loca Ianuensium, que quidam dicunt licita, quidam illicita et usuraria, et ab huiusmodi etiam abstinendum, quia: “In dubiis tutoria est eligenda,” Extra, De spons., Iuuenis. Et de hac materia diffuse habes supra eodem tit. c. <9>. Ibi ponuntur rationes ad utramque partem: et ideo non de facili condempnandum, et sic consulendum quod tutius est, ut dictum est. |

3. De negotiatione temporali modesta.

sciendum quod tunc negotiatio est modesta et licita quando <quis> eam exercet secundum iustitiam Dei, id est secundum iustitiam quam exigit Deus ab hominibus, non secundum iustitiam hominum. Et hoc est quod ait Ps., Memorabur iustitie tue solius, scilicet in negotiando, et alia opera faciendo. Iustitia
hominum cauet sibi solum a magnis excessibus deceptionis, puta ultra
dimidiam iusti pretii, irritans tales contractus, ut Extra, De empt. et uen., Cum
dilecti. Sed iustitia Dei non permitit aliquam etiam paruam deceptionem
scienter factam. Qui autem sequuntur iustitiam hominum, non memorantur
iustitie Dei, de qua dicit Psalmista: Memorabur iustitie tue solius. Illi sunt
negotiatores qui de templo ecclesie militantis quoad meritum eiciuntur, et de
templo ecclesie triumphantis quoad consortium. Vnde Cassiodorus super dicto
uersiculo Psalmi: “Ille abominabiles sunt,” scilicet “qui iustitiam Dei minime
considerantes, per nimum pecunie ambitum merces suas polluunt,” D. 88.
Sicut autem seruatur iustitia Dei, id est iustitia secundum Deum, cum in
negotiando datur iustum pretium, non excessiuum, et res integra debita, non
sophisticata, et aut permutatio equa: ita contra negotiantes, largo sumpto
vocabulo pro ementibus et uendentibus, tripliciter faciunt contra iustitiam Dei:

1°. Ex iniqua appretiatione.

2°. Ex uaria sophisticatione uel fraudatione.

3°. Ex illicita permutatione.

Quantum ad primum, sciendum secundum Beatum Tomam, 2a 2e q. 77 articulo
primo, quod “emptio et uenditio uidentur introducta pro communi utilitate
utriusque, dum scilicet unus indiget re alterius, et econuerso, sicut patet per
Philosophum in 1o Politice. Quod autem pro communi utilitate introductum est,
non debet magis esse <in grauamen> unius, quam alterius: et ideo debet inter

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298 ultra…299 contractus] X 3.17.3 [Cum dilecti]: Tenet venditio, licet venditor sit deceptus
ultra dimidiam iusti pretii; potest tamen venditor agere, ut restituatur res vel iustum pretium
suppleatur, et, si alterum praecise petit, succumbit. 305 Illi…306 polluunt] D.88 c.13 [Quid
est aliud]: Negotiatores ergo illi abominabiles existimantur, qui iustitiam Dei minime
considerantes per inmoderatum pecuniae ambitum polluuntur, merces suas plus periuriis
onero quaenam precise. Tales iecit Dominus de templo, dicens: “Nolite facere domum patris
mei domum negociationis.” 315 quod…323 equalitas] THOM. AQ. Sum. th. 2a 2ae q.77 a.1.
emptio…316 econuerso] ARIST. Polit. 1, 9 (1257a10ff.).

negotiatores a.c. 307 Sicut…310 uendentibus] in marg. super. add. 318 in grauamen] supplevi
Thomam secutus
eos secundum equalitatem <rei> contractus institui. Quantitas autem rerum, que in usum hominum ueniunt, mensuratur secundum pretium datum, ad quod est inuentum numisma, ut dicitur 1° Ethicorum. Et ideo si pretium excedat quantitatem uloris rei, uel econueros res excedat pretium, tollitur iustitie equalitas.” Hec Tomas. Et commictitur consequenter iniquitas: iniquitas enim dicitur quasi inequitas, id est inequalitas. Sed, Qui diligit iniquitatem, odi animam eius, secundum aliam translationem inquit Ps. 10, et loquitur de anima Dei, que est voluntas eius. Vnde et 10 q. 2° Hoc ius, dicitur quod si in uenditione rei ecclesiastice plus offeratur, quam res ualeat, ecclesia recipere non debet, sed tantum iustum pretium. Et ratio est secundum Archidyaconum super dicto capitulo quia ecclesia non debet dolum facere in contractibus suis, Extra, De donationibus, Per tuas. Sic igitur res non possunt licite uendi plusquam ualeant: nec etiam minus emi, pensato earum ualore in respectu ad usum nostrum, et probable iudicium humane extimationis mensurantis ualorem rei infra limites latitudinis competentis. Et pro pleniori declaratione materie tria uidenda sunt.

1°. Vnde accipiendus sit debitus ualor rei.

2°. Que sit latitudo competens uloris rei.

3°. Quid dicendum quando fit excessus uloris rei.

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uilioris pretii apud nos estimantur propter eorum copiam, quam balsamum uel aurum: quamuis illa de se sint magis neccessaria magisque utilia uite nostre.

3.1.3. Ex complacibilitate.


Tertium considerandum circa ualorem rei est quod ualor rerum uenalium uix aut numquam potest a nobis determinari, nisi per conjecturalem et probabilem oppinionem, et hoc non punctaliter sub indiuisibili ratione aut mensura in plus et minus, sed sub aliqua latitudine competenti respectu temporum, lochorum, et personarum. Circa quam latitudinem diuersi homines in extimando differre probantur. Et hoc etiam dicit Beatus Tomas, ubi supra, quod ualor rerum non consistit in puncto indiuisibili: unde aliquantulum plus uel aliquantulum minus emere uel uendere non tollit equalitatem uel iustitiam, dummodo non fiat excessus notabilis uel contra conscientiam.

Quantum ad secundum, scilicet que sit competens latitudo ualoris rerum, infra cuius limites possit preitum extendi: dicendum quod tripliciter hoc innotescere potest, ex iure, ex consuetudine, ex discretione.

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371 Tertium...376 probantur] Textus ex BERN. SEN. ibid. 376 ualor...377 indiuisibili] THOM. AQ. Sum. th. 2e 2° q.77 a.1 ad 1: Iustum preitum rerum quandoque non est punctaliter determinatum, sed magis in quadam aestimatione consistit, ita quod modica additio vel minutio non videtur tollere aequalitatem iustitiae. 380 Quantum...404 injustitia] Textus ex BERN. SEN. Evang. aet. 35, 1, 2 (4:191–2), quibusdam mutatis. Cfr PETR. OLIVI Tr. contr. 1 q.1 (94–109); IO. SCOT. Oxon. d.15 q.2 n.15 (18:283b). Cfr BERN. SEN. Chr. rel. 37, 2, 1 (1:470–2).

3.1.2.1. Ex iure. Et primo ex iure. Quia si pretium, quo uenditur res excedat medietatem iusti pretii, seu pretium quo emitur, deficiat a medietate iusti pretii, puta ualeat res X florenos, prout communiter extimatur, et tamen uenditor petit et recipit XVI, uel cum ualeat X, emport emit pro quattuor cum dimidio: tunc secundum iura contractus est nullus, Extra, De empt. et uen., Cum dilecti, per iudicem irritandus, uel facere supplere defectum commissum. Verum etiam si esset minor excessus quam medietas iusti pretii, si sit notabilis, utique secundum B. Tomam, 2a 2b q. 77, et Scotum in 4o D. 15, est ibi iniustitia, et per consequens peccatum mortale, et restitutio facienda quantum ad eum, per quem fit deceptio aduertenter in pretio multum excessivo uel defectuo. Sed si fiat deceptio ignora ner, quia scilicet emport uel uenditor existimat tantum ualere: tunc non est i bi mortale, ex quo ipse decipitur per erorem, sed tamen cum perpendit, uel sibi ostenditur, tenetur ad satisfactionem, alias tunc peccaret mortaliter, si non uellet satisfacere. Quod totum intelligitur quando defraudatur iusto pretio emport uel uenditor ex errore seu ignorantia: nam si sciens et aduertens quantitatem excessus uel defectus libere consensit in tale pretium et contractum, in nullo tenetur alter cum eo contrahe nes, cum sciat illum aduertere de excessu, uel defectu pretii. Et ratio est quia “scienti et consentienti non fit iniuria neque dolus,” ut dicit regula, 385 390 395

383 si...387 nullus] X 3.17.3. Cfr HOSTIEN. Sum. 3.17 §7 (943): Emptio et venditio qualiter rescindatur. ... Si in precio quis deceptus sit, non ex proposito contrahentis, siquidem ultra dimidiam iusti precii agit deceptus ut restituatur. sc. quod rescindatur contractus, ut suppleat iustum precium, data elect. decipienti. C. de rescin. vend. l. 2 secundum Azo. ... Ergo a contrario, si ultra dimidiam iusti precii, ut si emport deceptus sit, dabitur electio venditori, sicut intelligit Azo. Emitur autem res, minus dimidiam iusti precii, si res valet 10 et venditur pro 5 minus uno denario, et sic decipitur venditor, sed si valet 10 et ematur pro 15 et uno denario, decipit et ultra dimidiam iusti precii, et sic decipitur empo secundum Azo. Alii dicunt, quod tunc fit deceptio ultra dimidiam iusti precii, quando res quae valet 10 emit 21, sed sententia Azo verior est, secundum M. 388 Verum...392 defectuo] THOM. AQ. Sum. th. 2a 2b q.77 a.1; IO. SCOT. Oxon. d.15 q.2 n.15 (18:283b). 390 scienti...dolus] VI 5.13.27: Scienti et consentienti non fit iniuria neque dolus. Cfr ANT. FLOR. Summa 1.20.194 (Mamachi 1:1422): Et nota, quod dolus malus est omnis calliditas, fallacia, machinatio ad circumveniendum, fallendum, decipiendum, in alterum adhibita. ... Sed sciens non circumvenitur, fallitur, vel decipitur; ergo sibi non infertur dolus. ... Item nota, quod haec regula formata est copulative, non disiunctive; haec enim duo requiruntur conjunctim, scilicet, quod sciat, et quod consentiat. Scienti enim, et non consentienti bene infertur iniuria, et dolus. ... Iacob non commisit dolum in emendo primogenita ab Esau (Gen. XXV).
De regulis iuris, libro 6. Sicut enim potest rem suam absque omni pretio dare et donare, ita etiam potest pro centesima parte iusti pretii rem suam uendere secundum beneplacitum suum, et alteri pro 5a parte, et alteri pro iusto pretio tantum. Nec in hoc fit iniustitia ex parte alterius, nisi cogeretur uenditor ad uendendum, aliqua magna necessitate ad hoc inducente, cui non potest sibi aliter prouidere: uellet tamen iustum pretium, sed inuenire non potest, uel etiam magna leuitate ad hoc mouente, ut prodighus et leuis: tunc enim sechus dicendum.

3.1.2. Ex Secundo ipsa latitudo pretii potest innotescere ex consuetudine. Nam, ut dicit Scotus in 4o ubi supra, per experientiam satis patet, quod consuetudinarie relinquitur ipsis permutantibus ut, pensata mutua necessitate, reputent se mutuo dare equivialens, et hinc inde accipere. Durum quippe uidetur inter homines contractus esse, in quibus contrahentes non intendant aliquid de rigore iudiciali, qui est ut tantum res ematur uel uendatur, quantum ualeat, sibi mutuo relaxare: ut sic communem contractum commitetur aliqua donatio uera. Et hic modus commutantium fundatur quasi super lege nature dicente: Fac alteri quod tibi uis fieri. Satis igitur est probable quod quando contrahentes mutuo sunt contenti, mutuo sibi remictere uelint, si aliquo modo, dum tamen non enormi, deficiunt a perfecta iustitia.

3.1.2.3. Ex Tertio innotescit latitudo pretii rerum ex discretione. Dictat enim discretionio quod cum res in se ualens X, tamen habenti est chara et utilis ut XII, si uolo eam habere, dem sibi non tantum X, sed quantum sibi ualet, ex quo ipse retinere uolebat quia utilis ut XII. Vnde et B. Tomas, 2a 2e q. 77, dicit quod uendere rem

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plus quam ualeat, “est iniustum, nisi in detrimentum cederet uenditoris,”

uendere scilicet quantum ualeat, puta quia multum sibi est utilis illa res, uel

necessaria: tunc enim uendere poterit plus, quam res in se ualeat, quantum

scilicet ualeat ipsi uenditori. Sed quamuis emptor multum iuuetur ex re quam

uult emere, si uenditor inde non damnificatur ex charentia ipsius rei, non

propterea potest plus uendere rem, quam ualeat in se: quia utilitas, que

superuenit emptori, non est ex condicione uendentis, nec ex condicione rei in

se, sed ex condicione ementis; unde non debet uendere illi, quod non est suum.

Idem Schotus in 4°. Si tamen sua liberalitate emptor uult aliquid plus dare,

quam ualeat res, quia inde multo iuuatur, potest recipi, ar. 1 q. 2 Sicut episcopum.

3.1.3. Excessus

Quantum ad tertium prime partis, scilicet quando fit excessus in pretio, quid

iuiris? Ad hoc dicendum, quod tripliciter potest fieri excessus in pretio rerum

uenalium, uel defectus.

3.1.3.1. Excessus

Primo quidem ultra dimidiam iusti pretii: et sic contractum potest rescindere

deceptus, uel restaurationem dampni sui petere, ut dictum est. Nec obstat si

dicatur quod “unusquisque in re sua est moderator et iudex,” secundum iuara,

ergo rei mee possum imponere quod pretium uolo, nec aliquis potest me cogere

ad pretaxatum pretium, sicut nec etiam ad uendendum, sicut etiam emptor non

cogituri ad emendum, nisi pretio sibi beneplacito. Sicut igitur contractus

emptionis et uenditionis est mere uoluntarius, sic etiam | taxatio pretii

uenalium rerum debet esse uoluntaria secundum uoluntatem uendentis et

\footnotesize
432 Idem...4o] IO. SCOT. Oxon. d.15 q.2 n.16 (18:289a). \  Si...433 recipi] C.1 q.2 c.4 [Sicut episcopum]: Ab ordinato non debet aliquid exigi, sed nec voluntarie oblatae respui oportet. ... [Gratianus:] Auctoritate uero Gregorii datur intelligi, quod pro ingressu ecclesiae non licet pecuniam exiguere, sed spontanea oblatam suspicere licet. 439 unusquisque...iudex] Cod. 4.35.21 [In re mandata]: Nam suae quidem quisque rei moderator atque arbiter non omnia negotia, sed pleraque ex proprio animo facit. Cfr IO. ANDR. Novella ad X 3.17.1 s.v. possessa (3.79v–79va): In aliis, puta domo, precio, et his simulibus ipse sit rei suae moderator et arbiter. C. man. in re mandata. Cfr ANT. BUTR. Comm. ad X 3.17.1 §.7 [Vendere quando quis compellatur rem suam iusto pretio] (3.75v–79v); PANORM. Comm. ad X 3.17.1 §.6 (1583 ed., 3.95v–96r). \  ergo...452 equitatem] Textus ex BERN. Sen. Evang. aet. 35, 1, 3 (4:194), quibusdam mutatis; cfr PETR. OLIVI Tr. contr. 1 q.1 (94–109).


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Secundus excessus est in contractu huiusmodi quando utique notabilis est, non
tamen pertingen
tem ad mediatem iusti pretii: et tunc aliqui dicunt licitum esse,
nec tene ri ad restitutio

tionem, quia iura hoc permi
cunt, ut in dicto capi
tulo Cum dilecti, De emptione et uenditione. Quam oppi
nionem sequi uidetur Durandus
ordinis Minorum in Summa sua. Sed hanc oppi
nionem tamquam eroneam et
periculosum salutu animarum reprebant Beatus Tomas, 2a 2a q. 77, et Schotus in
4a D. 15, dicentes quod talis scienter decipi

iens iniustitiam facit, mortaliter per
consequens peccat, et tenetur ad restitutio

eius in quo deceptit. Si autem
ignoranter et ex errore, scilicet exstimans tantum illam ualere et huiusmodi, tunc
non peccat: sed cum aduertit errorem, tenetur ad satisfac
tionem damphni leso
seu deceto, alias tunc peccare si non dispo

neret se ad emendam. Ad rationem
ab illis inductam de lege, respondet B. Tomas, ubi supra, quod lex “datur
populo, in quo sunt multi deficien
tes a uirtute;” unde solum prohibit ea mala
que habent destruere humanum conuictum pacificum ea puniendo, ut furta,
adulteria, notables decep
tiones in contractibus ut deceptio ultra dimidiam iusti
pretii: et hoc, cum punire potest absque maiori scandalo, alias etiam illa tollerat,

ut 1. q. 7 Quotiens, 23 q. 4 Ipsa pietas, D. 50 Vt constitueretur. “Alia autem
permicit;” non quia licita, sed in quantum “non punit ea;” et hoc, ne puniendo
sequentur maiora mala. “Sed lex diuina,“ que datur omnibus, nil dimicit
impunitum in hac uita, uel alia quod sit uirtuti contrarium. Vnde secundum
diuinam legem illicitum reputatur, si in contractibus “equalitas non seru
...
quod fit plus uendendo rem quam ualeat, uel minus emendo, cum fit precipue notabilis excessus. In hoc cum Beato Toma concordant Iohannes de Lignano, et Iohannes Calderinus, et plures alii canoniste, dicentes illam decretalem habere locum iure fori, non iure poli, et hoc ad uitanda multa litigia, que de leui possent cotidie fieri.

3.1.3.3. Excessus minor. Tertius excessus est quando in huiusmodi contractibus parum fit damnpificatio, ut quia paulo plus uenditur res, uel paulo minus emitur iusto pretio: et tunc, quamuis quidam dicant indistincte non commicti peccatum nec teneri ad restitutionem, eo quod pretia rerum non consistant in puncto indiuisibili, sed habeant quamdam latitudinem in plus et minus: uerius tamen uidetur dicendum quod quia latitudo illa debet esse competens, et sic habet limites suos, qui tamen difficulter sciri possunt, ideo si quis in emendo uel uendendo excedat aliquantulum limites, non agens contra conscientiam, quia scilicet credit illud esse satis iustum pretium, et si rigidum: non peccat, nec tenetur ad restitutionem, quamuis aliquantulum excedat limites iusti pretii. Et tunc habet locum quod illi dicunt, scilicet omnem contractum concomitari aliqualem donationem, et sibi inuicem partes remittere modicum plus uel minus iusto
pretio. Sed si quis contra conscientiam uendat plus uel emat minus iusto pretio, id est credens excedere suppremum gradum latitudinis pretii, etsi in modicho, non potest excusari a peccato saltim ueniali, cum omnis deceptio et fraus sit peccatum, et etiam tenetur ad satisfactionem. Ex quo minutie tales sunt innumere, et parum inde etiam leditur proximus, debet illud sic iniuste acquisitum pauperibus erogari, 14 q. 5 Qui habetis.

Declarantur predicta per Geraldum ordinis Herimitarum et Iohannes de Rip., quod si fiat diminutio, uel excessus iusti pretii in contractibus in modicho, non est neccesse restitutionem fieri: ad quod probandum inducunt triplicem rationem.

Primo quidem ratione pacis, et saluationis. Quod enim ex consensu et statuto communi, et pro communi omnium utilitate procedit, eo ipso obtinet equitatem et robur iuris communis: sed communis consensus, ac recta et discreta consuetudo uult, quod non omnis excessus in talibus restitui sit neccesse. Et hoc ideo, quia expedite tempore paci, et saluti spirituali. Expedite quidem temporali paci, quia alias infinite querimonie et litigia ex huiusmodi orirentur. Spirituali etiam saluti hoc expedite, scilicet communitatis et partium eius, quia cum difficillimum sit ab huiusmodi contractuum excessibus se totaliter depurare, et maxime in hominibus imperfectis inhumanibus lucrisc, ex quibus et in quibus maior pars communitatis hominum consistit, periculosissimum omnibus esset si huiusmodi excessum sibi uendicare et retinere non liceret.

497 Sed…502 erogari] C.14 q.5 c.14 [Qui habetis]: Qui habetis aliquid de malo, facite inde bonum. ... De malo ergo bonum facit qui pauperibus dispensat quod cum labore et sollicitudine acquisitum, iuxta illud evangeli: "Facite uobis amicos de mammona iniquitatis.” ... De peccato etiam aliqua nonnumquam acquiruntur, que pauperibus iuste erogantur. 503 Declarantur…505 fieri] Fortasse, Langholm secutus, GER. ODON. Tr. contr. q.4 (fol.81v): IO. REG. Quodl. 4.18 (fol.64va–65ra). 507 Primo…571 proni] Textus in his sectionibus usque finem ex BERN. SEN. Chr. rel. 37, 2, 1 (1:470–2), paucis mutatis; cfr PETR. OLIVI Tr. contr. 1 q.5 n.52–61 (126–35).

3.1.3.2. Secundo hoc idem probatur ratione mutue concordationis. Propria namque forma et ratio commutatiui contractus ex utriusque partis libero ac pleno consensu inchoatur et rectificatur, ita quod emptor uult sibi rem emptam potius quam pretium eius, et uenditor econuero: uterque etiam ex pleno consensu a se alienare intendit proprium dominium rei sue, illud in alium totaliter transferendo. Et si in aliquo preter intentionem et propriam extensionem defraudatur, sitra tamen excessum enormem lege diuina uel humana prohibitum, uult nichilominus contractum initum ratum esse et firmum. Ac si libere et expresse omni tali legi renuntiaret in contrarium facienti: pro quanto pro sua temporali indemnitate id facit. Alter sibi nichil inde reddere obligatur, quia ibi iam non est enormis, ymmo forte nec ullus excessus: quia sicut potuit totum absque omni pretio donare, sic potuit pro minori pretio iuste uendere uel dare.

3.1.3.3. Tertio hoc probatur ratione humane extensionis, que quidem incerta est ad mere iusta preetia pretaxanda, et ad precise discernendum excessus et defectus iusti pretii. Propter quod, licet pretium [licet] in aliquo minuatur uel excedatur, nichilominus nulli proprio, uel communi iudicio censetur, aut censeri debet pro enormi, nec sic respectu iudicii nostri recedit a moderantia iusti pretii sub competenti latitudine mensurandi, quin ipsum aliquid alius includatur, sicu mustum uel uinum acerbum uel aliquidacetum non sic recedit a specie uini, quin includatur in ipsa. Et secundum Scotum in 4o d. 15, equalitas commutationem et contractum non consistit in indiuisibili medio, ymmo in medio illo quod iustitia commutatiua respicit, magna est latitudo; et intra illam latitudinem non attingere indiuisibilem punctum equiualentie rei. In quocumque gradu citra extrema fiat, iuste fit.

3.1.3.4. Contra quoddam obiectionum. Si quis autem obstaret et diceret, quod quicquid in contractibus est illicitum et peccatum, contra ius diuimum esse uidentur, et sic nullum robur ab eo obtinere

522 intendit| consentit a.c. 527 facit| facet a.c. 533 licet| delevi 539 medio| + spatium unius litterae
uidetur, ymmo potius oppositum, propter quod nullus illicitus excessus pretii potest a iure diuino acquiri peccanti in illo: respondeo dicendum quod in huiusmodi contractibus sunt duo precipe attendenda, scilicet intrinseca affectio, et extrinseca operatio. Et quantum ad primum, scilicet intrinsecham affectionem, sciendo quod pro quanto uult in proximum sciente aliquam inegualitatem, ut scilicet in huiusmodi contractibus meliorem partem habeat quam ille, pro tanto aliquid de inustitia habet: que si non est mortale, quia scilicet non notabilis, sufficit aut per contritionem et penitentiale satisfactionem aut per purgatorii ignem, sicut et cetera uenialia, exiari. Quantum ad secundum, scilicet operationem extrinsecham et commutationem, licet secundum ueridicam extimationem pretii sui continerat aliquantum inegualitatem, respectu tamen ad commune statutum, et ad condescensium legem Dei, que permicit aliquos minores defectus, ita scilicet, quod per eos non punit ad mortem ecteram, et ad liberum consensum contraentium, non habet inegualitatem, ymmo potius benignam, et concessoriam, et salutiferam equitatem. Et ideo quantum ad hoc, tam diuino iure quam humano robur obtinet firmitatis. Aliter omnes huiusmodi excessus pretii illiciti erunt in acquirentibus mortalis culpa, quia esset usurpatio rei aliene in quantum aliene. Teneretur etiam quilibet uenditor, siue emptor omnem talem excessum restituere, et sic omnes qui hic non restituerent, dampnarentur: quod quidem nequissimum et durissimum est pensare. Verum propter puritatem humani affectus ad talia temporalia inclinati, ac propter inegualitatem talium commutationum, securius et iustius esset, omnem talem excessum sciente factum, si alicuius quantitatis appretiabilis forset, satisfacere; aut si parui valoris sunt, pro animabus illorum pauperibus erga, quia in hoc plus proficeret fraudato, nisi et ipse graui inopia laboraret. Hec tamen predicanda cum magna discretione, cum populi ad dilatandum conscientiam sint proni. Et ideo que tutiora sunt, dicenda sunt.

Quantum ad fraudes quas faciunt homines in negotiando, et illicitas permutationes, dicetur in sequentibus sub alio sermone.
ANTONINUS FLORENTINUS, SUMMA, 3.8.1: DE MERCHATORIBUS ET ARTIFICIBUS PER MODUM SERMONIS

Summarium ab editore confectum

Thema.

1. Ad opus uirtuale.

2. Ad opus criminale.

3. Ad opus manuale.


      3.1.1. Rectum in intentione.

      3.1.2. Licitum ex improbitione.

      3.1.3. Congruum in discretion.

   3.2. Apta conuenientia.

      3.2.1. Cogit necessitas.

      3.2.2. Inuenit cupiditas.

         Exemplum.

      3.2.3. Induxit uanitas.

   3.3. Debita permanentia.
1st capitulum: per modum sermonis.

Titulus de merchatoribus et artificibus.

Thema. *Exibit homo ad opus suum, et ad operationem suam usque ad uesperam*, Ps. 103. Prima perfectio cuiuslibet creature est primus actus eius, id est forma substantialis, ut in homine anima rationalis; secunda uero perfectio seu secundus actus est operatio eius que ab ea procedit, per quam manifestatur uirtus eius. Nec enim creatura aliqua est que non aliquid operetur uel operari possit. Et frustra est potentia que non reducit ad actum; “Deus autem et natura nichil frustra” operantur, secundum Philosophum. Vnde et Commentator dicit quod si quis aufert operationes a rebus aufert essentias rerum. Vltima etiam felicitas hominis in operatione consistit per optima. Et de primo homine dicitur quod *posuit eum Deus in paradiso voluptatis, ut operaretur*, Genes. 2. Et licet opus eius esset...
principaliter spirituale, de quo Christus Io. 6, Operamini non cibum qui perit, sed qui permanet in vitam aeternam, scilicet meditando et contemplando diuina; erat tamen et aliquando opus corporale, non quidem ad necessitatem, sed ad delectationem mentalem, ad experiendam uires nature et exinde magis cognoscendum res ipsas et Creatorem in eis. Sed de paradiso expulsus propter peccatum necessitatus est ad operandum terram, dictumque est illi: In sudore uultus tui uesceris pane tuo, Genes. 3; id est fit ut conserves te in uita, oportet te operari unde uiuas et procuras tibi cibum, donec reuertaris in terram. Et sic exibit homo ad opus suum et ad operationem suam usque ad uesperam, id est usque ad mortem, que est sero et finis uite sue.

Et ita in hiis operibus exterioribus immergitur ut raro sciat reuerti ad opus suum proprium ad quod est factus, scilicet ad Deum cognoscendum et diligendum et fruendum. Nam ut dicit Magister Sententiarum in secundo libro, d. 1, “fecit Deus rationalem creaturam ut summum bonum intelligeret, intelligendo amaret, amando frueretur.” Et hoc est summum et perfectum opus. Vbi sciendum quod homo exiit ad opus suum in mundo isto tribus modis:

Ad opus uirtuale, Deo principaliter movente.

Ad opus criminale, diabolo internaliter suggerente.

Ad opus manuale, ingenio naturaliter agente.

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De primo dicit Ysaie <26>, Omnia opera nostra operatus es in nobis, scilicet tu Deus, et loquitur de operibus uirtuosis; de quibus etiam Christus ait, Io. 15, Sine me nichil potestis facere, scilicet boni. Dicitamen opus uirtuosum, hominis opus, quia ibi cooperatur liberum arbitrium eius, non enim inuitus trahitur animus, sed amore, secundum Augustinum, scilicet ad bonum opus. Et inde efficiuntur nostra propter meritum, Apocal. <14>, Opera illorum, scilicet bonorum hominum, sequuntur illos. Cum enim Deus remunerat merita nostra, “coronat munera sua,” id est opera bona que ut faceremus ab eo acceprimus.

diabolus mentem per ymaginationem et sensualitatem incitando, sicut qui porrigeret alicui pomum delectabile ad edendum. Nostra autem sunt propter spontaneam voluntatem, unde Ambrosius: “Quod possimus non facere si volumnus, huius electionem mali potius debemus nobis ascribere quam aliis,” 15 q.1 Illa. Et quia opera nostra, propter illa damnpnatur et punitur quis, secundum illud Ro. 2, Tribulatio et angustia in omnem animam operantis malum, Iudeo primum et Grecho.

3. Ad opus manuale.

De tertio opere dicitur, *Exibit homo ad opus suum etc.* Aliis quidem animalibus natura prouidit de uictu et uestitu et armis ad se defendendum sine eorum opere; l homini uero dedit rationem ex qua exeundo per discursum ad actum considerationis et inuestigationis, per opera exteriora diuersorum exercitiorum sibi prouidere possit de uictu et uestitu et defensione a nociuis. Et quasi omnia modo tantum, scilicet a bono apprehenso per intellectum. Unde secundum quod aliquis est causa quod aliquid apprehendatur ut bonum ad appetendum, secundum hoc movet voluntatem. Et sic etiam solus Deus efficaciter potest movere voluntatem; Angelus autem et homo per modum suadentis, ut supra dictum est. Cfr AUG. Grat. 1, 41; ibid. 1, 43.

50 Quod…51 aliis] C.15 q.1 c.6 [Illa cavenda]: Reus voluntate, non necessitate constringitur. ... Quod enim possimus non facere, si volumus; huius electionem mali potius debemus, quam aliis adscribere. 53 Tribulatio…54 Grecho] Rm 2.9: Tribulatio et angustia in omnem animam hominis operantis malum, Judaei primum, et Graeci. 55 Aliis…59 nociuis] Cfr THOM. AQ. *Sum. th.* 1. 1a 2ae q.5 a.5 ad 1: Utrum homo per sua naturalia possit acquirere beatitudinem. ... Natura non deficit homini in necessariis, quamvis non dederit sibi arma et tegumenta sicut aliis animalibus quia dedit ei rationem et manus, quibus possit haec sibi conquirere.

opera exteriora hominum ad hec ordinantur. Exibit ergo etc. Vbi de ipsis operibus corporalibus tria nota.

1. Bonam conscientiam, ibi Exibit homo ad opus suum.

2. Aptam conuenientiam, ibi Ad operationem suam.

3. Debitam permanentiam, ibi Vsque ad uesperam.

3.1. Bona conscientia. Quantum ad primum. In operibus exterioribus artium debet homo exire de potentia intellectus ad opus suum interius, scilicet ad actum discussionis mentalis de qualitate operationis artis sue; ut non solum operationem faciat exteriorem secundum regulam artis illius, sed etiam secundum regulam conscientie bone. Vnde Apostolus, Galatis 6, Probet autem unusquisque opus suum, id est examinet:

Si est rectum in intentione,

Si est licitum ex improhibitione,

Si est congruum in discretione.

3.1.1. Rectum in intentione. De primo dicit Ambrosius: Intentio “operi tuo nomen imponit.” Nam cuius finis bonus est, id est intentio que respicit finem, ipsum quoque bonum est, scilicet opus inde sequens. Quod uerum est in hiis que de se mala non sunt; nam talibus nullus bonus finis seu intentio potest opus reddere bonum, sicut nec intentio dandi elemosinam in furto de eo excusat a peccato. Debet ergo in omni exercitio
artis haberi recta intentio, ut finis remotus et ultimus sit Deus, secundum illud Apostoli, *Omnia que facitis in uerbo uel opere in gloriâ Dei facite*; finis propinquus sit aliquid rationabile ut subuentio sue necessitatis uel proximorum, secundum illud Apostoli, *Operetur manibus suis, ut habeat unde necessitatem tribuat patienti*. Cum enim omnia agant propter finem, <scilicet> homo qui facit opus agriculture, lanificii, artis fabrilis, et huiusmodi, finis propinquus intentus est fructus seu lucrum. Et recte ait Christus et Apostolus, *Dignus est enim operarius mercede sua*. Finis mercedes sue debet esse ut ex ea possit se et alios gubernare et prouidere secundum statum suum; finis substantiationis sui et suorum debet esse ut possint uiuere uirtuose; finis uirtuose uiuendi est consequutio glorie: ut enim dicit Augustinus super Io., “Ad hoc debet quisque bene uiuere ut detur semper uiuere.” Et sic de primo ad ultimum debet *homo exire ad opus suum in gloriam Dei*.


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80 *Omnia...facite* Col 3.17: Omne, quodcumque facitis in verbo aut in opere, omnia in nomine Domini Jesu Christi, gratias agentes Deo et Patri per ipsum. 1 Cor 10.31: Sive ergo manducatis, sive bibitis, sive aliuquid facitis: omnia in gloriam Dei facite. 82 *Operetur...patienti* Eph 4.28: Qui furabatur, jam non furetur: magis autem laboraret, operando manibus suis, quod bonum est, ut habeat unde tribuat necessitatem patienti. 85 *Dignus...sua* Le 10.7: In eadem autem domo manete, edentes et bibentes quae apud illos sunt: dignus est enim operarius mercede sua. Nolite transire de domo in domum. 1 Tim 5.18: Dicit enim Scriptura: Non alligabis os bovi trituranti. Et: *Dignus est operarius mercede sua*. 89 *Ad...uiuere*AUG. in Evang. Io. 45, 2: Ad hoc enim debet uniuicique prodesse bene vivere, ut detur illi semper vivere: nam cui non datur semper vivere, quid prodest bene vivere? Quia nec bene vivere dicendi sunt, qui finem bene vivendi vel caecitate nesciunt, vel inflatione contemnunt. 92 *Odisti...iniquitatem* Ps 5.7: Odisti omnes qui operantur iniquitatem; perdes omnes qui loquuntur mendacium. Virum sanguinem et dolosum abominabitur Dominus. 96 *Fornichari...licet* D.88 c.10 *[Fornicari]*: Fornicari omnibus semper non licet: negotiari vero aliando licet; aliando non licet. Antequam enim ecclesiasticus quis sit; licet ei negotiari: facto iam, non licet.

83 *scilicet* supplevi 85 ait...Apostolus *in marg. sin. add.* 88 *finis* + vite a.c.
3.1.3. Congruum in discrezione. Tertio debet *probare opus suum*, si est cum discrezione. Nullum enim est uirtuosum opus nisi debitis circumstantiis uestiatu, ut scilicet fiat debito tempori et locho et modo. Non enim omni tempori licet operari, unde Dominus, Exo. 20, *Sex diebus operaberis, septima die sabbatum Domini est. Omne opus seruile non facietis in eo* etc. Et sic de aliis circumstantiis, ut debite obseruetur et impleatur illud Apostoli, *In omni opere bono fructificantes.* Fructificat quis in opere bono quando illud cum debito modo agit. *Si enim recte offeras et non recte diuidas, peccasti,* dixit Dominus ad Chayn, Genes. 4, secundum tamen translationem Septuaginta, non nostram; id est si facias opus de se bonum, ut sacrificium et huiusmodi, et non cum debita circumspezione, peccatum est, ut exponit Gregorius.

3.2. Apta conuenientia. Nota secundo aptam conuenientiam in operibus exterioribus mechanicis de quibus loquitur, quia dicit, *Ad operationem suam.* Operatio exterior hominis potest dici *sua* que scilicet sibi conuenit propter inclinationem et aptitudinem naturalem ad illam. “Delectatio,” secundum Philosophum, “perficit opus.” Cum ergo quis inclinatur ad unum opus non malum naturaliter, cum natura delectabiler operetur applicando se ad illud exercitium, peruenit ad perfectionem illius artis. Sicut enim a natura habemus inclinationes ad uirtutes, unus magis ad unam, ut iustitiam, alius ad humilitatem, alius ad misericordiam,

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magis quam ad alias, propter quod dixit Iob c. <31>, Ab infantia creuit mecum miseratio, et de utero matris egressa est mecum. Et Moral. Senec., “Semina in nobis uirtutum [in nobis] sparsa, sed exercitio nostro postea perficiuntur.” Et sic etiam secundum Albertum Magnum, homines a natura dociles inclinantur ad scientias uarias secundum qualitatem complexionum: nam malenchonici ad poetichas, flemmantici ad Morales, sanguinei ad naturales, collerici ad mathematicas uel metafisichas. Ita et ad cetera opera mechanicha et artes unus inclinatur magis ad unam, alius ad aliam, et naturali instinctu et diuina prouidentia etiam disponente ad pulcritudinem uniuersi et ostensionem sue sapientie, que tantas et tam uarias operationes artificium inspirauit mentibus hominum. Exeat ergo homo ad operationem suam, id est ad eam artem quam iudicat sibi magis conuenire et complacere. | Et dicit Hugo de sancto Victore quod operationum humanarum exteriorum triplex differentia inuenitur. Nam:

Ad quedam cogit necessitas;

Quedam inuenit cupiditas;

Quedam induxit uanitas.

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Cogit utique necessitas ad opera agriculture, quia si uult fructus terre colligere
unde comedat et bibat, oportet quod operetur colendo terram per se uel alium,
unde dicitur Prouerb. 12, Qui operatur terram, saturabitur panibus, et econtra,
egestatem operata est manus remissa, scilicet ad operandum. Et Ecclesiastici <7>
dicitur, Ne oderis opera rustichana. Nam Deus eam instituit quia, ut dicitur Genes.
3, Emissit Deus Adam de paradiso voluptatis, ut operaretur terram de qua sumptus est.
Et post diluuium, ut dicitur Genes. 9, Noe uir agrichola cepit exercere terram et
plantauit uineam, ut uinum colligeret quod prius ignorabatur. Sed ut ait
Ambrosius: “Nec uinum suo pepercit auctori, sed ebrietatem illius suadet
sobrietatem,” D.35 Sexto die. Cogit etiam necessitas uite humane ad opera
pastorum ac etiam lanifici et linifici, et opera que hiis deseruiunt pro uestitu
humano necessario. Et primas quidem uestes Deus fecit, ut haberi Genes. 3, quia
fecit Deus Adae et Eue in hoc exilio positis tunichas pelliceas. “Non,” inquit
Ambrosius, “serichas sed pelliceas,” habitum scilicet humilitatis et penitentie,
non uanitatis et iactantie. Et de sapienti muliere dicitur Proverb. ultimo, Quesiuit
lanam et linum, et operata est consilio manuum suarum, scilicet uestes, nam subdit
stragulatam uestem fecit sibi. Et primus pastor fuit Abel, quem sequuti in hoc
opere sunt Iacob Patriarcha cum filius suis. Primus hedificator habituationem et

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136 Qui...panibus] Pro 12.11: Qui operatur terram suam satiabitur panibus; qui autem
sectatur otium stultissimus est. Qui suavis est in vini demorationibus, in suis munitionibus
relinquut contumeliam. 137 egestatem...remissa] Pro 10.4: Egestatem operata est manus
remissa; manus autem fortium divitias parat. Qui nittitur mendaciis, hic pascit ventos; idem
autem ipse sequitur aves volantes. 138 Ne...rustichana] Sir 7.16: Non oderis laboriosa
opera, et rusticationem creatam ab Altissimo. 139 Emissit...est] Gen 3.23: Et emissit eum
Dominum Deus de paradiso voluptatis, ut operaretur terram de qua sumptus est. 140 Noe...
142 Nec...143 sobrietatem] D.35 c.8 [Sexto die]: In principio generis humani ignorabatur
ebrietates; primus Noe uineam plantuit, dedit naturam, sed ignorauit potentiam. Itaque
uinum nec suo pepercit auctori. Sed illius ebrietates nobis suadet sobrietatem. 146 fecit...
pelliceas] Gen 3.21: Fecit quoque Dominus Deus Adae et uxor ejus uestes pelliceas, et induit
vestem fecit sibi; byssus et purpura indumentum ejus. 150 Et...Abel] Gen 4.2: Rursumque
peperit fratrem ejus Abel. Fuit autem Abel pastor ovium, et Cain agricola.
ciuitatum fuit Chayn, qui *hedificauit ciuitatem nomen imponens filii sui*, scilicet Enoch, Genes. 4. Nam patriarche Habraam, Ysaach, et Iacob non in ciuitatibus uel palatiis sed in tabernaculis habitabant; quorum tabernaculorum seu tentoriorum primus operator fuit Iabel. Primus autem *malleator et faber in omnia opera ferri et eris* fuit Tubalchayn, ut dicitur Genes. 4. Et sic paulatim artes necessarie inuente sunt.

Operatio exterior inuenta a cupiditate est negotiatio. Vnde et Philosophus dicit <Polit.>, habere in se turpitudinem quia deseruit cupiditati cum fiat propter lucrum, que cupiditas in immensum crescit et finem nescit. Verum est tamen quod etsi in se turpis sit, potest tamen aliquo bono fine honorati et licita fieri, puta propter substentationem familie sue uel subuentionem pauperum ex moderato et iusto lucro. Primi negotiatores quos inuenio in Sacra Scriptura fuerunt Hismaelite, qui scilicet descenderunt ex Ismael filio Agar, unde dicuntur Agareni, id est Saraceni. Dicitur enim Genes. 37, quod *transeuntibus*...
nego\nsiatoribus Madianitis, qui scilicet portabant aromata et alia in Egiptum, 
uendiderunt Ismaelitis Ioseph frates sui, qui Ismaelite uendiderunt eum in Egiptum.

De hiis dicitur Baruch 3, Filii quoque Agar, id est Saraceni, qui exquisierunt 
prudentiam que de terra est, negotiatores Merrhe, uiam sapientie non intelle\nxerunt. Et quem ut summum prophetam et quasi Deum uenerant Saraceni, maledictum 
Machomethum, primo fuit negotiator; sed in processu temporis, malitii suis 
quodam hereticho Iacobita adiutus, illos rudes et bestiales homines [illos] sua 
pessima et fatua doctrina decepit. Et quia inimici sunt Christianorum facientes 
negotiationem de eis, quando capere possunt uel peruertere ad eorum 
perfidiam; ideo Ecclesia statuit per extrauagantes Nicholai 4, Clementis 5, 
Ioannis 22, quod negotiatores uel alii quicumque “non deferant” ad terras 
eorum “quecumque mercimonia,” sub penis exchommunicationis papalis et 
aliarum penarum. Operatio hec plena periculis est et fraudibus et aliando 
mixa usuris, ut notatur Extra De usur., In ciuitate, et c. Nauiganti. Et ideo oculos 
aperi. Vnde et Crisostomus dicit super Matheum: “Nullus Christianus debet 
esse mercator” quia “mercator numquam potest Deo placere,” D.88 Eiciens.

168 Filii…169 intelle\nxerunt] Bar 3.23: Filii quoque Agar, qui exquirunt prudentiam quae de 
terra est, negotiatores Merrhae et Theman, et fabulatores, et exquisitores prudentiae et 
intelligentiae: viam autem sapientiae nescierunt, neque commemorati sunt semitas ejus.
176 negotiatores…178 penarum] Nic. IV Reg. 6789 [28 Dec. 1289] (Registres, ed. Langlois, 
2:641–2): Presentium tenore statuimus ut nullus arma, equos, ferrum, lignamina, victualia et 
alia quecumque mercimonia in Alexandriam vel alia loca Sarracenorum terre Egipti deferre, 
mittere vel portare seu de portibus eorum ut eisdem deferantur extrahere vel extrahi 
permittere aut eis alias auxilium vel favorem prestare quoquo modo presumant. Cfr. ibid. 
4402–3, 6784–6788; Extrav.Com. 5.2.1; Extrav.Jo. 8.1; X 5.6.6; X 5.6.11; X 5.6.12; X 5.6.17.
178 Operatio…179 usuris] X 5.19.6 [In civitate]: Vendens rem plus, quam valeat, quia 
solutionem differt, peccat ... Licet autem contractus huiusmodi ex tali forma non possit 
censeri nomine usurarum, nihilominus tamen venditores peccatum incurrant, nisi dubium 
sit, merces illas plus minusve solutionis tempore valituras. X 5.19.19 [Naviganti]: Non est 
usurarius emptor rei minus iusto pretio, si tunc verisimiliter dubitetur, an tempore solutionis 
plus vel minus sit res valitura. 180 Nullus…181 placere] D.88 c.11 [Eiciens]: Eiciens 
Dominus uendentes et ementes de templo, significauit, quia homo mercator uix aut 
numquam potest Deo placere. Et ideo nullus Christianus debet esse mercator, aut, si uoluerit 
esse, proiciatur de ecclesia Dei.
Quod dicit B. Tomas 2a 2ae q.77 esse intelligendum de hiis qui ponunt finem suum ultimum in acquisitione lucri seu peccunie; uel de illicitas negotiationes exercentibus, scilicet cum usuris, fraudibus, et periuriis, et huiusmodi. Vnde et Cassiodorus dicit D. eadem, “Negotiaiores illi” de templo eiciuntur, qui “per immoderatum peccunie ambitum merces suas polluunt plus onerantes periuriis quam pretiis.” Ponuntur illa, c. Eiciens et c. Quoniam, pro palea, unde et aliqui libri non habent, sed sunt optimum granum. Dicit etiam Crisostomus in dicto c. Eiciens, “Quemadmodum qui ambulat inter duos inimichos uolens ambobus placere, sine alloquio mali esse non potest, sic” merchator “sine mendacio et periurio esse non potest.” “Sed substantia talium stabilis” esse non potest, “nec proficit ad bonum quod de malo congregatur. Quemadmodum si triticum aut aliquld tale cernas in cribro, dum hoc illucque iactatur, omnia grana paulatim deorsum cadunt et tandem in cribro nil remanet nisi stercus. Sic de substantia negotiatori nil remanet nisi peccatum.”

Exemplum. Nam et si legatur in vitis Patrum de quodam mercatore, quod fuit uisus a Beato Pannusio ei equiparandus in gloria, qui tamen Pannusius hermita

182 esse...184 huiusmodi] THOM. AQ. Sum. th. 2a 2ae q.77 a.4 ad 1: Verbum Chrysostomi est intelligendum de negotiatione secundum quod ultimum finem in lucro constituit, quod praecipue videtur quando aliquis rem non immutatam carius vendit. Si enim rem immutatam carius vendat, videtur praemium sui laboris accipere. Quamvis et ipsum lucrum possit licite intendi, non sicut ultimus finis, sed propter alium finem necessarium vel honestum. 185 Negotiaiores...187 pretiis] D. 88 c. 13 [Quid est aliud]: Negotiaiores ergo illi abominabiles existimantur, qui iustitiam Dei minime considerantes per inmoderatum pecuniae ambitum polluuntur, merces suas plus periuriis onerando quam preciis. Tales eiecit Dominus de templo. 187 Quoniam] D. 88 c. 12 [Quoniam non]: “Quoniam non cognouit litteraturam:” Aliqui codices habent “negotiationes:” in quo diuersitas interpretum sensum ostendit, non errorem inducit. Ergo si propterea iste tota die laudem Dei dicit, quia non cognouit negotiationes, corrigant se Christiani, non negotientur. 189 Quemadmodum...195 peccatum] D. 88 c. 11 [Eiciens]: Quemadmodum enim qui ambulat inter duos inimicos, ambobus placiere uolens et se commendare, sine malilloquio esse non potest (necesse est enim, ut isti male loquatur de illo, et illi male de isto), sic qui emit et uendit sine mendacio et periurio esse non potest. ... Sed est nec stabilis substantia eorum, neque ad bonum proficit, quod de malo congragatur. Quemadmodum enim, si triticum aut aliud tale cernas in cribro, dum hoc et illucque iactatur, grana omnia paulatim deorsum cadunt, et tandem in cribro nihil remanet, nisi stercus solum: sic de substantia negotiatorum nouissime nil remanet, nisi solum peccatum. 196 quodam...197 gloria] Vitae Patrum, de PAPHNUTIO (ed. Roseyde, 2, 16).

sanctissimus magni meriti fuit apud Deum: attende quia ipse Pannusius
examinans uitam eius inuenit quia totum lucrum expendebat in pauperes
Christi ut pater pauperum, ab usuris et periuriis et aliis illicitis abstinebat, cum
magna deuotione uacans diuinis tempori suo; qui demum etiam dimisit opus
illud. *Quis est hic, et laudabimus eum?*

3.2.3. *Induxit uanitas.*

Operatio autem tertia que deseruit uanitati est illa que deseruit ornatui iactantie,
ut ars serici in magna parte. Nam et si dominos deceat tales uestes, et reginas, ut
Hester sancta, et sancti aliqui reges se ornantes; | sed multi abutuntur quos non
decet. Vnde Petrus in 1\textsuperscript{a} chanonicha ait: *Non in ueste pretiosa auri et argenti et
marginaritis.* Ars reticellorum et rechamature in uestibus et perforature seu
stampature et purpure cerusse ad colorandum faciem et huiusmodi, ad quid
deseruunt nisi uanitati, ut dici possit illud Iere. <51>, *Opera corum uana, et risui
digna? “Vnde” et, “Crisostomus dicit super Mattheum quod ab arte calceorum et
textorum multa abscidere opperet. Etenim ad luxuriam deduxerunt
necessitatem eius, corrupientes artem mali arti commiscentes.”

3.3. *Debita permanentia.*

Demum quantum ad tertium, opportet habere in operibus et artibus instantiam
et perseruerantiam. Nam ut dicit Anacletus Papa: “In unoquoque artium opere
mater inuenitur instantia,” D.83 *Nichil.* Et hoc est quod dicit Ps.: *Vsque ad
uesperam,* id est usque sero continuando, non parum operando et subito
dimittendo; *vel usque ad uesperam,* id est terminum uite. Quod est contra aliquos
instabiles, qui omni die mutant unam artem; hii sunt similes filio inconstantiae de

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\item [202] Quis...eum] Sir 31.9: Quis est hic? et laudabimus eum: fecit enim mirabilia in vita sua.
\item [205] Hester sancta] Esther passim.
\item [206] Non...207 margharitis] Potius 1 Tim 2.9: Similiter et mulieres in habitu ornato, cum vercundia et sobrietate ornantes se, et non in tortis crinibus, aut auro, aut margaritas, vel veste pretiosa: Sed quod delect mulieres, promittentes pietatem per opera bona. Sed cfr 1 Pt 3. 209 Opera...210 digna] ler 51.18: Vana sunt opera, et risu digna: in tempore visitationis suae peribunt. 210 Vnde...212 commiscentes] THOM. AQ. Sum. th. 2\textsuperscript{a} 2\textsuperscript{o} q.169 a.2 ad 4: Unque Chrysostomus dicit, super Matth., quod etiam ab arte calceorum et textorum multa abscidere oportet. Etenim ad luxuriam deduxerunt necessitatem eius corrupientes, artem male arti commiscentes. 214 In...215 instantia] D. 83 c. 6 [Nihil illo]: Sicut autem artium in suo quoque opere inuenitur mater instantia, ita nouerca erudicionis est negligientia.
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quo dicit Boetius, de eo narrans in libro De scolarium disciplina quod cum pater eius posuisset ad opera diuerse artis, quia subito attediabatur cum unam inchoabat, demum omnes renuens; interrogante patre quid facere uellet, respondit se uelle fieri asinum ut salmam ferret. Sed cum aliquis in operibus alicuis licite artis bene uiuendo perseuerat usque ad uesperam, id est finem; tunc facto sero, id est uita deficiente, dicit Dominus: "Voca operarios, et da illis mercedem,
Matth. 20, scilicet glorie.

219 disciplina...222 ferret] BOETH. (pseud.) Disc. schol. 3 (Weijers, 104–108): Inprobo corruptas, lectos detester aniles, / nil michi cum feda virgine: solus ero. ... Miserum est me hominem esse. Utinam humanitatem possem exuere, asinitatem possem induere specie mutata! 224 Voca...mercedem] Mt 20.8: Cum sero autem factum esset, dicit dominus vineae procuratori suo: "Voca operarios, et redde illis mercedem incipiens a novissimis usque ad primos.

225 glorie] hic pone §. de contractibus in marg. sin. add. Antoninus + quere infra ad cartam 125 in marg. sin. add. Iulianus de Lapaccinis
Summarium ab editore confectum

1. De translatione rerum.
   1.1. Donatio.
   1.2. Permutatio.
   1.3–4. Emptio-uenditio.
   1.5–6. Mutui datio-acceptio.
   1.7. Istri sex contractus liciti uel illiciti.

2. De translatione usus.
   2.1. Commodatum.
   2.2. Accomodatio.
   2.5–6. Pignus-ypotheca.

3. De fraude legi.
   3.1. De re ad rem.
   3.2. De persona ad personam.
   3.3. De uno contractu ad alium.
   3.4. De uno contractu ad alium alio modo.
2\textsuperscript{a} capitulum: de diuersis generibus contractuum. 

Hoc capitulum debet poni supra in titulo de mercatoribus ad cartam 70 ad tale signum.

1. De translatione rerum. 
Notandum quod in translatione rerum de una persona ad aliam que fit per priuatas personas, aliquando transfertur dominium rei, aliquando solum usus rei retento dominio. Et primum fit sex modis.

1.1. Donatio. Primo per liberalem dationem, cum scilicet nichil expectatur retributionis ex tali datione rei nisi beniuolentia, et dicitur donatio, de qua infra dicetur post sequentem titulum c. De testamentis.

Aliis quinque modis fit per dationem illiberalem qua uidelicet transferens unam rem expectat ab alio aliquid equiualens ei quod transfert.

1.2. Permutatio. Et primus modus dicitur permutatio, cum uidelicet transfertur dominium alicuius rei utilis pro alia re utili, puta frumentum pro uino, uel pannus meas cum lana tua, uel panno sericho tuo, uel peccunia mea aurea, puta unus florenus, pro peccunia tua argentea, puta pro grossis XVII uel circa. Istd tamen ultimum solet dici cambium communiter, alie uero permutationes vulgariter dicuntur baracti.

1.3–4. Emptio–uenditio. Alius modus dicitur in uno transferente dominium rei cum altero uenditio, et in altero emptio, quando scilicet transfertur dominium rei utilis, puta frumenti, uini, animalium, domorum, agrorum et huiusmodi, pro numismate uel...
ecnuerso. Quia enim difficile erat semper res usuales immediate commutare in aliares, ideo inuentum est medium, per quod talis commutatio fiat; et hoc medium dicitur numisma seu peccunia numerata. Et commutatio rei utilis pro numismate dicitur uenditio; commutatio numismatis pro re utili dicitur emptio.

1.5–6. Mutui datio-acceptio.

Vltimus modus est cum fit permutatio numismatis pro numismate, sed cum expectatione temporis, et in eo qui dat peccuniam dicitur mutui datio, in eo qui recipit peccuniam et expectatur ad reddendam peccuniam dicitur mutui acceptio; per mutuum enim transfertur dominium peccunie in accipientem.

1.7. Iste sex contractus sex sunt liciti cum debito modo fiunt; ildicii cum iniuste fiunt.

Nam donatio, si fiat per eum qui non potest donare, ut est religiosus, iniusta est, et non tenet; et si fiat iniusta causa, ut ob turpitudinem, peccatum est, ar. D.86

Donare.

Permutatio rerum, cum fit sine fraude, licita est, ut patet De rerum permutatione per totum; si cum fraudae peccatum est. Et uidentur ad hanc reduci contractus innominati, scilicet do ut des, et do ut facias uel facio ut des.

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21 Quia...23 numisma] Cfr ibid. (4:137): Secundo sunt quidam contractus rei utilis pro numismate, vel eontra. Quia enim quandoque difficile erat res usuales commutare immediate, ideo remedium repertum est per quod talis commutatio faciliter fieri posset, quod vocatur numisma; lege 1, Digestis, De contrahenda emtione. Et tunc commutatio numismatis pro re utili vel usuali emptio nuncupatur; eonverso autem venditio dicta est. Cfr Dig. 18.1.1 [Origo]: Origo emendi vendendique a permutationibus coepit. Olim enim non ita erat nummus... Sed quia non semper nec facile concurrebat, ut, cum tu haberis quod ego desiderare, inivcicem haberem quod tu accipere velles, electa materia est, cuius publica perpetua aestimatio difficultatibus permutationum aequalitate quantitatis subveniret. Cfr ARIST. Ethica Nic. 5 (1133a15–35). 29 Et...fiunt] Cfr RAYM. PENN. Sum. paen. 2.8 (1B:557–8): Alia plura [negotia] sunt quae non sunt inhonestis sui natura, sed ex causa, vel ex tempore; vel ex persona, vel ex loco, ut emptio-venditio, locatio-conductio et similes contractus; similiter et quasi contractus, ut tutela, cura, negotiorum gestorum iudicium et similia. 30 Nam...31 est] D.86 c.7 [Donare]: Immane peccatum est res suas istrionibis donare. Cfr Glossa ord. ad idem. Cfr D.86 c.8 [Qui venatoribus]: Qui donant istrionibus qui donant meretricibus, quare donant? numquid non et ipsa hominibus donant: Non tamen naturam ibi attendunt operis Dei, sed nequitiam operis human. 33 Permutatio...est] X 3.19 [De rerum permutatione].

22 medium] in marg. sin. add. : numisma a.c. 30 est'] s.l. 33 ut...34 totum] in marg. sin. add. 34 si] uel a.c. 1 uidentur uidentor cod. 35 do...uel] bis.

Datio mutui que est circa res | que usu consumuntur, ut frumentum, uinum, et huiusmodi, uel distrahuntur, ut peccunia numerata; cum fit gratis, ut nil expectetur nisi suum capitale, et beniuolentia ex obsequio; licita est et pium opus. Si autem aliquid temporalis utilitatis expectetur, unde principaliter mouetur ad mutuandum, illicita est, et usura; ar. 14 q.3 Si feneraueris, et Extra, De usuris, Consuluit.

Mutui acceptio licita est non solum cum fit gratis, sed etiam cum fit sub usuris, quando scilicet ad hoc neccessitate mouetur, nec inducit mutuantem ad usuram faciendum, ut quia ad hoc paratus erat.

2. De Aliquando uero transfertur solum usus rei, retento sibi dominio eius rei. Et huius translationis sunt sex modi quasi correspondentes predictis sex modis quibus transfertur dominium rerum.

2.1. Nam primo modo, scilicet donationi, correspondet contractus dictus commodatum, quod proprie est rei que utendo non consumitur uel distratitur, ut cum quis commodat alicui gratis equum, librum, domum, et huiusmodi, ut

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36 Emptio...38 temporis] X 5.19.6 [In ciuitate]: Vendens rem plus, quam valeat, quia solutionem differt, peccat ... Licet autem contractus huiusmodi ex tali forma non possit censeri nomine usurarum, nihilominus tamen venditores peccatum incurrunt, nisi dubium sit, merces illas plus minusve solutionis tempore valituras. X 5.19.19 [Naviganti]: Non est usurarius emptor rei minus iusto pretio, si tunc verisimiliter dubitetur, an tempore solutionis plus vel minus sit res valitura. 42 Si...43 usura] C.14 q.3 c.1 [Si feneraveris]: Quod autem preter summam emolumenta sectari sit usuras exigere, auctoritate Augustini probatur ... Si feneraveris hominem, id est si tu mutuum dederis pecuniam tuam, a quo plus quam dedisti expectes, non pecuniam solam, sed aliquid plus quam dedisti, siue illud triticum sit, siue uinum, siue oleum, siue quodlibet aliud, si plus quam dedisti expectes accipere, fenerator es, et in hoc inprobandus, non laudandus. X 5.19.10 [Consuluit]: Mutuans ea mente, ut ultra sortem aliquid recipiat, tenetur in foro animae ad illud restituum, si ex hoc aliquid consecutus est. Verum quia, quid in his casibus tenendum sit, ex evangelio Lucae manifeste cognoscitur, in quo dicitur: "Date mutuum, nihil inde sperantes:" huiusmodi homines pro intentione luci, quam habent, quem omnis usura et superabundantia prohibeat in lege, iudicandii sunt male agere, et ad ea, quae taliter sunt accepta, restituaenda, in animarum iudicio efficaciter inducendi.

39 mutui] cum non a.c. 48 retento] rentento cod. 52 quod] que a.c.
utatur ad certum tempus; et licitus contractus est de se, sicut dictum est de donato.

2.2. Permutationi correspondet mutua accommodatio predictarum rerum, puta tu commodas mihi equum tuum et ego bouem meum, uel tu unum librum et ego tibi alium librum, tu unam domum et ego unum agrum; et totum [et] sine fraude immixta licitum erit.

2.3–4. Emptioni correspondet conductio, et uenditioni lochatio, que possunt esse de rebus mobilibus et immobilibus, que tamen non consumuntur usu. Et ista non fiunt gratis sed cum dato pretio pro tali usu, puta cum accipitur equus ad uecturam pro tali pretio, uel domus ad pensionem, uel ager ad collendum pro medietate, uel ad affictum, uel cum quis lochat operas suas personales et alter eum conducit ad laborandum; totum est licitum, dum modo iustum pretium statuatur, et fraus omnis tollatur. Nam “fraus et dolus nemini debent patrocinari,” Extra, De rescriptis, Sedes.

2.5–6. Pignus- ypotecha. Mutuo non respondet proprie aliquis alius contractus; habet tamen aliquam similitudinem licet modicam ad pignus, in quantum restituta peccunia ab eo qui dedit pignus, ille qui acceperat restituit pignus. Et in pignoratione potest ibi esse et non esse peccatum: nam si solum pignus quis recipiat ut de suo sit securus, ita quod de pignore non consequatur aliam utilitatem, licitum est. Si autem de eo consequatur utilitatem, siue sit rei mobiliis que proprie dicitur pignus, siue rei immobiliis, ut domus et ager, quod magis proprie dicitur ypotecha, puta quia utitur equo uel ueste quam habet in pignus, utitur domo habitando uel habendo de ea pensionem, agro recipiendo fructum eius, que habet pro pignore; ibi est

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66 Nam...67 patrocinari] X 1.3.15 [Sedes apostolica]: Fraus et dolus ei patrocinari non debent. 76 ibi...77 expressa] X 3.21.4 [Ullus vos]: Si usurarius emit rem eo pacto, quod post tempus restitutam eam venditori, recipiendo aliquid ultra sortem, fructibus tamen in ea computatis, iudicatur contractus foeneratitius. ... Verum quia ambigitis, utrum pura sit et absoluta venditio, an praefatus contractus pignus debeat iudicari, respondemus, quod, qualiscunque fuerit intentio contrahentium, et ex forma contractus venditio non appareat conditionalis, sed pura, quamvis per conditionem possit resolvi, ex duobus tamen, quae in pacto fuerunt expressa, videlicet, quod fructus percepte deberent in solvenda pecunia


3. De fraude legi. Item nota quod facere fraudem lebigini iniustum est, unde et peccatum, et ut dicit glossa Io. super c. *Plerique,* “facit fraudem legi qui uerba legis seruat, sed mentem eius circumuenit, ut *Ff., De legibus, Fraus.*” Sed, ut dicit regula iuris ultima in 6°, “Certum est quod is committit in legem qui uerba legis amplectens contra legis nititur voluntatem.”

Fit autem quattuor modis fraus legi.

3.1. De re ad rem. Vno modo, de re ad rem, quando datur in fraudem una res pro alia, ut 14 q.3 *Plerique,* ubi ponitur exemplum de eo qui ratione peccunie mutuate, ne uideatur commicitere usurat, non plus peccunie quam mutuatam, sed querit ex hoc ensenia carnium uel uini et huiusmodi que peccunia extimantur; iste fraudem facit legi, unde et contra legem, quia usura est, ut ibi dicitur, et 1 q.1 *Sunt non nulli:* et talis est fraus Macedoniani, *Ff., ad Macedon., l. Iul.*

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78 De… contractibus ] *ANT. FLOR. Summa* 2.1.5 [De usura per modum praedicationis] et 2.1.6-10. 80 facere…peccatum ] C.14 q.3 c.3 Glossa ord. s.v. precepta: Nolunt quidam facere contra legem, sed faciunt fraudem legi. Ille vero facit fraudem legi, qui observat verba legis, sed mentem eius circumvenit, ut ff. de legib. fraus. 81 facit…82 circumuenit ] *Dig. 1.3.30* [Fraus]: Fraus enim legi fit, ut quid fieri noluit, fieri autem non vetuit, id fit: et quod distat hryton apo dianoias, hoc distat fraus ab eo, quod contra legem fit. 83 Certum…84 uoluntatem ] *VI* 5.[13].88: Certum est, quod is committit in legem, qui, legis verba complectens, contra legis nititur voluntatem. 85 Fit…104 Mulierem ] Textus ex C.14 q.3 c.3 Glossa ord. s.v. precepta, quibusdam mutatis. 89 iste…90 est ] C.1 q.1 c.114 [Sunt nonnulli]: Sunt nonnulli, qui quidem nummorum premia ex ordinatione non accipiant, et tamen sacros ordines pro humana gratia largiuntur, atque de ipsa largitate laudis solummodo retributionem querunt. . . Aliud est munus ab obsequio, aliud a manu, aliud a lingua. Munus ab obsequio est seruitus indebete inpensa. Munus a manu pecunia est; munus a lingua fauor. 91 talis…Macedonian i] *Dig.* 14.6.19 [Iulianus], sed potius *Dig.* 14.6.7.3 [Sed Iulianus adicit, §. Mutui]: Sed si fraus sit senatus consulto adhibita, puta frumento vel vino vel oleo mutuo dato, ut his distractis fructibus uteretur pecunia, subveniendum est filio familias.

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3.2. De persona ad personam.

Item, fit fraus de persona ad personam, ut cum quis sub persona alterius exercet usuram, quasi ipse non sit usurarius, cum in ueritate sit peccator usurarius, et teneatur ad restitutionem, ex quo de pecunia sua sit, D.47 *Sicut non suo:* et cum maritus non potest aliquid dare uxori, supponit aliam personam cui det, ut *Ff.*, *De donationibus inter uirum et uxorem*, Hec ratio, §. ultima.

3.3. De uno contractu ad alium.

Item, fit fraus de uno contractu ad alium, ut cum mulier non posset aliquid dare uiro, fingit se uendere ei, ut *Ff.*, *De donationibus inter uirum et uxorem*, l. Si sponsus. Sic 16 q.3 *Si sacerdotes* ubi ponuntur casus secundum unam lecturam: cum episcopus uel sacerdos ulens dare nepotibus de rebus ecclesie, fingit item habere cum eis pro ecclesia, et facit transactionem cum eis.

3.4. De uno contractu ad alium alio modo.

Item, fit fraus de uno contractu ad alium <sed alio modo>, ut cum mulier non posset fideiubere, constituit se principalem debitricem, ut *Ff.*, *Ad Vell.*, *Quamuis*, et 33 q.5 *Mulierem*.

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92 Item...94 sit] D.46 c.10 *Sicut non suo*: Sicut non suo, ita nec alieno nomine aliquid clericorum exercere fenus attemptet. Indecens enim est crimen suum commodis alienis inpendere et exercere. 94 cum...95 det] Dig. 24.1.3.13 [Haec ratio et, §. ult.]: Si donaturum mihi iussero uxori meae dare: ait enim Iulianus nullius esse momenti, perinde enim habendum, atque si ego acceptam et rem meam factam uxori meae dedissem. 97 Item...98 ei] Dig. 24.1.5.5 [Si sponsus sponsae, §. Circa]: Venditionem donationis causa inter virum et uxorem factam nullius esse momenti, si modo, cum animum maritus vendendi non haberet, idcirco venditionem commentus sit, ut donaret. C.16 q.3 c.10 [Si sacerdotes] *Glossa ord.* s.v. *si sacerdotes*: Triplex casus solet hic poni. ... Vel, secundum alium casum, expone, scripto decreverunt, idest, scripto transegerunt, et in fraudem: cum enim non poterat dare nepotibus suis, fingebat se habere litem cum eis de illo, et transigebat cum eis. 102 Item...103 debitrice] Dig. 16.1.8 pr. [Quamvis pignoris]: Redditionem pignoris, si creditrix mulier rem, quam pignori acceperat, debitori liberaverit, non esse intercessionem. C.33 q.5 c.17 [Mulierem]: Mulierem constat subiectam dominio viri esse, et nullam auctoritatem habere: nec docere enim potest, nec testis esse, neque fidem dare nec iudicare: quanto magis non potest imperare? Cfr C.33 q.5 c.17 *Glossa ord.* s.v. *neque fidem*: Obligatur tamen si dolose fideiubeat, ut creditorem decipiat.

Summary

**Thema:** Because I have not known trading, I will enter into the powers of the Lord: O Lord, I will be mindful of thy justice alone.

1. Spiritual trade
   1.1. Heavenly country
   1.2. Earthly country
   1.3. Hellish country

2. Worldly trade
   2.1. End: greed
   2.2. Person: cleric
   2.3. Time: holiday
   2.4. Place: sacred
   These illicit profits should be distributed to the poor
   2.5. Combination: unjust
   2.6. Means: wicked
   2.7. Matter: evil

3. Modest temporal trade
   3.1. Wrongful appraisal
      3.1.1. Valuation of things
3.1.1.1. Virtuosity

3.1.1.2. Rarity

3.1.1.3. Complacibility

3.1.2. Latitude in valuation

3.1.2.1. By law

3.1.2.2. By custom

3.1.2.3. By discretion

3.1.3. Excess in valuation

3.1.3.1. Excess beyond half the just price

3.1.3.2. Excess notable but less than half

3.1.3.3. Minor excess

3.1.3.3.1. Argument from peace and salvation

3.1.3.3.2. Argument from mutual agreement

3.1.3.3.3. Argument from human estimation

3.1.3.3.4. Against an objection
Title 1. On greed.

Chapter 16. On fraud, arranged for preaching.

Thema

On fraud which is committed in buying and selling, or trade. Thus Psalm 70: Because I have not known trading, I will enter into the powers of the Lord: O Lord, I will be mindful of thy justice alone.\(^1\) But since the Lord speaking through a parable says, Luke 19, Trade till I come, handing over to his servants money with which to trade, and at length exacting an account from them, the servant whom he learned had not traded, he harshly upbraided, took the money from him, and condemned him:\(^2\) how then can David declare that he has abstained from trading in order to please the Lord, and to enter into his kingdom, saying, Because I have not known etc.? It must be understood therefore that the genus of trade is of three kinds, about which the Psalmist teaches us to conduct ourselves rightly with himself as our example.

1. The first is worldly and dishonest and therefore to be avoided: Because I have not known trading.

2. The second is spiritual and honest and therefore to be exercised: I will enter into the powers of the Lord.

3. The third is temporal and modest and therefore to be permitted: O Lord, I will be mindful of thy justice alone.

1 Spiritual trade

And beginning from the second, namely on the subject of spiritual trade, the Saviour sets out a parable about this, saying in Matthew 13: The kingdom of heaven is like to a merchant

\(^1\) Ps 70.15–16. Antonin’s text is drawn from the Vatican Septuagint translation, whose reading negotiationem (-es) was quoted by several Church fathers, transmitted in the Glossa ordinaria, and followed by the Roman Psalter. The Vulgate reads: “My mouth shall shew forth thy justice; thy salvation all the day long. Because I have not known learning, I will enter into the powers of the Lord: O Lord, I will be mindful of thy justice alone.”

\(^2\) Lc 19.11–27.
seeking good pearls. The kingdom of heaven here signifies the Church militant, and this is the sense: what is done in the Church by any of the faithful is like to that which is narrated in that parable about the merchant. For the merchant seeking pearls, when he has found one which seems to him of great price, from which he might be enriched, he sells all that he has, and buys it. The merchant travels around through different countries; he carries a price so that he can acquire a reward. Even so the spiritual merchant travels around not in body, but in mind, through the three countries which are in the kingdom of his Lord, where He manifests his powers.

The first is the heavenly country, in which is manifested the power of God for rewarding.

The second is the earthly country, in which is declared the power of God for creating and governing.

The third is in the hellish country, in which is proven the power of God for tormenting.

1.1. Heavenly country

The Psalmist shows that he travels around through those regions when he says: I will enter into the powers of the Lord; that is, the places where his powers are manifested, in mind, intellect, and emotion. The reward which is found in the first is the glory of the divine intuition. For, “vision is the entire reward,” Augustine says. For although there are in that country many pearls, according to that text which the Church sings, “Thy gates shine bright with pearls,”

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3 Mt 13:45–6: “Again the kingdom of heaven is like to a merchant seeking good pearls. Who when he had found one pearl of great price, went his way, and sold all that he had, and bought it.”

4 AUG. Trin. 1, 8–9: “For contemplation is the recompense of faith... The whole reward of our love and longing is held forth as in the sight of Him [the Son].”

Cfr THOM. AQ. Sum. th. 1a 2ae q. 4 a. 1 ob. 1: “It would seem that delight is not required for happiness. For Augustine says (De Trin. i, 8) that “vision is the entire reward of faith.” But the prize or reward of virtue is happiness, as the Philosopher clearly states (Ethic. i, 9). Therefore nothing besides vision is required for happiness.”

5 Hymn Urbs Ierusalem beata dicta pacis visio, §3, in the Tridentine Missal (1570), Office for the Dedication of a Church, Vespers (“Blessèd city, heavenly Salem,” trans. Neale, 36–38): “Bright thy gates of pearl are shining; They are open evermore; And by virtue of his merits Thither faithful souls do soar...”

Cfr Apc 21.9–21: “And the twelve gates are twelve pearls, one to each: and every several gate was of one several pearl. And the street of the city was pure gold, as it were transparent glass.”
which are the various joys of the blessed; nevertheless this one is of greater price, whence Psalm 20 says: *thou hast set on his head*, that is, in the mind or intellect of the just and spiritual merchant, *a crown*, the reward which has no end, just like a crown of precious stones, namely <the reward> of the clear vision of God.⁶ And this is purchased, if it can be purchased, by grace; which is that Lord’s money commended to his servants to carry out spiritual trade. But in order to have that money by which he might buy, he sells all over which he presides: that is, he submits everything, his substance and his body and his soul, to grace, in order to possess it, to keep it, and to increase it; and with grace as the mediator he receives glory, because *The Lord will give grace and glory*, Psalm 83.⁷ Hence even a little baptised child, although he has no works of merit, nevertheless because he has grace, when he dies receives glory. Hence also Gregory says: “The kingdom of heaven is worth as much as you have,” namely is worth making all things subject to the will of God and his grace. “Nothing is cheaper when bought, nothing is of greater price when possessed.”⁸

1.2. Earthly country

In the second country, namely of this world, there are many pearls. There are many sorts of good things, for there are wealth, honours, knowledge, and things of this sort; but of greater price than all is wisdom. Hence Wisdom says about this: *Neither did I compare unto her*, namely wisdom, *any precious stone; and all the things that are desired, are not to be compared with her,*

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⁶ Ps 20.4: “For thou hast prevented him with blessings of sweetness: thou hast set on his head a crown of precious stones.”

⁷ Ps 83.12: “For God loveth mercy and truth: the Lord will give grace and glory.”

⁸ Greg. M. In evang. 1, 5 in Mt 4.18–22.

Cfr THOM. AQ. Sum. th. 2a 2ae q. 100 a. 1: “Further, nothing is more spiritual than the kingdom of heaven. But it is lawful to buy the kingdom of heaven: for Gregory says in a homily (v, in Ev.): “The kingdom of heaven is worth as much as you possess.” . . . The kingdom of heaven is said to be bought when a man gives what he has for God’s sake. But this is to employ the term "buying" in a wide sense, and as synonymous with merit.”

This text was widely diffused and variously attributed. E.g. St Robert Bellarmine attributed it to St Augustine in one place; Robert Bellarmine, *The Eternal Happiness of the Saints*, trans. John Dalton (London: Richardson and Son, 1847), 190–192.
Wisdom 7, Proverbs 3. Now I call ‘wisdom’ only the infused virtue, and it is commonly construed thus in Sacred Scripture. It comprehends in itself all the moral virtues, than which in this life nothing is more useful, as Wisdom says there. The money with which it is bought is the labour of curbing and moderating one’s passions. For as the Philosopher says, “virtue is expertise in relation to difficult matters.” And Virgil says, “To climb up the steps,” namely to virtue, “this is is the task, this the toil!” And it is said in Proverbs 2, If thou shalt seek wisdom as digging for a treasure, thou shalt find. In the digging of treasure there is labour in throwing aside the earth, that is in disdaining earthly affection; there is also the great desire for treasure; and there is the sinking-down which signifies humiliation.

1.3. Hellish country

In the third country, namely of hell, the reward which can be bought by descending to it in meditation during the present life, is indulgence, that is the remission of the penalty of eternal fire or of temporal purgatory, of which everyone is a debtor for his sins: For there is no

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9 Sap 7.7–9: “Wherefore I wished, and understanding was given me: and I called upon God, and the spirit of wisdom came upon me: And I preferred her before kingdoms and thrones, and esteemed riches nothing in comparison of her. Neither did I compare unto her any precious stone: for all gold in comparison of her, is as a little sand, and silver in respect to her shall be counted as clay.”

Prv 3.15: “Blessed is the man that findeth wisdom and is rich in prudence: The purchasing thereof is better than the merchandise of silver, and her fruit than the chiefest and purest gold: She is more precious than all riches: and all the things that are desired, are not to be compared with her.”

10 I find this passage difficult to interpret. Antonin also cites this phrase in similar form in his Chronica, part 1 tit. 4 c. 3 pr. (Chronicorum opus [Lyon, 1586], 122bd). It resembles THOM. AQ. Sum. th. 1a 2ae q. 68 a. 7 ad 3: “Although knowledge stands before counsel by reason of its judgment, yet counsel is more excellent by reason of its matter: for counsel is only concerned with matters of difficulty (Ethic. iii, 3), whereas the judgment of knowledge embraces all matters.”

Cfr ARIST. Ethica Nic. 2, 3 (1105a10; McKeon, 955): “It is harder to fight with pleasure than with anger, to use Heraclitus' phrase', but both art and virtue are always concerned with what is harder; for even the good is better when it is harder.” Cfr ARIST. Ethica Nic. 3, 3 (1112b9; McKeon, 969–70): “Deliberation is concerned with things that happen in a certain way for the most part, but in which the event is obscure, and with things in which it is indeterminate.”

11 VERG. Aen. 6, 128–9 (LCL 63:540–1): “But to recall one’s steps and pass out to the upper air, this is the task, this the toil!”

12 Prv 2.4–5: “If thou shalt seek her [wisdom] as money, and shalt dig for her as for a treasure: Then shalt thou understand the fear of the Lord, and shalt find the knowledge of God.”
man on the earth who sinneth not, Solomon says in 1st Kings 8.\textsuperscript{13} No pearl can be drawn thence out of that country of greater price, or of greater profit, than that one, namely indulgence: many things can be drawn thence in meditation, as perception of divine justice, compassion for the denizens, and so forth, but this is more profitable. Now the money by which that reward and precious pearl is purchased, is penance. For as Pope Leo says: “Indulgence is not given unless the fault has been corrected.”\textsuperscript{14} And Augustine explains this more fully, De poen. D.1, saying, “Do not hold that anyone can pass without penance from error to truth, or from any vice, whether large or small, to virtue.”\textsuperscript{15} For through penance — in the first place, of the heart — and true contrition, the fault is taken away; and of due punishment more or less according to the quantity of sorrow. Therefore, what the Lord commanded when he said, Trade, is understood spiritually <as signifying> that sort of trade. And for its exercise the Psalmist says that he will enter into the powers of the Lord, that is into the countries of His power, by his example prompting us to do the same.

2. Worldly trade

Returning to the first genus of trade, namely that which the worldly carry out: that it is full of many vices, and therefore to be avoided in as much as it is vicious, the Psalmist himself teaches us by his example when he says: I have not known trading. And this text follows another translation of the Bible, in place of which our translation has: I have not known learning, which is the exercise of the iniquitous.\textsuperscript{16} About these it is said in Baruch 3: The children of Agar have sought

\textsuperscript{13} 3 Rg 8.46: “But if they sin against thee (for there is no man who sinneth not) and thou being angry deliver them up to their enemies, so that they be led away captives into the land of their enemies far or near.”

\textsuperscript{14} VI 5[.13].5 (Peccati). This text does not originate with Leo but Gelasius. The Glossa ord. (s.v. peccati venia) says that this rule is deduced from a canon of Pope Gelasius, C. 24 q. 2 c. 2. In attributing this canon to Leo, Antonin may have been thinking of De pen. D. 5 c. 2 (Qualitas). Augustine states the same opinion at De cons. D. 4 c. 96. For Antonin’s further comments on this rule of law cfr Summa 1.20.1.69.

\textsuperscript{15} De pen. D. 1 c. 43 (Neminem): “Do not hold that anyone can pass without penance from error to truth, or from any sin, whether large or small, to correction.”

\textsuperscript{16} Cfr AUG. in D. 88 c. 12 (Quoniam non); Glossa ord. ad Ps 70.15–16. Discussed above in Ch. 4.
after the wisdom that is of the earth, the merchants of Theman etc. And therefore the Lord Jesus prohibits this, saying in John 2, Make not the house of my Father a house of traffic. The house of the Father is not only the material church but much more the spiritual one, that is, the assemblage of the faithful, which becomes a house of traffic when the faithful direct their efforts to iniquitous and unjust types of trade. Hence also Chrysostom says about such things that: “A man who engages in trade can never please God.” Now trade is iniquitous and to be avoided in seven circumstances.

1. Because of end: greed.
2. Because of person: cleric.
4. Because of place: sacred.
5. Because of combination: unjust.

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17 Bar 3.23: “The children of Agar also, that search after the wisdom that is of the earth, the merchants of Merrha, and of Theman, and the tellers of fables, and searchers of prudence and understanding: but the way of wisdom they have not known, neither have they remembered her paths.”

18 Io 2.16: “And to them that sold doves he said: Take these things hence, and make not the house of my Father a house of traffic.”

19 CHRYS. (pseudo) Opus imperf. in D. 88 c. 11 (Eiciens): “In casting sellers and buyers from the Temple, the Lord signified that a man who engages in trade can rarely or never please God. And so no Christian must be a merchant, or, if he should wish to be one, let him be cast out of God’s Church.”

On this canon and the next (Augustine in D. 88 c. 12): “Both the texts quoted exercised a great influence on moral thinking about commerce in the Middle Ages, although in fact they are both of doubtful authenticity. The text attributed to Chrysostom is in fact an apocryphal Latin work of the 6th century, which goes under the title of Opus imperfectum in Matthaueum (and as such is to be found in PG 56, 840). . . . Both the texts were included in his Decretum by Gratian [D.88 c.11–13], who thereby added his immense authority to their influence.” LeFébure, Injustice, 226–7.
2.1. End: greed

As to the first, it is clear that, “whose end is evil, the work itself is also necessarily evil.”\footnote{Boeth. Diff. top. 2 (PL 64:1189). Cf. Thom. Aq. Sum. th. 1a 2ae q. 18 a. 4 “On the contrary, Boethius says (De Differ. Topic. ii) that “if the end is good, the thing is good, and if the end be evil, the thing also is evil.””} If therefore the end of trading be principally the desire of money, which is the root of all evils, the trade shall be wicked.\footnote{1 Tim 6:10: “For the desire of money is the root of all evils; which some coveting have erred from the faith, and have entangled themselves in many sorrows.” Cf. Raym. Penn. Sum. paen. 2.8.1.} But for the explanation of these things it must be understood, according to Blessed Thomas, that “what men are in business for is the making of exchanges,” for trade implies some kind of exchange in the transaction.\footnote{Thom. Aq. Sum. th. 2a 2ae q. 77 a.4. This entire section is a close paraphrase of the majority of St Thomas’s article 4. St Antonin intersperses his own comments and expansions throughout. The English translation here is adapted from LeFébure, Injustice, 224–231.} According to the Philosopher,\footnote{Arist. Polit. I, 3 (1253b13); ibid., I, 9 (1256b40).} there are two sorts of exchange; the first sort is as it were natural and necessary, and consists in the exchange of commodity for commodity or of commodity for money, for the maintenance of life. And such exchanges are the affair, not strictly of business-men, but of heads of families or governments, that is those who have to provide the necessities of life for their households and their families or the state. Therefore this kind of exchange, according to Aristotle,\footnote{Arist. Polit. I, 10 (1258a38).} in itself is praiseworthy, because it has a right end, namely because it supplies the needs of human life. Nevertheless various sins may be committed in its exercise; but these vices belong to men who engage in commerce, they are not intrinsic to commerce as such.\footnote{Thom. Aq. Sum. th. 2a 2ae q. 77 a. 4 sed contra. This is a quotation of St Augustine taken from D. 88 c. 12.} The other sort of exchange is of money for money, as in money-changing; or of money for merchandise, as in buying and selling; or of commodities for commodity, as in exchange which is called barter, not on account of the necessities of life, but ordained to this end, namely the profit to be gained from that exchange: and this kind, properly speaking, is called trade. And since, just in itself, this sort feeds the acquisitive urge which knows no limit but tends to increase to infinity, it follows that commerce as such, considered in itself, has something shameful about it in so far as it is not
intrinsically calculated to fulfil right or necessary requirements. Nevertheless neither does it carry the notion of anything vicious or contrary to reason. There is, therefore, nothing to stop profit being subordinated to an activity that is necessary, or even right. And this is the way in which commerce can become justifiable. Suppose a trader uses business profits, moderate mind you, for this end, namely to provide for his household and family, according to their decent state, or even from his profit to help the poor, or even when he conducts his business for the public good in order to ensure that the country does not run short of essential supplies, and who makes a profit as it were to compensate for his work and not for its own sake, with all the due circumstances observed, about which it shall be explained: one acting thus cannot be condemned. But if he places the ultimate end in profit, intending only to increase his wealth into immensity, and to reserve it for himself, he remains in a state of damnation. And Blessed Thomas interprets this saying of Chrysostom on Matthew as applying to that sort of traders: “Anybody who procures something in order to make a profit out of it by selling it without processing it in such a way as to enhance its value belongs to the class of traders who were thrown out of the temple,” as one reads in D.88; which is true, when the ultimate aim is to make profit for its own sake, for then he is ‘outside the Church’ as to merit. Make not, in this way, my

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26 Cfr RAYM. PENN. *Sum. paen.* 2.8.1.
27 “The author proceeds with such finesse that it would be easy to miss the fact that he has, especially in the second paragraph of the body of this article, broken discreetly but definitely with Aristotle on the question of commercial activity for profit. The immediate occasion for making the break was, no doubt, the immense development of commerce about his own time, but it is perhaps paradoxical that the real reason why he was able to initiate this break seems to be that he was writing as a theologian and not merely as a political economist. For it was the fact that he was in possession of an assured vision of the contemplative goal of individuals in society, and of the subordination of the earthly to the heavenly society, which enabled him to apply the basic Aristotelian distinction between means and ends even to the subject-matter of commerce and profit-making in a way which Aristotle had not explained it—although for that very reason he also imposed stringent limitations on profit-making. The essential characterization of material resources and money as utilities and means is summarized in e.g. 2a 2ae q.118 a.1 and q.117 a.3, whilst the positioning of riches in relation to man’s final end is summarized in e.g. 1a 2ae q.1 a.1; q.2 a.8; q.3 a.8; q.4 a.7; 2a 2ae q.50 a.3 ad 1. And for a synthetic statement of man’s position in the universe and of the liberties and limitations implied by his pull towards fulfilment and happiness, see *Summa contra Gentiles* 3 c.37.” LeFébure, *Injustice*, 228–9.
28 THOM. AQ. *Sum. th.* 2a 2ae q. 77 a. 4 obj. 1; ibid. ad 1. Cfr D. 88 c. 11 (*Eiciens*).
house a house of traffic etc. Here however, we understand ‘trade’ in a wide sense, and in the following sections of this discussion.

2.2. Person: cleric

Second, trade is evil by reason of person, namely when it is specially prohibited by law to certain persons, which is the case for all clerics and much moreso for religious, as in the whole chapter of the Liber Extra, where not only trade but many other types of business are set out as forbidden to them. And Augustine says: “To engage in trade is at times lawful, at times unlawful: before you become a cleric, it is lawful; after you have become a cleric, it is no longer lawful.” The reason for this is, according to Blessed Thomas, that “clerics are bound to abstain not merely from things that are bad but from things that look bad. And engaging in commerce falls into this category,” and this in three ways. First, because trade has as its aim the making of earthly gains which clerics should despise. Hence Jerome: “Avoid like the plague any cleric who has emerged from poverty to riches.”

Second, because of the likelihood of their falling victim to the vices of business men, as Sirach points out, A merchant can hardly keep from sins of the lips, as is said in Sirach 26. And Pope Leo: “It is difficult for sin not to intervene in the commerce between buyer and seller.” But a cleric ought very much to beware of sins

29 X 3.50 (Ne clerici vel monachi saecularibus negotiis se immiscant). Cfr RAYM. PENN. Sum. paen. 2.8.1 (1B:559). Ochoa and Diez indicate X 5.19 here, but I suppose it to be X 3.50. Cfr BERN. SEN. Evang. aet. 33, 2, 1 (4:145–6).

30 D. 88 c. 10 (Fornicari): “To fornicate is always unlawful for everyone, but to engage in trade is at times lawful, at times unlawful. Before someone becomes an ecclesiastic, it is lawful for him to be in trade; once he has become one, it is no longer lawful.” Silano trans.

31 THOM. AQ. Sum. th. 2a 2ae q. 77 a. 4 ad 3. Most of this paragraph is a paraphrase of Aquinas.

32 HIER. in D. 88 c. 9 (Negotiatorem). Cfr THOM. AQ. Sum. th. 2a 2ae q. 77 a. 4 obj. 3.

33 Sir 26.28: “Two sorts of callings have appeared to me hard and dangerous: a merchant is hardly free from negligence: and a huckster shall not be justified from the sins of the lips.” Cfr Sir 27.2: “As a stake sticketh fast in the midst of the joining of stones, so also in the midst of selling and buying, sin shall stick fast.”

34 De pen. D. 5 c. 2 (Qualitas): “The quality of his gain either accuses, or condemns a trader, because there is an honourable and a shameful profit. And yet, for a penitent, it is more useful even to suffer expenses than to be bound by the dangers of trade, because it is difficult for sin not to intervene in the commerce between buyer and seller.” Cfr HOSTIEN. Sum. 5.38 §.61 (1859–60).
according to that text: *The man that walked in the perfect way, he served me* etc.\(^{35}\) Third, because commercial activity engrosses a person too much in secular cares and thereby withdraws him from spiritual concerns, as the Apostle says in his letter to Timothy, *No man, being a soldier to God, gets entangled in secular pursuits,*\(^{36}\) and on the same text you have D.88 c.2, for they must frequently take time for divine things.\(^{37}\) Clerics are, however, entitled to engage in the first sort of transaction, namely that concerned with the necessities of life. And if in buying provisions or books or clothing and such things for their own use, later on finding that they need them not, or want other things, clerics sell the things purchased for a higher price, because then they are worth more than before: they commit no sin, cleric or layman.\(^{38}\) Similarly it is lawful for them to buy raw\(^{39}\) material and from it to make some little honest work, which however must be congruous to his state, as buying iron to make hoes from it and sell them, and other honest crafts of this sort, and nevertheless in doing so not neglecting the offices of the Church, as is argued at D.91 c.3–4.\(^{40}\) *Make not,* therefore, you who are clerics or religious, by devoting time to trading, *the house of my Father a house of traffic.*

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\(^{35}\) *Ps* 100.6: “My eyes were upon the faithful of the earth, to sit with me: the man that walked in the perfect way, he served me.”  

\(^{36}\) 2 Tim 2.4: “No man, being a soldier to God, entangleth himself with secular businesses; that he may please him to whom he hath engaged himself.”  

\(^{37}\) D. 88 c. 2 (*Consequens*), citing 2 Tim 2.4 and *Ps* 70.15.  

\(^{38}\) Cfr THOM. AQ. *Sum. th.* 2a 2ae q. 77 a. 4 ad 2. Cfr also RAYM. PENN. *Sum. paen.* 2.7.9 (1B:547).  

\(^{39}\) This word is the occasion of a stubborn difficulty for scribes and editors of the *Summa.* It appears that I am the first to render it correctly, helped by the reading of *F* fol. 47ra.  

\(^{40}\) D. 91 c. 3 (*Clericus*): “A cleric may gain his food and clothing by some little work or the work of the fields, but yet without detriment to his office. Also. §1. A cleric who, without unequalness of body, is absent from the vigils, deprived of his stipend, is to be excommunicated.”  

D.91 c.4 (*Clericus*). “A cleric, however learned in the word of God, is to seek his sustenance by some little work. Also. §1. All clerics who are able to work are to know both some little work and their letters. As for those who walk in the fairs or the market without having anything to buy, they are to be degraded from their office. Those brokers who avoid their office, or carry it out more negligently, are to be removed from their office.” Silano trans.  

Cfr RAYM. PENN. *Sum. paen.* 2.8.2 (1B:561–2); HOSTIEN. *Sum.* 5.38 §.61 (1858); PANORM. *Comm.* ad X 5.19.19 §.18–19 (1571 ed., 7:150va–151vb).
2.3. Time: holiday

Third, trade is evil by reason of holiday time, that is, on feast days. For everyone is obliged on those days to abstain from servile works according to the Lord’s commandment in Exodus 20, *Thou shalt do no servile work on it.* But trade is counted among servile works, except for buying such things as are necessary for the day’s sustenance; and about this you shall find copious material below. Through this sort of trade not only are the feasts dishonoured, but frequently the divine offices are omitted, for which one must set aside time on feast days. In *De consecratione* D.3 c.16 it is said, “On that holy day,” namely feast-day, “nothing else is to be done than to attend to God.” Nevertheless Peter of la Palud says trading in the markets, having heard the divine offices, not indeed for the sake of greed, that is of building up superfluous wealth, but for some honest end, namely for providing for the needs of oneself and one’s family from the profit, or giving to the poor, or providing things necessary for the good of the community: such may be excused, because prelates of churches know and tolerate it. Nevertheless this is more conveniently dealt with by pecuniary penalties, which are feared more if they are exacted.

2.4. Place: sacred

Fourth, trade is evil by reason of place, namely when trade is exercised in a church: for grave irreverence is committed against the sacred place, and consequently against God, whose

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41 *Ex 20.10:* “But on the seventh day is the sabbath of the Lord thy God: thou shalt do no work on it, thou nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thy beast, nor the stranger that is within thy gates.” Cfr RAYM. PENN. *Sum. paen.* 1.12.4 (1B:398–9).

42 I have not yet found the *locus* to which Antonin refers. It may be that he did not in the end write the extensive treatment *de opere servili quid sid* which he had intended.

43 Cfr RAYM. PENN. *Sum. paen.* 2.8.1 (1B:559).

44 *De cons.* D. 3 c. 16 (*leutnia*): “As for Sunday, nothing else is to be done than to attend to God. No work is to be done on that holy day; that whole day is to be passed only in hymns, psalms, and spiritual canticles.”

45 I have not found the *locus* in PETR. PAL. in his *Quartus sententiarum liber* (Paris, 1514).

46 Cfr RAYM. PENN. *Sum. paen.* 2.8.3 (1B:562); HOSTIEN. *Sum.* 5.38 §.61 (1859).
house it is. And thus the Lord cast out the sellers and buyers in the temple saying: *Make not the house of my Father a house of traffic.* But in the time of grace the temple of the church is more worthy and sacred than the temple of Solomon: for there animals were offered, and the blood of he-goats, and of calves; but here is offered the true body and blood of Christ. And since many sins are perpetrated in buying and selling, their gravity is increased by the circumstance of sacred place, the same as for other sins perpetrated there. The devotion of those praying is also impeded by the tumult which generally attends this sort of business. But what about those selling candles there in the church? It appears it must be said that clerics or religious who do this principally to satisfy the devotion of the faithful, who are accustomed to light them in honour of God, may be excused. But if it is principally motivated by greed for gain and profit, it seems they may not be excused from the vice of trade prohibited to them, and particularly in such place: just as the priests of the Old Testament were not excused in those things which they were selling in the temple.

**These illicit profits should be distributed to the poor**

And in these four aforesaid cases,47 although one must counsel that the profits made in such transactions should be paid out on the poor, nevertheless this does not seem to be of necessity for salvation.48 And the reason is, that the giving and receiving of money in these matters is not in itself prohibited: rather the act of trading, not simply, but in such place, at such time, by such person, or for such end. Granted that some say the contrary, nevertheless I have not found any law or solemn doctor expressly saying it, namely that such profit must by necessity be given to the poor. But what shall be preached, that it ought to be given to the poor, is circumspect without declaring at all specifically that it is of necessity or of honest counsel. For it is not proper to open up every truth in preaching, because of the danger of people prone to loosening the conscience abusing the sentences of truth; moreover even in questions about this

47 Namely, trade engaged in for the end of greed, by the person of a cleric, at the time of a holiday, or in the place of a church or sacred locale.

48 Antonin’s doctrine seems to roughly follow the lines laid down by RAYM. PENN. *Sum. paen.* 2.7.11 (1B:548–50). Similarly cfr ibid., 2.5.44 (*De forma restitutionis*) (1B:524–5).
it is fitting sometimes “to prudently elude,” as is argued at D.43 c.2.\footnote{D. 43 c. 2 (In mandatis): “If he should push himself forward and induce us to speak those things which it is not lawful for him to hear, because of the less than righteous nature of his actions, then we must prudently avoid him.” Silano trans. Cfr Glossa ord. s.v. prudenter. “By prudently changing the topic, as they must not pierce the mysteries of a kingdom which is not their own, Codex 4.63.4 and Decretals 1.6.28; indeed, with subtle intellect, we are to extort gold from the barbarians, as in Codex 4.63.2 and C. 14 q. 4 c. 12 and C. 14 q. 5 c. 12.” Cfr Hostien. Sum. 5.38 §.49 (1805).}

Also it is argued at C.26 q.7 c.12: the safer way is always to be counselled, but not commanded.\footnote{C. 26 q. 7 c. 12 (Alligant): “It is better to err in the mercy of remission, than in the severity of punishing.” Cfr Glossa ord. ad idem s.v. melius est (1:1952–3).}

2.5. Combination: unjust

Fifth, trade is rendered illicit because of evil combination: suppose that merchants agree among themselves and make a pact that all shall sell such and such merchandise at such and such price; or only one shall sell, and not the others, a certain type of thing. If such make a pact that they sell at a certain suitable price, may not sell for more, but as to selling for less, they have liberty: it is just. Nay more, Hostiensis counsels, that in order that merchants “exercise their business in good faith,” “they should know from the permission of their bishop how much profit they may take in a measure of grain, and wine, and such things, or how much per pound, beyond what they paid in buying, they may sell at in compensation for labour,” “industry,” and expenses;” and according to a price fixed by him they sell without resort to lies, and they shall be safe “from the sin of trade, Extra, On buying and selling.”\footnote{HOSTIEN. Sum. 5.38 §.61 (1859). Cfr X 3.17.1 (Placuit): “The bishop compels that people not sell more dear to travellers than they may sell in the market.” My translation. Cfr PANORM. Comm. X 3.17.1, n.9 (1583 ed., 3:96r).} It is a good and fair counsel: but because it is a counsel, it does not oblige, when custom practically everywhere runs counter. Nevertheless where provision is made by the bishop, or what is better done, by the rulers of the state, namely that victuals be sold by them at a legally established price, and other things which are necessary for use: then merchants or sellers may not increase the price without sin. But if the merchants make a pact collectively to sell their merchandise at a certain price and no less, and by this not intending to keep themselves indemnified by placing a just price on their
merchandise keeping to the prevailing value, rather than to seek immoderate profits from too great a price: then they do a most wicked thing. And these are called monopolists "from monos, which is ‘one,’ and pola, which is ‘seller,’ or polis, which is ‘city,’ as if there is only one seller in the city." And such monopolistic pact is illicit, and prohibited by law, according to Hostiensis. And it is warned in said law that one exercising such monopoly "shall be stripped of his property and condemned to perpetual exile." Also if someone makes a partnership with a person whom he knows is of bad conscience, and engages in business by any means good or bad, even though he himself holds back from illicit commerce, and admonishes his partner to abstain from illicit deeds: he is not excused unless he prevents him as far as he is able, and dissolves the partnership with him if he can; or if he cannot, if he protest that he does not wish to participate in illicit profits nor to introduce himself into them; this is argued at D.83 c.3 and


At this place Antonin appears to draw on BERN. SEN. Evang. act. 33, 2, 7, §.5 (de circumventionibus malitiosis) (4:153–4).

53 Not HOSTIEN. but rather BERN. SEN. ibid. I have not found this in HOSTIEN. Sum. 3.17 nor 5.38; the word monopolit- is not listed in the index of the 1574 ed.

54 Cod. 4.59.1: “We order that no one shall have a monopoly ... of any kind of cloth, fish, shell-fish, sea-urchin, or of any other article used for food or for any other purpose; nor shall anyone swear or agree in any unlawful meeting not to sell the various articles of commerce for less than the price agreed on. ... And if anyone shall dare to carry out a monopoly, his goods shall be confiscated and he shall be sent into perpetual exile.”
D.86 c.3. And about this one should inquire, lest he labour under crass ignorance, which does not excuse.

2.6. Means: wicked

Sixth, trade is illicit because of means, that is when one trades using perjuries as a means, and lies, and duplicities. Hence Cassiodorus: “Those traders are abominable” in God’s sight “who, with no consideration of God’s justice, by their immoderate desire for money burden their merchandise more with perjuries than prices.” And about perjuries indeed there is no doubt that any people who make use of them, even one deliberate perjury, namely by swearing falsely, sin mortally, according to Raymond and Blessed Thomas, because they go expressly against the commandment of God, committing a notable irreverence. Now about lies, Raymond says that if they do this in order to deceive, they also sin mortally, and are bound

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55 D. 83 c. 3 (Error): “He who does not resist errors consents to them. The error, which is not resisted, is approved, and the truth is oppressed when it is not defended. Certainly, to be negligent, when you are able to trouble the perverted, this is nothing else than to give support. Nor does he lack the scruple of secret fellowship who fails to oppose a manifest crime.”

D. 86 c. 3 (Facientis): “He who neglects to emend what he can shares the guilt of the doer. . . . Indeed, it is written: Not only they that do them, but they also that consent to them that do them are adjudged to be sharers (Rom. 1.32). . . . And it profits one nothing to avoid being punished for his own sin who becomes punishable for another’s.”

56 According to the degree of carelessness vincible ignorance is either simply vincible, crass, or studied. Ignorance is simply vincible when there is some slight lack of care; it is crass or supine when the carelessness is grave and hardly any attempt is made to remove the ignorance. Such ignorance is either gravely or slightly culpable depending on the gravity of the matter of which one is ignorant. . . . Ignorance is studied (affected) when it is deliberately fostered by the agent as a means of being excused from sin or of not avoiding some sin.” Prümmern, Handbook of Moral Theology, 10.

57 Cfr RAYM. PENN. Sum. paen. 2.8.5 (1B:563–4); HOSTIEN. Sum. 5.38 §.61 (1859); THOM. AQ. Sum. th. 2a 2ae q. 77 a. 2 resp.

58 D. 88 c. 13 (Quid est aliud). “And so those traders are esteemed to be abominable who, with no consideration of God’s justice, are polluted by their immoderate desire for money, burdening their merchandise more with perjuries than prices.”

59 RAYM. PENN. Sum. paen. 1.9.4–5 (Species iuramenti) (1B:367–8). Thomas Aquinas Sum. th. 2a 2ae q. 98 a. 3: “On the contrary, Every sin that is contrary to a divine precept is a mortal sin. Now perjury is contrary to a divine precept, for it is written (Lev. 19:12): “Thou shalt not swear falsely by My name.” Therefore it is a mortal sin. . . . Now perjury, of its very nature implies contempt of God, since, as stated above (Article [2]), the reason why it is sinful is because it is an act of irreverence towards God.”
to make restitution of the thing over which they committed deception.\footnote{RAYM. PENN. Sum. paen. 2.8.5 (1B:563). Cfr HOSTIEN. Sum. 5.38 §.61 (1844).} And the gloss says there that “it does not make a difference whether” one deceives “over a small or a great thing.”\footnote{GUIL. RED. Glossa in RAYM. PENN. Sum. paen. 2.8.5 s.v. In quantum (1603 ed., 247).} I believe Raymond is speaking about a lie by which one intends to do harm or to deceive for much if he can, as if for a little, when he says that it is mortal: for if he only intends to deceive over a small amount, then there is no reason why this should be mortal. And it appears that what the gloss says ought to be taken with reference to fact, not intention; which is evident from this manner of speaking: that is, when and if he intends to deceive for a lot, nevertheless in the actual deed he does not deceive except for a little, because he did not succeed.\footnote{Cfr RAYM. PENN. Sum. paen. 2.8.5 (1B:563).} Or also it may be referred to the fact of restitution: for just as one deceiving for a little is bound to restitution of that little amount, so one who deceives for a large amount is bound to restore that large amount. But if someone uses a lie in selling and buying in order to keep himself indemnified,\footnote{For the next several sentences cfr BERN. SEN. Evang. act. 33, 2, 7 §.1 (de mendaciis multis) (4:152).} suppose, so that he can sell his thing at the just price, he says that it cost him more than it did cost or something like this: such a one sins venially, according to Raymond.\footnote{Cfr RAYM. PENN. Sum. paen. 2.8.5 (1B:563–4).} But Hostiensis says that if one does this “persistently and as a regular practice,” he seems to sin mortally.\footnote{HOSTIEN. Sum. 5.38 §.61 (1859). Quarrachi editors of BERN. SEN. wrongly direct the reader to HOSTIEN. Sum. 5.38 §.41 (Cui mercator). However, this does not yield the required text.\footnote{D. 25 c. 3 Gr. p. §.3 (Alias): “For there are many actions proceeding from deliberation which, unless they are frequently repeated and become customary and even though they are a burden after death, nevertheless they do not cause eternal loss; although these deeds are somewhat reasonably called crimes, nevertheless they are not deadly and capital. . . If they should be practised for a long time, anger and frequent drunkenness are also counted among these [capital sins].”} He argues by analogy with drunkenness, which Augustine says is mortal “if it be persistent,” as is evident at D.25 c.3.\footnote{D. 25 c. 3 Gr. p. §.3 (Alias): “For there are many actions proceeding from deliberation which, unless they are frequently repeated and become customary and even though they are a burden after death, nevertheless they do not cause eternal loss; although these deeds are somewhat reasonably called crimes, nevertheless they are not deadly and capital. . . If they should be practised for a long time, anger and frequent drunkenness are also counted among these [capital sins].”} Nevertheless I do not believe this is true, because a venial sin, in itself, no matter how much it is continued and multiplied, never becomes mortal, according to Blessed
Thomas, and about this see above in Part 1 title 6, but it certainly disposes one to mortal sin.
Nor is it analogous to drunkenness, whence also Blessed Thomas expounds that statement of Augustine. That lie, therefore, is venial, unless contempt is added. And the same must be said about duplicities which are committed in trade, and frauds, namely that it is mortal when a notable deception of neighbour is intended, otherwise it is venial: about this more fully below.

2.7. Matter: evil

Seventh, <trade is wicked> because of evil matter: for there are some trades which are in themselves evil in “the nature of the thing itself,” as usury, simony, and suchlike. Hence Ambrose says: “Many are found who, by their trade in this gift, are seeking to traffic in the
grace of the Holy Spirit.” 72 And trade in these things, that is its exercise, is prohibited to all “clerics and laymen alike” according to Raymond.73

There are some other matters which are not evil by nature, nevertheless men may make use of them, as in many things, for evil: as in the making of dice, playing cards or games,74 cosmetics, and superfluous clothing accessories, and so forth. And from trading in these things, that is buying and selling and making them, everyone must abstain, and most of all from those which cannot be done without mortal sin, or whose use is commonly in mortal sin. And this is how one must understand what Innocent says in De poen. D.5 c.8: “A penance is indeed false when the penitent does not withdraw from a trade function,” that is the act <of trading>, “which cannot be fulfilled without sin;”75 and what Gregory says in a homily, namely, as for those trades “which involve one in sin, it is necessary that one’s mind not turn to these after conversion,” De poen. D.5 c.7.76 For they are speaking about mortal sins. For if they were understood also as applying to venial sins of whatever sort, then no one could practise even the licit trades. However, about arts of this kind, whose methods are frequently in sin, it shall be said below in the following chapter.77

Certain other matters are doubtful; as in buying prestanzo78 paid out to the community by others, or credits in the monte,79 and imprestiti of Venice,80 and luogi of Genoa,81 which some say

72 C.1 q.1 c.7 (Reperiuntur). Silano translates the Roman text (1582 ed., 1:653–4): “Many are found who, by seeking to traffic in the grace of the Holy Spirit, will perish by their trade in this gift.”
73 RAYM. PENN. Sum. paen. 2.8.1 (Quaenam negotia inhonesta dicantur) (1B:558).
75 De pen. D. 5 c. 8 (Fratres): “A penance is also false when the penitent does not withdraw from a court or trade function which can in no way be fulfilled without sin.”
76 De pen. D. 5 c. 7 (Negotium): “But as for those things which involve one in sin, it is necessary that one’s mind not turn to these after conversion.”
77 ANT. FLOR. Summa 2.1.17.
79 “Consolidated public debt of Florence, the monte comune. . . . The public debt of Venice was also called the mons.” Ibid. s.v. mons, 391.
80 “Compulsory loan to the commune of Venice analogous to the Florentine prestanza.” Ibid. s.v. imprestitis, 388.
are licit, some illicit and usurious, and that one must abstain also from things of this sort, because: “In doubtful things the safer path ought to be chosen,” Extra, On engagements, c.3. And this matter is dealt with copiously above in the same title. There, arguments are set out that favour both sides: and therefore this is not to be facetiously condemned, and what is safer should be counselled, as was said.

3. Modest temporal trade

As for the third principal division, namely modest temporal trade, it must be understood that trade is modest and licit when one exercises it in accordance with the justice of God: that is, following the justice which God exacts from men, not following men’s justice. And this is what the Psalmist says: I will be mindful of thy justice alone, namely in trading, and in doing other works. The justice of men restrains itself only from great excesses in cheating, as beyond half of the just price, voiding such contracts, as in Extra, On buying and selling, c.3. But the justice of God does not permit any cheating however small to be done knowingly. Now those who follow the justice of men, are not mindful of God’s justice, about which the Psalmist says, I will be mindful of thy justice alone. These are the traders who are cast out from the temple of the Church Militant as to merit, and from the temple of the Church Triumphant as to membership. Hence Cassiodorus says on the cited verse of the Psalm: “Those traders are abominable,” namely “who, with no consideration of God’s justice, pollute their merchandise by immoderate

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82 X 4.1.3 (Iuvenis). Cfr Glossa ord. ad idem, casus; LAUR. ROD. Tr. usur. 2 q. 7 (Armstrong, 180); LAUR. ROD. Tr. usur. 3 conc (Armstrong, 249); ANT. FLOR. Summa 1.20.1.16 (In dubiis).
83 ANT. FLOR. Summa 2.1.10 (De materia montis de Florentia ...).
84 X 3.17.3 (Cum dilecti). “Originally a remedy for sellers of land, the Roman law title of laesio enormis (C. 4.44.2) was extended by medieval civilians to buyers as well as sellers and made applicable to all sales transactions. The title permits a party to a sale to appeal a price that varies by more than half the current market or legally regulated price. In such cases, the sale may be rescinded and the original price refunded or the fair value paid. Laesio enormis was recognized as a canonical title by Alexander III (1159–81) in X 3.17.3. It was endorsed by Innocent III in X 3.17.6.” Armstrong, Usury and Public Debt, 303.

“The gloss to both canons [X 3.17.3 and 6] notes that parties to a purchase-sale may circumvent one another without invalidating the contract: “But if I am deceived for less than half the just price, I have no action, for it is licit for contracting parties to deceive one another by up to half the just price.” [gl. ord. ad X 3.17.3, v. Deceptione].” Ibid., 368.
desire for money,” D.88 c.13.\(^{85}\) Now just as God’s justice, that is justice according to God, is served when, in trading, a just price, not an excessive one, and the whole thing due, not counterfeited, is given, and an equitable exchange: so also by contrast, those engaged in trade, with the word taken in a wide sense for buyers and sellers, transgress against God’s justice in three ways:

1. By wrongful appraisal.
2. By various tricks and frauds.
3. By illicit exchange.

### 3.1. Wrongful appraisal

As to the first, it must be understood according to Blessed Thomas, that “buying and selling seem to be established for the common advantage of both parties, one of whom requires that which belongs to the other, and vice versa, as the Philosopher states in the *Politics*.\(^{86}\) Now whatever is established for the common advantage, should not be more of a burden to one party than to another, and consequently all contracts between them should observe equality of thing and thing. Again, the value of a thing that comes into human use is measured by the price given for it, for which purpose money was invented, as stated in *Ethics*.\(^{87}\) Therefore if either the price exceed the value of the thing’s worth, or, conversely, the thing exceed the price, there is no

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\(^{85}\) D. 88 c. 13 (*Quid est aliud*). “And so those traders are esteemed to be abominable who, with no consideration of God’s justice, are polluted by their immoderate desire for money, burdening their merchandise more with perjuries than prices. The Lord cast out such people from the Temple, saying: *Do not make the house of my Father a house of trade (Jn. 2.16).*”

Antonin’s text of this canon as quoted here, differing somewhat from the text given by Friedberg and the Roman edition, agrees with his quotation of the same canon in 3.8.1 at l. 210–11.

\(^{86}\) *Arist. Polit.* 1, 9 (1257a10ff.; McKeon, 1138): “He who gives a shoe in exchange for money or food to him who wants one, does indeed use the shoe as a shoe, but this is not its proper or primary purpose, for a shoe is not made to be an object of barter. The same may be said of all possessions, for the art of exchange extends to all of them, and it arises from what is natural, from the circumstance that some have too little, others too much.”

\(^{87}\) *Arist. Ethica Nic.* 5, 5 (1133a19; McKeon, 1011): “This is why all things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect.”
longer the equality of justice.” Thus Thomas. And consequently in this case iniquity is committed: for it is called ‘iniquity’ as if ‘inequity,’ that is inequality. But: *He that loveth iniquity, hateth his own soul*, Psalm 10 says according to another translation: and it speaks of God’s soul, which is His will. Hence also in C.10 q.2 c.2 “it is said that if in the sale” of ecclesiastical property “more is offered than the property is worth, a church should not receive it, but only the just price.” And the reason is, according to the Archdeacon on the cited chapter, that a church must not commit fraud in its contracts, as at *Extra, On gifts.* Thus therefore a good cannot licitly be sold for more than it is worth, neither can it be bought for less; with their value reckoned with respect to our use, and a probable judgement of human estimation measuring the value of the thing within the limits of the applicable latitude. And for the fuller explanation of this matter there are three things to be considered.

1. From where does a thing get its due valuation.
2. What is the applicable latitude in the valuation of a thing.
3. What must be said when an excess is perpetrated in the valuation of a thing.

### 3.1.1. Valuation of things

And for the explanation of the first it is proper to consider diligently three things. And the first is that, according to Scotus, things have value in two ways. The first is the natural

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88 Thom. AQ. Sum. th. 2a 2ae q. 77 a. 1.
89 Ps 10:6: “The Lord trieth the just and the wicked: but he that loveth iniquity hateth his own soul.” Cfr Glossa ordinaria to Ps 10:6 for the alternate translation.
90 C. 10 q. 2 c. 2 (Hoc ius porrectum), Glossa ord. s.v. ut plus: “What if he offers more than its worth? Then he shall receive only the just price, although the law says that the contracting parties are allowed to lead each other into error, Digest 4.4.16, but a church must not commit fraud in its contracts, as at Decretals 3.24.5.”

This sentences from Bern. Sen. Evang. *et.* 35, 1, 2 (4:192). Bernardino attributes the gloss cited to the Archdeacon. This is the only Decretist gloss of which I am aware citing the maxim, derived from Roman law, *licet contrahentibus sese invicem decipere,* “it is lawful for contracting parties to get the better of one another.” This maxim was in common currency among Decretalists at least by the time of Innocent IV.

91 X 3.24.5 (Per tuas). Cfr Glossa ord. ad idem s.v. invenerunt.
93 This whole section 3.1.1 is an essentially complete reproduction, with a few small word-changes, of Bern. Sen. Evang. *et.* 35, 1, 1 (4:190–1), transmitting Petr. Olivi *Tr. contr.* 1 q. 1 (94–109).
value, the second is use-value. The natural value of a thing is according to the goodness of a thing’s nature in a thing created by God: and in this way, a mouse or an ant or a flea is worth more than bread, because the former have life, soul, and sense, and bread does not, nor even does a pearl. The second value is called use-value, according as it is taken up with respect to our use: and in this way, by as much as a some things are of more utility for our purposes, so much are they worth more; and according to this, bread is worth more than a mouse or a toad. Consequently, since the act of buying and selling is deservedly ordained to the use of human life, therefore the value of things which are for the use of human life, when they are put out for sale, must be obtained in the second way and not in the first.

The second thing to be considered is that this value of things obtained in the second way, that is, in a thing for sale according as it is for our use, is itself assessed in three ways. First from its virtuosity, second from its rarity, third from its complacibility.

3.1.1.1. Virtuosity

And indeed the virtuosity of a thing is appraised according as the thing from its real virtues and properties is more virtuous and efficacious for our uses: and in this way good wheat bread is worth more than barley-bread, and a horse strong for carriage or for war is worth more than an ass or a nag.\(^95\)

3.1.1.2. Rarity

Second, the value of a thing for sale is assessed from its rarity, that is according as things from the rarity and difficulty of finding them are more necessary; to wit, for as much as from the scarcity of things we have the greater need of them, and the lesser faculty of having and using them. Hence Jerome says, “Everything rare is dear,” D.93 c.24.\(^96\) And in this measure, grain is worth more in a time of famine and dearth, than in a time when it is very abundant for all. Thus the four elements, fire, air, water, and earth, are assessed as of lower price among us

\(^95\) Cfr DMLBS s.v. *runcinus*.

\(^96\) D. 93 c. 24 (*Legimus*): “Whatever is rare is the more desired.”
because of their plenty, than balsam or gold; although the former are more necessary and more useful for our life.

3.1.1.3. Complacibility

Third, the complacibility of a thing for sale is assessed, that is according as it is more or less pleasing to our will to have this sort of thing, and to use it. For ‘to use’, as it is understood here, is to obtain or to have a thing in the power of the will: and therefore no small part of the value of things for sale is assessed from how pleasing they are to the will, whether there is more or less attractiveness in the use of this thing or that, like how one horse is more agreeable to one, another to someone else; and one ornament to one, and another to another. And in this mode one person appraises a thing as quite worthless for another person, and regards it as precious and dear for himself, and vice-versa.

The third thing to be considered in relation to the value of a thing is that the value of things for sale scarcely or never can be determined by us except by a conjectural and probable opinion; and this not to a point, against an indivisible account or measure in more or less, but against a certain applicable latitude with respect to time, place, and persons. In relation to this latitude different men are proven to differ in their estimations. And this also Blessed Thomas says, at the place cited above, that the value of things does not consist in a precisely determined point: hence buying or selling for some little more or some little less does not destroy equality or justice, provided that a notable excess is not perpetrated, nor is it done against conscience.97

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97 Thom. AQ. Sum. th. 2a 2ae q. 77 a. 1 ad 1: “The just price of things is not fixed with mathematical precision, but depends on a kind of estimate, so that a slight addition or subtraction would not seem to destroy the equality of justice.”
3.1.2. Latitude in valuation

As to the second, namely what is the applicable latitude in the valuation of things, within what limits may the price be extended: it must be said that this can be known in three ways: from law, from custom, and from discretion. 98

3.1.2.1. By law

And first, from law. Because if the price at which a thing is sold exceeds half of the just price, or the price at which it is bought fails by half of the just price — suppose, a thing is worth 10 florins, as it is commonly estimated, and nevertheless the seller requests and accepts 16, or when a thing is worth 10 florins and the buyer buys it for 4.5 — then according to the laws the contract is null, and to be voided by a judge or compelled to supply the defect perpetrated, Extra, On buying and selling, c.3. 99 But even if there be a lesser excess than half the just price, if it be notable, at any rate according to Blessed Thomas and Scotus, 100 there is injustice present, and by consequence mortal sin, and restitution must be made” as applying to one by whom cheating was advertently committed in a price very excessive or defective. But if the cheating was done in ignorance, because, to wit, the buyer or sellor reckoned that it was worth so much: then a mortal sin is not present, because the one is cheated through error; but nevertheless when he comes to recogznize the fact, or it is shown to him, he is bound to make satisfaction, otherwise he will then commit a mortal sin, if he does not want to make satisfaction. All of which is applied to when the buyer or seller is defrauded of the just price out of error or ignorance: for if he, knowing, and adverting to the quantity of excess or defect, freely consents to such price and such contract, in nothing is the other contracting with him bound, since he knew that he adverted to the excess or defect of price. And the reason is that, “against one who knows and consents no injury nor fraud is committed,” as the rule says in Sext, On the rules of

98 This section 3.1.2 follows generally, though not exactly, BERN. SEN. Evang. aet. 35, 1, 2 (4:191–2), transmitting PETR. OLIVI, Tr. contr. 1 q.1 (94–109); IO. SCOT. Oxon. d.15 q.2 n.15 (18:283b). Cfr also BERN. SEN. Chr. rel. 37, 2, 1 (1:470–2).
99 X 3.17.3 (Cum dilecti). Cfr HOSTIEN. Sum. 3.17 §.7 (943).
100 THOM. AQ. Sum. th. 2a 2ae q. 77 a. 1; IO. SCOT. Oxon. d.15 q.2 n.15 (18:283b).
law. For just as he could give and donate his property without any price at all, thus also he can sell his property for a hundredth of the just price according to his good pleasure, and to another for a fifth, and to another for simply the just price. Nor in this is any injustice committed by the other party, unless the seller is compelled to sell, induced by some extreme necessity, in which he could not otherwise provide for himself: though he wants a just price, he cannot find it; or else moved by extreme frivolity, as a prodigal or fickle person; for then one must give a different answer.

3.1.2.2. By custom

Second, that latitude in the price may be known from custom. For, as Scotus says at the place already cited, “by experience it is evident enough that customarily it is left to the parties to the exchange that, having reckoned up the need on either side, they consider themselves to give equivalent value, and hence receive equivalent value from each other. For it seems harsh that contracts exist among men in which the contracting parties do not intend at all to mutually relax judicial rigour,” which is that a thing be bought or sold only for as much as it is worth: so that thus a certain true donation is appointed in the common contract. And this practice of the contracting parties is founded as it were on the law of nature that says: Do to another what you would have done to you. Therefore it is probable enough that when the contracting parties are mutually content, they wish to mutually remit it to each other if, by some small measure and provided it is not gross, they fail of perfect justice.

3.1.2.3. By discretion

Third, the latitude in the price of things may be known from discretion. For discretion dictates that when a thing in itself is worth 10, yet to the possessor it is dear and useful enough

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101 VI 5.[13.]27 (Scienti). Cfr Antoninus Florentinus Summa 1.20.1.94 (Scienti et consentienti).
102 This section draws on BERN. SEN. Evang. aet. 35, 1, 2 (4:193).
103 IO. SCOT. Oxon. d.15 q.2 n.15 (18:283b–284a).
104 Cfr HOSTIEN. Comm. X 3.17.1 (3:57a). Cfr Lc 6.31: “And as you would that men should do to you, do you also to them in like manner.” Cfr Mt 7.12: “All things therefore whatsoever you would that men should do to you, do you also to them. For this is the law and the prophets.”
to be worth 12: if I want to have it, I should give not only 10, but as much as it is worth to him, for which he wants to retain the thing because it is useful to the extent of 12. Hence also Blessed Thomas says that to sell a thing for more than it is worth, “is unjust, unless it yields a detriment to the seller,” namely in selling the thing at its current value, as suppose that this thing is very useful to himself, or necessary: for then he may sell for more than the thing is worth in itself, as much namely as it is worth to the seller himself. But however much the buyer may be helped by the thing which he wants to buy, if the seller does not suffer loss from the lack of the thing, he may not on that account sell the thing for more than it is worth in itself: because the utility which arrives for the buyer does not come from the condition of the seller, nor the condition of the thing in itself, but from the condition of the buyer; hence he ought not to sell to him what is not his own. And Scotus says the same. However if in his liberality the buyer wants to give something more than the thing is worth, because he is helped very much by it, then it may be received, as is argued at C.1 q.2 c.4.

3.1.3. Excess in valuation

As to the third item in the first part, namely when an excess is committed in the price, what is the law? To this it must be answered, that an excess or defect in the price of a thing for sale can be committed in three ways.

3.1.3.1. Excess beyond half the just price

First indeed beyond half of the just price: and thus the cheated party may rescind the contract or sue for a restoration of his loss, as was said. Nor does the objection prevail that “each

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105 THOM. AQ. Sum. th. 2a 2ae q. 77 a. 1 co.
106 IO. SCOT. Oxon. d.15 q.2 n.16 (18:289a).
107 C. 1 q. 2 c. 4 (Sicut episcopum). “Nothing is to be exacted from an ordinand, but neither is it fitting to reject anything which is offered voluntarily. . . [Gratian:] And by the authority of Gregory, it is given to be understood that, for entry into a Church, it is not lawful to exact money, but it is lawful to receive it, if it is offered freely.”
108 This section 3.1.3.1 follows generally, though not exactly, BERN. SEN. Evang. aet. 35, 1, 3 (4:194), transmitting PETR. OLIVI Tr. contr. 1 q.1 (94–109).
person is the moderator and judge of his own property,” according to the laws,\textsuperscript{109} therefore I may impose “on my own thing whatever price I wish,” nor can anyone compel me to a price fixed ahead of time, just as they cannot compel me to sell either, in the same way as the buyer is not compelled to buy unless at a price which satisfies him. Consequently, just as the contract of buying and selling is purely voluntary, so also establishing the price of things for sale ought to be voluntary, according to the will of the seller and the buyer, as in that legal maxim: “A thing is worth as much as it can be sold for.”\textsuperscript{110} But to that I answer: although one must not be compelled to sell his own property, nevertheless in the act and contract of sale, if he wants to sell, he is obliged to observe the legal form and the rule of justice and equity: and therefore in the act of buying it is not lawful for him to establish an unjust price on his thing and to receive it, because then he does not impose it on his thing simply as its price, but as imposed on the other party to the exchange. The imposition of this reciprocally includes the reception of a superior price: but receiving a superior price is unjust and against equity. Moreover according to Hostiensis,\textsuperscript{111} although one may not be compelled from the outset to sell or alienate his own property, as is evident in the Code, On contracting,\textsuperscript{112} if one nevertheless has exposed it for sale, and a price is offered, if he does not wish to sell for a just price he may be compelled by a judge to sell at the just price, Digests, Duties of the prefect of the city.\textsuperscript{113} And when it is said: “A thing is worth as much as it can be sold for,” this is understood to mean by law, not in fact, according to common estimation, as Antony of Budrio teaches.\textsuperscript{114}

\begin{itemize}
\item \textsuperscript{109} \textit{Cod.} 4.35.21 (\textit{In re mandata}). “Each man is governor and arbiter of his own affairs, and he carries on, not all, but most of his business as he lists.” Cfr IO. ANDR. Novella X 3.17.1 s.v. possum (3:79b–79va). For further canonistic citations of the maxim in re sua moderator et arbiter cfr ANT. BUTR. Comm. X 3.17.1 §.7 (Vendere quando quis compellatur rem suam iusto pretio) (3:75r–v); PANORM. Comm. X 3.17.1 §.6 (1583 ed., 3:95v–96r).
\item \textsuperscript{110} \textit{Dig.} 36.1.1.16. Cfr Glossa ord. X 5.19.6 s.v. non valent; INNO. IV Comm. X 5.19.6 s.v. non valent (517); HOSTIEN. Comm. X 2.20.42 s.v. articulum (2:101); ibid. X 3.17.1 s.v. possum (3:57a); ibid. X 5.19.6 s.v. non valent (5:57).
\item \textsuperscript{111} HOSTIEN. Sum. 3.17.1 (935).
\item \textsuperscript{112} \textit{Cod.} 4.38.14 (\textit{Dudum}).
\item \textsuperscript{113} \textit{Dig.} 1.12.1.11 (§. \textit{Cura carnis}).
\item \textsuperscript{114} ANT. BUTR. Comm. X 5.19.6 §.10 (4:63r–63v). Cfr ibid. X 3.17.1 §.3 (3:75r–v).
\end{itemize}
3.1.3.2. Excess notable but less than half

The second sort of excess in a contract of this kind is when it is certainly notable, but not reaching half of the just price: and then some say that it is licit, and one is not bound to restitution, because the laws permit this, as in the cited chapter, *Extra, On buying and selling*, c.3. Durandus of the Franciscan Order seems to have followed this opinion in his *Summa*.

But Blessed Thomas and Scotus reprove this opinion as erroneous and dangerous to the salvation of souls, saying that such a one knowingly cheating commits an injustice, and consequently sins mortally and is bound to restitution of that in which he cheated. If however it was done ignorantly and out of error, to wit, he estimated that the thing was only worth so much, and so forth, then he does not sin: but when he adverts to his error he is bound to make satisfaction for the damage to the one injured or cheated, otherwise he will then commit a sin if he is not disposed to make amends. To the argument from law invoked by the opponents, Blessed Thomas responds, at the cited place, that the law “is given to the people, in whom there are many deficient in virtue:” hence it only prohibits by punishing those evils which have the characteristic of destroying peaceful human companionship, as theft, adultery, notable cheating in contracts like cheating beyond half the just price. And this, when the law may punish without greater scandal: otherwise it tolerates these evils, as in C.1 q.7 c.14; C.23 q.4 c.24; D.50 c.25. “The law permits other evils,” not as licit but in as much as “it does not punish

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115 X 3.17.3 (*Cum dilecti*). *Cfr Hostien. Sum. 3.17 §.7 (944).*
117 *Thom. Aq. Sum. th. 2a 2ae q. 77 a. 1 ad 1; Io. Scot. Oxon. d.15 q.2 n.15 (18:283b).*
118 This discussion of human law versus divine law is drawn, with some changes, from *Bern. Sen. Evang. aet. 35, 1, 2 (4:192), glossing Thom. Aq. Sum. th. 2a 2ae q. 77 a. 1 ad 1.*
119 C. 1 q. 7 c. 14 (*Quotiens a populis*). “Whenever a sin is committed by the peoples or a crowd, because it cannot be avenged in all due to their multitude, it is usually passed over unpunished.” *Cfr C. 23. q. 4 c. 24 (ipsa pietas): “Punishment is not always to be applied to those who sin. . . But in cases of this kind, when, because of the grave divisions of dissensions, the danger is not only to this or that person, but the slaughter of nations are at issue, something is to be taken from our severity, that sincere charity may aid in healing the greater evils.” *Cfr Glossa ord. ad D. 50 c. 25 (Ut constitueretur), s.v. somewhat restrained: “Here you have that a dispensation is sometimes due, as when the destruction of many is at issue, and in other cases. . . Dispensation is the same as a relaxation of the law, and it is not to be invoked, except for necessity or utility, as in C. 1 q. 7 c. 17. Law takes the middle road between rigour and
them:” and this, lest in the punishing greater evils should follow. “But the divine law,” which is
given to everyone, “leaves nothing unpunished” in this life or the next which is contrary to
virtue. Hence according to divine law it is reputed as illicit if in contracts “equality is not
observed:” which is committed by selling a thing for more than it is worth, or in buying for less,
which is especially the case when a notable excess is perpetrated. In this John of Legnano and
John Calderin and many other canonists agree with Blessed Thomas, saying that that decretal
<X 3.17.3> has place “by the law of the forum and not the law of heaven,” and this is to avoid
excessive lawsuits which could lightly be brought daily.\footnote{\textit{Io. et Gasp. Cald. Repet. ad X 5.19.19 (fol. 281v–282r); Io. Lig. Comm. ad X 5.19.19 (fol. 99v). Cfr Laur. Rod. Tr. usur. 2 op. 6 (Armstrong, 161).}}

3.1.3.3. Minor excess

The third kind of excess is when in such contracts a little injury is committed, as that the
thing is sold for a little more, or bought for a little less, than the just price: and then, although
some say without distinction that no sin is committed, nor is one bound to restitution, because
the prices of things do not consist in a precise mathematical point, but have a certain latitude in
more and less; nevertheless it seems more true that we must say that because that latitude ought
to be applicable, and thus it has its limits, which may nevertheless be defined with difficulty,
thus if one in buying and selling exceeds the limits by a little, not going against conscience,
because, to wit, he believes that to be the just enough price, though rigid:\footnote{\textit{Cfr Ant. Flor. Summa 2.1.8 (De venditione ad terminum)} (Ballerini, 2:126ff.).} then he does not sin,
nor is he bound to restitution, although he exceeds by a little the limits of the just price. And in
that case what they say has its place, namely that an element of donation accompanies every
contract; and the parties mutually remit to each other the little bit more or less than the just
price. But if one sells for more or buys for less than the just price against conscience, that is,
believing that it exceeds the highest degree in the latitude of price, even if by a small amount,
then he cannot be excused from at least venial sin, for every cheat and fraud is a sin; and he is also bound to satisfaction. Because such particles are innumerable, and the little whence one’s neighbour is injured, thus that little unjustly acquired in this way ought to be expended on the poor, C.14 q.5 c.14.122

The aforesaid things are explained by Gerald of the order of Hermits, and John of Rip.,123 that if a diminution or an excess of the just price is committed in contracts for a small amount, it is not necessary that restitution be made: and they induce three arguments for proving this.124

3.1.3.3.1. Argument from peace and salvation

First indeed by reason of peace and salvation.125 For what proceeds from common consent and establishment, and for the common utility of all, by that very fact obtains the equity and firmness of common law: but common consent, and upright and discrete custom, see fit that not every excess in such things must necessarily be restored. And this is so, because it is expedient for temporal peace and spiritual health. Indeed it is expedient for temporal peace because otherwise infinite quarrels and lawsuits would be born from this sort of thing. It is expedient for spiritual health, namely that of the community, and of its parts, because since it is extremely difficult to totally purify oneself from every excess in contracts of this kind, and most of all in imperfect men who covet profits, of whom and in whom the greater part of the human community consists: it would be extremely perilous for everyone if it were unlawful to claim for oneself and retain such excess.

122 C. 14 q. 5 c. 14 (Qui habetis): “If you have something out of evil, do something good with it. ... And so, he does good from evil who gives to the poor what he has acquired with labour and care, according to that text of the Gospel: Make friends for yourselves from the mammon of iniquity (Lc. 16.9). ... Also, some things are acquired by sin which may justly be distributed to the poor.”

123 The best conjecture, put forward by Langholm (see above, Ch. 4), is: GER. ODON. Tr. contr. q. 4 (fol. 81v); IO. REG. Quodl. 4.18 (fol. 64va–65ra).

124 At this sentence, beginning at Declarantur, the look of the writing changes slightly: the ink is darker and the letters are sharper at the top and bottom, with greater distinction between heavy and fine lines. However, the letter-forms appear the same. It seems likelier that Antonin wrote this section later, or at least changed pens and perhaps ink, than that another scribe wrote it.

125 The next four sections are copied essentially verbatim from BERN. SEN. Chr. rel. sermo 37, 2, 1 (1:470–2), transmitting PETR. OLIVI Tr. contr. 1 q.5 n.52–61 (126–135).
3.1.3.3.2. Argument from mutual agreement

Second, the same is proved by reason of mutual agreement. For the proper form and rule of a commutative contract begins and is governed by the free and full consent of either party, such that the buyer wants for himself the thing purchased, more than its price, and the seller vice-versa: each one also from full consent intends to alienate from himself his ownership of his thing, by transferring it totally to the other party. And if one is defrauded in something outside one’s intention and own estimation, but within the limits of gross excess prohibited by divine and human law, he wills nonetheless that the contract entered into be fixed and firm. And if he freely and expressly renounced all such law to the other party doing the reverse, he does it as as much for his own temporal indemnity. The other is obliged to render nothing to him thence, because there is not even a gross, nay perhaps not any excess: because just as he was able to donate the whole without any price, thus he could sell or give it justly for a lesser price.

3.1.3.3.3. Argument from human estimation

Third, it is proved by reason of human estimation, which indeed is uncertain at fixing purely just prices, and at precisely discerning excesses and defects from the just price; on account of which although the price be diminished or exceeded in some amount, none the less it is assessed as gross by nobody’s particular nor by common judgment, nor ought it to be so assessed. Nor does it thus recede in respect of our judgement from the moderation of the just price to be measured by the applicable latitude, but rather it is to some extent included, just as juice, or bitter or somewhat acidic wine, does not thus recede from the species of wine, but rather is included in it. And according to Scotus,\textsuperscript{126} the equality of commutations and contracts does not consist in a precise mean; but rather in that mean which commutative justice regards, there is a great latitude: and within that latitude one does not attain a precise point of equivalence of the thing. In whatever grade within those extremes it is done, it is done justly.

\textsuperscript{126} \textit{IO. SCOT. Oxon.} d.15 q.2 n.15 (18:283ff.).
3.1.3.3.4. Against an objection

But if someone objects and says that whatever is illicit and sinful in contracts seems to be contrary to divine law, and thus would seem to attain no firmness from it, nay rather the opposite; on account of which no illicit excess of price can be acquired, by divine law, for the one sinning in it: I answer, it must be said that in contracts of this kind two things principally must be attended, namely the intrinsic intention and the extrinsic act. And as to the first, namely the intrinsic intention, one must understand that for as much as one wants knowingly some inequality against a neighbour, as, to wit, that one have the better part in such contracts than he, for so much does it have something of injustice: which if it is not mortal, that is, because it is not notable, it suffices that it be expiated either by contrition and penitential satisfaction or by purgatorial fire, just like with other venial sins. As for the second, namely the extrinsic act and commutation, although according to a truthful estimation of its price it may contain some small inequality, with respect however to common statute, and to the condescending law of God, which permits some lesser defects, thus namely that by them he does not punish to eternal death, and to the free consent of the contracting parties it does not have inequality, nay rather benign and concessive and salutary equity. And therefore as to this, it obtains the force of firmness by divine law as much as by human law. Otherwise all such illicit excesses of price shall be a mortal fault in the ones acquiring them, since it is a usurpation of another’s property in as much as it belongs to the other. Every seller or buyer would also be bound to restore every such excess, and thus everyone who did not restore it would be condemned: which is indeed an extremely evil and harsh thought. But on account of the purity of human affect inclined to such temporal things, and on account of the inequality of such commutations, it would be more secure and more just to make satisfaction for every such excess knowingly committed, if it be of any appreciable quantity; or if of little value, to pay it out on the poor for their souls, because in this he benefits more the one defrauded, unless the same also labours under grave poverty. These things, however, must be preached with great discretion,
since the people are prone to loosening their conscience. And therefore whatever things are safer are what we must speak.\textsuperscript{127}

As to those frauds which men commit in trading, and illicit exchanges, it shall be discussed in the following pages in another sermon.

\textsuperscript{127} At this point the pen begins to look more like it did before commencing this section from BERN. SEN. Nevertheless the letter-forms and abbreviations appear the same.
ST ANTONIN, SUMMA, 3.8.1: ON MERCHANTS AND ARTISANS, ARRANGED FOR PREACHING

Summary

Thema: Man shall go forth to his work, and to his labour until the evening.

1. Virtuous work

2. Criminal work

3. Manual work

   3.1. Good conscience

      3.1.1. Right intention

      3.1.2. Liceity

      3.1.3. Appropriateness

   3.2. Apt suitability

      3.2.1. Arts compelled by necessity

      3.2.2. Arts invented by cupidity

      Example

      3.2.3. Arts introduced by vanity

   3.3. Necessary perseverance
Title 8. On the state of merchants and artisans.

Chapter 1. Arranged for preaching.

Thema

*Man shall go forth to his work, and to his labour until the evening,* Psalm 103.¹ The first perfection of any creature is its first act, that is its substantial form, as the rational soul in man; and the second perfection or second act is its work, which proceeds from it, through which its virtue is manifested.² For there is not any creature which does not or is not able to perform any work. And potential which is not reduced to act is without purpose; “but God and nature work nothing without purpose,” according to the Philosopher.³ Hence also the Commentator says that if one apprehends the operations from things, he apprehends the things’ essences.⁴ Likewise man’s final happiness consists in work on the best things.⁵ And about the first man, it is said that God *took man, and put him into the paradise of pleasure, to work it,* Genesis 2.⁶ And

¹ Ps 103.23: “Man shall go forth to his work, and to his labour until the evening.”
² Cf Arist. Anim. 2, 1 (412a10–27; McKeon, 555): “Now matter is potentiality, form actuality ... That is why the soul is the first grade of actuality of a natural body having life potentially in it.” Cf Thom. Aq. sup. Sent. 1.33.1.1 ad 1; Ant. Flor. Summa 1.1.4 pr.
³ Arist. Cael. 1, 4 (271a25ff.; McKeon, 404): “For if the two motions were of equal strength, there would be no movement either way, and if one of the two were preponderant, the other would be inoperative. So that if both bodies were there, one of them, inasmuch as it would not be moving with its own movement, would be useless, in the sense in which a shoe is useless when it is not worn. But God and nature create nothing that has not its use.”
⁴ I have not found the place in Averroës. One difficulty in interpreting this sentence is deciding what Antonin means by *auferre:* the usual meaning is ‘remove, take away, destroy’ (DMLBS; Deferrari, Lexicon, s.v.); but in classical Latin the meaning is also recorded ‘obtain, get, acquire,’ and trop. ‘to learn, to understand’ (LS, s.v. aufero, 2C). Employing the latter sense, cf Thom. Aq. Sum. th. 1a q. 13 a. 8: “Whence a name is imposed, and what the name signifies are not always the same thing. For as we know substance from its properties and operations, so we name substance sometimes for its operation, or its property; e.g. we name the substance of a stone from its act, as for instance that it hurts the foot [loedit pedem]; but still this name is not meant to signify the particular action, but the stone’s substance. ... Because therefore God is not known to us in His nature, but is made known to us from His operations or effects, we name Him from these, as said in Article [1]; hence this name ‘God’ is a name of operation so far as relates to the source of its meaning. ... But taken from this operation, this name ‘God’ is imposed to signify the divine nature.”
⁶ Gen 2.15: “And the Lord God took man, and put him into the paradise of pleasure, to dress it, and to keep it.”
although his work was principally spiritual, about which Christ says in John 6, *Labour not for the meat which perisheth, but for that which endureth unto life everlasting,* namely by meditating and contemplating divine things; nevertheless there was also sometimes corporal work, not indeed out of necessity, but for delight of the mind, for experiencing the forces of nature and thence considering things in themselves and in them the Creator. But when he was expelled from paradise because of sin, he was compelled to work the earth, and it was said to him: *In the sweat of thy face shalt thou eat thy bread,* Genesis 3; that is, it was brought about that, to maintain yourself in life, you must do work from which to live and to procure your food, *till thou return to the earth.* And thus *man shall go forth to his work, and to his labour until the evening.* that is until death, which is the late hour and end of his life.

And he is so immersed in these exterior works that he seldom knows how to return to his own proper work for which he was made, namely knowing and loving and enjoying God. For as the Master of Sentences says, “God made the rational creature, *so that it might understand the highest good, and love it by understanding it, and enjoy it by loving it.*” And this is the highest and perfect work. In which it must be understood that man goes forth to his work in this world in three ways:

- To virtuous work, with God principally moving.
- To criminal work, with the devil internally suggesting.
- To manual work, with one’s disposition naturally working.

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7 *Jo 6.27:* “Labour not for the meat which perisheth, but for that which endureth unto life everlasting, which the Son of man will give you. For him hath God, the Father, sealed.”

8 *Gen 3.19:* “In the sweat of thy face shalt thou eat bread till thou return to the earth, out of which thou was taken: for dust thou art, and into dust thou shalt return.”

9 PETR. LOMB., *Sent.* 2.1.4.1 (Silano, *Sentences,* 2:5): “Why the rational creature was made. But no one can be a sharer of his blessedness, which is had so much more fully the more it is understood, except through intelligence. And so God made the rational creature, which might understand the highest good, and love it by understanding it, and possess it by loving it, and enjoy it by possessing it.” Cfr ANT. FLOR. *Summa* 1.1.4.2.
1. Virtuous work

About the first it says in Isaiah 26, *Thou hast wrought all our works for us,* namely thou God, and he is speaking about virtuous works; about which Christ also says in John 15, *Without me you can do nothing,* that is, good. Nevertheless virtuous work is called a man’s work, because his free will cooperates in it, for the soul is not dragged unwilling, but by love, according to Augustine, namely to the good work. And hence they are made our works by merit, as in Apocalypse 14: *Their works,* namely of good men, follow them. For when God rewards our merits, “he crowns his own gifts,” that is, the good works which we have received from him in order that we might do them.

2. Criminal work

About the second Our Lord says in John 8, *You do the works of your father,* that is the devil, namely by doing the evil things which he suggests; for they are the devil’s works by suggestion. Hence Jerome says, “As in our good works, God is the one who grants perfection, for it is not of him that wills and so forth; so also in our wickedness,” namely wicked works,

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10 Is 26.12: “Lord, thou wilt give us peace: for thou hast wrought all our works for us.”
11 Io 15.5: “I am the vine: you the branches: he that abideth in me, and I in him, the same beareth much fruit: for without me you can do nothing.”
12 AUG. Grat. 17[33] (trans. Holmes and Wallis): “Operating and Co-Operating Grace. ... When the martyrs did the great commandments which they obeyed, they acted by a great will, — that is, with great love. ... He operates, therefore, without us, in order that we may will; but when we will, and so will that we may act, He co-operates with us.”
13 Apc 14.13: “And I heard a voice from heaven, saying to me: Write: Blessed are the dead, who die in the Lord. From henceforth now, saith the Spirit, that they may rest from their labours; for their works follow them.”
14 AUG. Epist. 194, 5, 19; cfr PETR. LOMB., Sent. 2.27.6[178] (Silano, Sentences, 2:135–6): “Hence Augustine, in To the Priest Sixtus: “When he crowns our merits, he crowns nothing other than his own gifts.” There are numerous parallel passages repeating or echoing St Augustine’s phrase *coronat munera sua.* Cfr ibid. in Evang. Ioh. 3, 10 (PL 35:1400); ibid. in Psalm. 70 serm. 2, 5 (PL 36); Glossa ordinaria ad Rm 6.23.
15 Io 8.41: “You do the works of your father. They said therefore to him: We are not born of fornication: we have one Father, even God.”
“and sins, our seeds are the incentives, and their perfection is the devil’s.”

Which nevertheless must be understood rightly, since the devil does not work in our wicked works in the same way God works in our good ones. For God works by moving the mind efficaciously, the devil by inciting the mind through the imagination and the sensitive appetite, just like the person who holds out to someone an apple delicious to eat. But they are our works by free will; hence Ambrose says, “We ought to attribute to ourselves, rather than ascribe to others, the choice of an evil which we are able to avoid, if we had wished it. And because our works, one is damned by them and punished, according to that text in Romans 2: Tribulation and anguish upon every soul that worketh evil, the Jew first, and also the Greek.

3. Manual work

About the third work it is said, Man shall go forth to his work etc. For nature provides the other animals with means of sustenance and garment and weapons for defending themselves

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16 De pen. D. 2 c. 40: “As in good works, God is the one who grants perfection: So then it is not of him that wills, nor of him that runs, but of God that shows mercy and gives help that we may be able to reach the goal (Cfr Rom. 9.16), so also in our wickedness and sins, our seeds are the incentive, and their perfection is the devil’s.” Cfr Glossa ord. ibid. s.v. calx: “The goal (calx). That is, the reward of good works, or eternal life. Or the goals (calx). That is, the end, because the heel (calx) is the last part of a man. Incentive. That is, the seed-bed, as is argued at C. 15 q. 1 c. 10, because evil thoughts issue forth from the heart, which the devil leads to consent and deed, as above, D. 2 cc. 23 and 21 de paen.”

17 Antonin’s discussion of the action of God and the devil participating in human acts is clearly indebted to St Thomas Aquinas, particularly Thomas’s discussion of the action of angels upon men. Cfr THOM. AQ. Sum. th. 1a q. 111 a. 2: “I answer that, The will can be changed in two ways. First, from within; in which way, since the movement of the will is nothing but the inclination of the will to the thing willed, God alone can thus change the will, because He gives the power of such an inclination to the intellectual nature. ... Secondly, the will is moved from without. As regards an angel, this can be only in one way — by the good apprehended by the intellect. Hence in as far as anyone may be the cause why anything be apprehended as an appetible good, so far does he move the will. In this way also God alone can move the will efficaciously; but an angel and man move the will by way of persuasion, as above explained (Question 106, Article 2).” Cfr AUG. Grat. 1, 41; ibid. 1, 43.

18 C. 15 q. 1 c. 6: “One who is guilty is bound by his own will and not by necessity. ... We ought to attribute to ourselves, rather than ascribe to others, the choice of an evil which we are able to avoid, if we had wished it.”

19 Rm 2.9: “Tribulation and anguish upon every soul of man that worketh evil, of the Jew first, and also of the Greek.”

20 At this place in the autograph (Ms), Antonin initially drafted 11 lines of text, parts of which he deleted by striking through, finally deleting the whole by indicating these lines with vacat. Just below this
without their labour; but to man she gave reason, so that by proceeding from it through thinking to the act of deliberation and investigation, through the exterior works of different activities he may provide himself with means of sustenance and garment and defense from harmful things.\textsuperscript{21} And nearly all the exterior works of man are ordained to these. Therefore man shall go forth etc. In that text, three things are to be noted about these corporal works.

1. Good conscience; at Man shall go forth to his work.

2. Apt suitability; at To his labour.

3. Necessary perseverance; at Until the evening.

3.1. Good conscience

As to the first. In the exterior works of the arts man ought to proceed from the potential of the intellect to his interior work, namely to the act of mental discourse about the quality of the work of his art; so that he carry out the exterior work not only following the rule of that art, but also following the rule of a good conscience. Hence the Apostle says in Galatians 6, But let every one prove his own work;\textsuperscript{22} that is, let him examine:

If it is right in intention,

If it is licit in nonprohibition,

If it is appropriate in discretion.

\textsuperscript{21} Cfr THOM. AQ. Summa theol. 1a 2ae q. 5 a. 5 ad 1: “Nature does not fail man in necessaries, although it has not provided him with weapons and clothing, as it provided other animals, because it gave him reason and hands, with which he is able to get these things for himself.”

\textsuperscript{22} Gal 6.4: “But let every one prove his own work, and so he shall have glory in himself only, and not in another.”
3.1.1. Right intention

About the first, Ambrose says: Intention “gives a name to your deed.” For whose end is good, that is, the intention which looks to an end, the same also is good, namely the work following therefrom. Which is true in those things which are not evil of themselves; for with such things no good end or intention can render the work good, just as in the case of theft the intention of giving alms from it does not excuse from sin. Therefore a right intention is required in every exercise of art, so that the remote and ultimate end be God, according to what the Apostle says, All whatsoever you do in word or in work, do to the glory of God; the proximate end be some rational thing, for instance the support of one’s need or that of neighbours, according to what the Apostle says, Let him work with his hands, that he may have something to give to him that suffereth need. For since they do all things for an end, namely the man who does the work of agriculture, wool-working, the art of smithing, and things of this sort, the proximate end intended is produce or profit. And rightly spoke Christ and the Apostle, For the labourer is worthy of his reward. The end of his reward ought to be that from it he may take care and provide for himself and others according to his state; the end of sustaining himself and his ought to be that they may live virtuously; the end of virtuous living is the attainment of glory:

23 AMBR. Off. 1, 30, 147; cfr PETR. LOMB., Sent. 2.40.1 (Silano, Sentences, 2:198–202): “Hence Ambrose says: “Your disposition gives a name to your deed.” … But Augustine most clearly teaches in the book, Against Lying, that all actions are to be judged good or evil according to intention and cause, except for some which are so evil that they can never be good, even if they seem to have a good cause. … From this it seems to follow that a will or action is not always judged to be evil from its end, as is the case with those things which are sins in themselves. … And so all the works of man are judged good or evil according to intention and cause, except for those which are evil in themselves, that is, which cannot be done without transgression.”

24 Cfr ibid.

25 Col 3.17: “All whatsoever you do in word or in work, do all in the name of the Lord Jesus Christ, giving thanks to God and the Father by him.” 1 Cor 10.31: “Therefore, whether you eat or drink, or whatsoever else you do, do all to the glory of God.”

26 Eph 4.28: “He that stole, let him now steal no more; but rather let him labour, working with his hands the thing which is good, that he may have something to give to him that suffereth need.”

27 Lc 10.7: “And in the same house, remain, eating and drinking such things as they have: for the labourer is worthy of his hire. Remove not from house to house.” 1 Tim 5.18: “For the scripture saith: Thou shalt not muzzle the ox that treadeth out the corn: and, The labourer is worthy of his reward.”
for as Augustine says on John, “For to this end ought every one to live well, that it may be given him to live for ever.” And thus from first to last, man must go forth to his work to the glory of God.

3.1.2. Liceity

Second, one must take care that that work be licit not prohibited. Thou hatest all the workers of iniquity, the Psalmist says to the Lord. He is a worker of iniquity who exercises an illicit art or work prohibited by God or the Church; as the work of prostitutes, usury, gaming by making or by using dice, trade with respect to clerics. Hence Augustine: “To fornicate is never lawful, to engage in trade is at times lawful, at times unlawful: before you become a cleric, it is lawful; after you have become a cleric, it is no longer lawful.”

3.1.3. Appropriateness

Third, one must prove his own work, if it is carried out with discretion. For there is no virtuous work unless it is clothed with the due circumstances, as, to wit, it is done in the proper time and place and manner. For it is not lawful to work at just any time; hence the Lord said in Exodus 20, Six days shalt thou labour; the seventh day is the sabbath of the Lord: thou shalt do no servile work on it, etc. And thus for the other circumstances, so that that text of the Apostle be duly observed and fulfilled: Being fruitful in every good work. One is fruitful in good work when one carries it out in due manner. For, If thou offerest rightly, and dividest not rightly, thou hast

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28 Aug. in Evang. Ioh. 45, 2 (trans. Gibb): “For to this end ought good living to benefit every one, that it may be given him to live for ever: for to whomsoever eternal life is not given, of what benefit is the living well? For they ought not to be spoken of as even living well, who either from blindness know not the end of a right life, or in their pride despise it.”

29 Ps 5.7: “Thou hatest all the workers of iniquity. Thou wilt destroy all that speak a lie. The bloody and the deceitful man the Lord will abhor.”

30 D. 88 c. 10: “To fornicate is always unlawful for everyone, but to engage in trade is at times lawful, at times unlawful. Before someone becomes an ecclesiastic, it is lawful for him to be in trade; once he has become one, it is no longer lawful.”

31 Ex 20.9–10: “Six days shalt thou labour, and shalt do all thy works. But on the seventh day is the sabbath of the Lord thy God: thou shalt do no work on it, thou nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thy beast, nor the stranger that is within thy gates.”

32 Col 1.10: “That you may walk worthy of God, in all things pleasing; being fruitful in every good work, and increasing in the knowledge of God.”
sinned, the Lord said to Cain in Genesis 4, yet according to the Septuagint translation, not ours.\textsuperscript{33} That is, if you do a work good of itself, as sacrifice and things of that sort, and without the proper circumspection, it is a sin, as Gregory interprets.\textsuperscript{34}

\textbf{3.2. Apt suitability}

Second, note the apt suitability in exterior mechanical works about which he speaks when he says \textit{To his labour}. The exterior work of a man may be called \textit{his} when, to wit, it suits him by a natural inclination and aptitude for it. Pleasure, according the Philosopher, perfects work.\textsuperscript{35} When therefore someone is inclined to some work not evil by its nature, when his nature works with pleasure in applying itself to that activity, he arrives at the perfection of that art. For just as by nature we have inclinations to the virtues, one person more to one, as justice, another to humility, another to mercy, more than to the others, on which account Job said, \textit{For from my infancy mercy grew up with me; and it came out with me from my mother's womb};\textsuperscript{36} and

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\textsuperscript{33} The reading cited by St Antonin is transmitted in the \textit{Glossa ordinaria} to Gen 4.7, together with the exposition by St Gregory quoted below. Cfr Gen 4.7 (Vulgate): “If thou do well, shalt thou not receive? but if ill, shall not sin forthwith be present at the door? but the lust thereof shall be under thee, and thou shalt have dominion over it.”

\textsuperscript{34} GREG. M. Moral. 3, 13 (trans. Parker): “For it is written, If thou offerest rightly, but dividest not rightly, thou hast sinned. For it is rightly offered, when the thing that is done is done with a right intention. But it is not ‘rightly divided,’ unless that which is done with a pious mind be made out with exact discrimination. For to ‘divide the offering aright’ is to weigh all our good aims, carefully discriminating them; and whoso puts by doing this, even when we offer aright, is guilty of sin.”

\textsuperscript{35} ARIST. Ethica Nic. 10, 4 (1174b30ff.; 1175a20ff.; McKeon, 1099–1100): “Pleasure completes the activity not as the corresponding permanent state does, by its immanence, but as an end which supervenes as the bloom of youth does on those in the flower of their age. ... Every activity is completed by the attendant pleasure.” Cfr THOM. AQ. Sum. th. 1a 2ae q. 33 a. 4: “And in this sense the Philosopher says (Ethic. x, 4) that “pleasure perfects operation ... as some end added to it”: that is to say, inasmuch as to this good, which is operation, there is added another good, which is pleasure, denoting the repose of the appetite in a good that is presupposed.”

\textsuperscript{36} Iob 31.18: “For from my infancy mercy grew up with me: and it came out with me from my mother’s womb.” Cfr THOM. AQ. Sum. th. 1a 2ae q.63 a.1: “Now virtues are in some from birth: for it is written (Job 31:18): ‘From my infancy mercy grew up with me; and it came out with me from my mother’s womb.’ Therefore virtue is in man by nature. ... Whatever belongs to him in respect of the particular temperament of his body, is natural to him in respect of his individual nature. For whatever is natural to man in respect of his body, considered as part of his species, is to be referred, in a way, to the soul, in so far as this particular body is adapted to this particular soul.”
Seneca in the *Moral epistles*, “The seeds of virtue are sown in us, but after they are brought to perfection by our exercise;”\(^{37}\) in just the same way, according to Albert the Great, men who are studious by nature are inclined to different sciences according to the quality of their temperaments: for melancholics are inclined to the poetic sciences, phlegmatics to the moral sciences, sanguines to the natural sciences, choleric to the mathematical or metaphysical sciences.\(^{38}\) Thus also to the other mechanical works and arts, one man is inclined more to one, another to another; natural instinct and Divine Providence likewise disposing to the beautification of the whole world and the exhibiting of Her wisdom, Who inspired the minds of men with such great and so various works of artisans. Therefore let *man go forth to his labour*, that is to that art which he judges to be more suitable and pleasing to him. And Hugh of St Victor says that a threefold distinction is found of exterior human works.\(^{39}\) For:

To some necessity compels;
Some cupidity invented;
Some vanity introduced.

3.2.1. Arts compelled by necessity

Necessity certainly compels to the works of agriculture, because if one wants to collect the fruit of the earth from which to eat and drink, it is necessary that he work in tilling the earth

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37 *Sen. Epist.* 108, 8 (trans. Gummere, 3:235): “It is easy to rouse a listener so that he will crave righteousness; for Nature has laid the foundations and planted the seeds of virtue in us all. And we are all born to these general privileges; hence, when the stimulus is added, the good spirit is stirred as if it were freed from bonds.” Cfr THOM. AQ. *sup. Sent.* 1.17.1.3 co.

38 ALB. M. *Animal*. 20.1.11; ibid. *Metaph*. 1.1.5. Cfr ANT. FLOR. *Summa* 1.1.6.3, where the author attributes this opinion to his master Giovanni Dominici, in a work (*Dialogue*) which is not extant. On a similar theme, cfr BOETH. (pseud.) *Disc. schol*. 4.1–4, where Pseudo-Boethius indicates the rules which one ought to follow concerning the place where students ought to study and what sort of food they should eat, applied to students of each of the four temperaments. Cfr also ibid., 4.34–35, on three types of men whose capacities prepare them for three different occupations (Sanford, “A Medieval Handbook,” 91): “Men as a whole are divided into three groups: the excessively obtuse, who should devote themselves to the mechanical arts; the mediocre, who may make politicians; and the excellently acute, who may in their respective grades of excellence profit by the study of the economic art, physics and astronomy and pharmacy, and in the most excellent class, by that of philosophy.”

by his own labour or another, whence it said in Proverbs 12, *He that tilleth the land shall be satisfied with bread,*\(^{40}\) and the contrary, *The slothful hand, namely at working, hath wrought poverty.*\(^{41}\) And in Ecclesiasticus 7 it is said, *Hate not the works of husbandry.*\(^{42}\) For God instituted them because, as is said in Genesis 3, *God sent Adam out of the paradise of pleasure, to till the earth from which he was taken.*\(^{43}\) And after the flood, as is said in Genesis 9, *Noe, a husbandman, began to till the ground, and planted a vineyard,*\(^{44}\) so that he could gather the vine of which before he was ignorant. But as Ambrose says, *“Wine did not spare its own inventor; but his drunkenness leads to sobriety.”*\(^{45}\) The need of human life also compels to the works of shepherds as well as of wool- and linen-working, and the works which are of service to them for necessary human clothing. And indeed God made the first clothes, as it is found in Genesis 3 that *God made for Adam and Eve, placed in their exile, garments of skins.*\(^{46}\) *“Not,” says Ambrose, “of silk but of skins,” the dress namely of humility and penance, not of vanity and ostentation.*\(^{47}\) And about the wise woman it is said in the last chapter of Proverbs, *She hath sought wool and flax, and hath wrought by the counsel of her hands,* namely clothes, for he supplies, *she hath made for herself clothing of tapestry.*\(^{48}\) And the first pastor was Abel; and the patriarch Jacob and his sons followed him in this work.\(^{49}\) The first builder of dwelling-places and cities was Cain; who built a

\(^{40}\) *Prv* 12.11: “He that tilleth his land shall be satisfied with bread: but he that pursueth idleness is very foolish. He that is delighted in passing his time over wine, leaveth a reproach in his strong holds.”

\(^{41}\) *Prv* 10.4: “The slothful hand hath wrought poverty: but the hand of the industrious getteth riches. He that trusteth to lies feedeth the winds: and the same runneth after birds that fly away.”

\(^{42}\) *Sir* 7.16: “Hate not laborious works, nor husbandry ordained by the most High.”

\(^{43}\) *Gen* 3.23: “And the Lord God sent him out of the paradise of pleasure, to till the earth from which he was taken.”

\(^{44}\) *Gen* 9.20: “And Noe, a husbandman, began to till the ground, and planted a vineyard.”

\(^{45}\) D. 35 c. 8: “In the beginning of humankind, drunkenness was not known. Noah was the first to plant a vineyard; he made a gift of its nature, but proved ignorant of its power. Thus, wine did not spare its own inventor. But his drunkenness leads us to sobriety.”

\(^{46}\) *Gen* 3.21: “And the Lord God made for Adam and his wife, garments of skins, and clothed them.”

\(^{47}\) I have not found the cited place in Ambrose.

\(^{48}\) *Prv* 31.13: “She hath sought wool and flax, and hath wrought by the counsel of her hands.” *Prv* 31.22: “She hath made for herself clothing of tapestry: fine linen, and purple is her covering.”

\(^{49}\) *Gen* 4.2: “And again she brought forth his brother Abel. And Abel was a shepherd, and Cain a husbandman.”
city, imposing the name of his son, namely Henoch, Genesis 4. For the patriarchs Abraham, Isaac, and Jacob did not live in cities or palaces but in tabernacles; of which tabernacles or tents the first maker was Jabel. But the first hammerer and artificer in every work of iron and brass was Tubalcaim, as is said in Genesis 4. And thus step by step all the necessary arts were invented.

3.2.2. Arts invented by cupidity

The exterior work invented by cupidity is trade. And hence the Philosopher says in the Politics that trade has in itself baseness because it serves cupidity when it is carried out for profit; which cupidity increases into immensity and knows no limit. However, it is true that although it is base in itself, it may nevertheless be made respectable and become licit by some good end, for instance support of one’s family or assistance of the poor out of a moderate and just profit. The first traders whom I find in Sacred Scripture were the Ismaelites; who, to wit, descended from Ismael the son of Agar, whence they are called Agarenes, that is, Saracens. For it is said in Genesis 37 that when the Madianite merchants passed by, namely who were carrying

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50 Gen 4.17: “And Cain knew his wife, and she conceived, and brought forth Henoch: and he built a city, and called the name thereof by the name of his son Henoch.”

51 Gen 4.20: “And Ada brought forth Jabel: who was the father of such as dwell in tents, and of herdsmen.”

52 Gen 4.22: “Sella also brought forth Tubalcaim, who was a hammerer and artificer in every work of brass and iron. And the sister of Tubalcaim was Noema.”

53 Arist. Polit. 1, 10 (1258a15–1258b10; McKeon, 1140–1): “There are two sorts of wealth-getting, as I have said; one is a part of household management, the other is retail trade: the former necessary and honorable, while that which consists in exchange is justly censured; for it is unnatural, and a mode by which men gain from one another.” Cfr Thom. AQ. Sum. th. 2a 2ae q. 77 a. 4: “A tradesman is one whose business consists in the exchange of things. According to the Philosopher (Polit. i, 3), exchange of things is twofold; one, natural as it were, and necessary, whereby one commodity is exchanged for another, or money taken in exchange for a commodity, in order to satisfy the needs of life. Such like trading, properly speaking, does not belong to tradesmen, but rather to housekeepers or civil servants who have to provide the household or the state with the necessaries of life. The other kind of exchange is either that of money for money, or of any commodity for money, not on account of the necessities of life, but for profit, and this kind of exchange, properly speaking, regards tradesmen, according to the Philosopher (Polit. i, 3). The former kind of exchange is commendable because it supplies a natural need: but the latter is justly deserving of blame, because, considered in itself, it satisfies the greed for gain, which knows no limit and tends to infinity. Hence trading, considered in itself, has a certain debasement attaching thereto, in so far as, by its very nature, it does not imply a virtuous or necessary end.”

54 See DMLBS and Du Cange, s.v. agarenus, agareni.
spices, and other things to Egypt, his brethren sold Joseph to the Ismaelites, and they the Ismaelites sold him into Egypt.55 About them it is said in Baruch 3, The children of Agar also, that is the Saracens, that have sought after the wisdom that is of the earth, the merchants of Merrha; the way of wisdom they have not known.56 And the one whom the Saracens venerate as the highest prophet and as it were God, the accursed Mohammed, was a trader at first; but in the advance of time, having been encouraged in his wickedness by a certain Jacobite heretic, duped those rough and bestial men with his most debased and foolish doctrine. And because the enemies of Christians are making trade of them when they are able to capture or pervert them to their perfidy, therefore the Church established through decretals of Nicholas IV, Clement V, and John XXII, that traders or whosoever else must not deliver to their lands any kind of merchandise under pain of papal excommunication and other penalties.57 This work, <trade,> is full of dangers and frauds and sometimes mingled with usury, as is warned in Extra, On usury.58 And therefore open your eyes! Hence also Chrysostom says, on Matthew: “No Christian must be a merchant, because a man who engages in trade can never please God.”59 Which Blessed Thomas says in the Summa must be understood as applying to those who place their ultimate end in the acquisition of profit or money; or those exercising illicit types of trade, namely involving usury, frauds,

55 Gen 37.25–8: “And sitting down to eat bread, they saw some Ismaelites on their way coming from Galaad, with their camels, carrying spices, and balm, and myrrh to Egypt. And Juda said to his brethren: What will it profit us to kill our brother, and conceal his blood? It is better that he be sold to the Ismaelites, and that our hands be not defiled: for he is our brother and our flesh. His brethren agreed to his words. And when the Madianite merchants passed by, they drew him out of the pit, and sold him to the Ismaelites, for twenty pieces of silver: and they led him into Egypt.”

56 Bar 3.23: “The children of Agar also, that search after the wisdom that is of the earth, the merchants of Merrha, and of Theman, and the tellers of fables, and searchers of prudence and understanding: but the way of wisdom they have not known, neither have they remembered her paths.”

57 Nicholas IV (1288–92), Reg. 6789 (28 Dec. 1289); cfr ibid. 4402–3 (1:641–2); 6784–88 (2:901); Clement V (1305–14), Extrav.Com. 5.2.1 (Friedberg 2:1289–1290); John XXII (1316–34), Extrav.Io. 8.1 (Friedberg 2:1214–1215); Lateran III, in X 5.6.6; Clement III, in X 5.6.11; X 5.6.12; Lateran IV, in X 5.6.17.

58 X 5.19.6; X 5.19.19.

59 D. 88 c. 11: “In casting sellers and buyers from the Temple, the Lord signified that a man who engages in trade can rarely or never please God. And so no Christian must be a merchant, or, if he should wish to be one, let him be cast out of God’s Church.”
perjury, and things of this sort. Hence Cassiodorus also says, “Those traders” are cast out from the temple, who “pollute their merchandise by immoderate desire for money, burdening it more with perjuries than prices.” These chapters are counted as straw, and hence some books do not have them; but they are the best quality grain. Chrysostom also says in the aforesaid chapter: “For just as one who walks between two enemies, in wishing to please both, cannot fail to engage in slander; so also” a merchant “cannot be free of lying and perjury.” “But the wealth of such as these” cannot be “enduring, nor does that profit for a good end which is gathered from evil. For just as, if you sift wheat and suchlike in a sieve, while it is cast back and forth, all the grains gradually fall outside, and finally nothing is left in the sieve, apart from ordure, so also in the end nothing is left of wealth for the trader, apart from sin.”

60 THOM. AQ. Sum. th. 1a 2ae q.77 a.4 ad 1: “The saying of Chrysostom refers to the trading which seeks gain as a last end. This is especially the case where a man sells something at a higher price without its undergoing any change. For if he sells at a higher price something that has changed for the better, he would seem to receive the reward of his labor. Nevertheless the gain itself may be lawfully intended, not as a last end, but for the sake of some other end which is necessary or virtuous.”

61 D.88 c.13: “And so those traders are esteemed to be abominable who, with no consideration of God’s justice, are polluted by their immoderate desire for money, burdening their merchandise more with perjuries than prices. The Lord cast out such people from the Temple.”

62 One expects that Antonin is referring to the two chapters just cited from D.88: c. 11 (Eiciens) and c. 13 (Quid est alius); but he provides the incipit Quoniam, which corresponds to D. 88 c. 12 (also marked as a palea): D.88 c.12: “Because I have not known learning. Some manuscripts have tradings, in which the difference shows the sense of the interpreters, and does not induce error. And so, if this man gives praise to God all day because he did not know tradings, let Christians correct themselves and not trade....”

On these chapters’ standing as paleae see this note of the Roman correctors (Friedberg, 1:307–308): “Haec Palea (quamadmodum et sequens) est in aliquot vetustis exemplaribus, in quibus Paleae raro habentur. Est autem sumta ex auctore operis imperfecti (cuius multae sententiae partim reiciendae, partim in bonam partem interpretandae sunt) et quidem multis locis de industria, quod ibi plenius, hic in summam redactum est, incolumi fere sententia. Quamobrem ea tantum mutata aut locupletata sunt, quae valde conducere visum est. Quod etiam in sequenti capite est observatum.”

Cfr Glossa ord. D. 88 c. 4 s.v. it has been reported: “The next chapters are plain, until the palea at c. 11, which is not read in the schools, but in it a reason is given for why there is no usury in a house or a similar thing, but there is in money.”

63 D. 88 c. 11: “For just as one who walks between two enemies, in wishing to please and commend himself to both, cannot fail to engage in slander (for it is necessary that he speak ill of the first to the second, and of the second to the first), so also one who buys and sells cannot be free of lying and perjury. ... But neither is their wealth enduring, nor does that profit for a good end which is gathered from evil. For just as, if you sift wheat and suchlike in a sieve, while it is cast back and forth, all the
Example.

For also if you read in the lives of the Fathers about a certain merchant, that he was seen by Blessed Paphnutius to rival himself in glory, which Paphnutius however was an extremely holy hermit of great merit in God’s sight: consider that this same Paphnutius, examining the merchant’s life, found that he paid out his whole profit upon Christ’s poor, as a father of the poor; he abstained from usury and perjuries and other illicit deeds, with great devotion giving himself over to divine things in his time; in the end he even set aside that very work.64 Who is he, and we will praise him?65

3.2.3. Arts introduced by vanity

Now the third work, which serves vanity, is that which serves the attire of ostentation, as the art of silk-making in great part. For even if such clothes befit lords and queens, as Saint Hester and some saint kings in dressing themselves;66 nevertheless many misuse them, whom they do not befit. Hence Peter says in the first canonical epistle: Not with costly attire of gold or silver or pearls.67 The art of lace68 and embroidery69 on clothing, and crafting of special shoes,70 and purple cosmetic for making up the face, and things of this sort: what do they serve except grains gradually fall outside, and finally nothing is left in the sieve, apart from ordure, so also in the end nothing is left of the wealth of traders, apart from sin.”

64 Vitae Patrum, ed. Heribert Roseyde (Antwerp, 1628), 2, 16 (Paphnutius).
65 Sir 31.9: “Who is he, and we will praise him? for he hath done wonderful things in his life.”
66 Esther passim. Beauty and splendour are running themes in the book of Esther. Particular instances which evoke the beauty of Esther and her garments include: Esther 2.15–17; Esther 5.1–2; Esther 15.4–7.
67 1 Tim 2.9–10: “In like manner women also in decent apparel: adorning themselves with modesty and sobriety, not with plaided hair, or gold, or pearls, or costly attire, But as it becometh women professing godliness, with good works.”
Cfr 1 Pet 3, where the Apostle admonishes wives to adorn themselves not with the attire of ostentation but with subjection to their husbands; St Antonin attributes the text quoted from 1st Timothy to this chapter instead.
68 See DMLBS s.v. reticulum: net, hairnet, veil; tissue with a net-like structure.
69 See Du Cange s.v. recamatura.
70 Stampino, stampator: “maker of shoe moulds,” i.e. the lasts on which shoes were made, which were individualized for the customer (Stella, “Glossaire,” s.v.).
vanity? As that text of Jeremiah could say: *Their works are vain, and worthy to be laughed at.*

“Hence *also* Chrysostom on Matthew says that the shoemakers’ and clothiers’ arts stand in need of restraint, for they have lent their art to lust, by abusing its needs, and debasing art by art.”

3. Necessary perseverance

Finally, as to the third, one must have in constancy and perseverance in works and arts. For as Pope Anacletus says, “Diligence is the mother of the works of each art.” And this is what the Psalmist says: *Until the evening,* that is, keeping on until the late hour, not working briefly and quickly forsaking it; or *until the evening,* that is, the end of life. This is said against some unsteady people, who turn to another art every day; these are like the son of inconstancy about which Boethius speaks, narrating about him in his book *On the Discipline of Scholars* that when he father had placed him in the works of different arts, when starting one he quickly became bored, in the end refusing all; when his father asked him what he wanted to do, he replied that he wants to be made into an ass and carry a saddle.

But when someone perseveres, living well, in the works of any good art *until the evening,* that is, the end; then, when the late hour has arrived, that is when life is ending, the Lord says: *Call the labourers and give them their reward,* Matthew 20; the reward, namely, of glory.

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71 *Ier* 51.18: “They are vain works, and worthy to be laughed at, in the time of their visitation they shall perish.”

72 THOM. AQ. *Sum. th.* 2a 2ae q. 169 a. 2 ad 4: “Hence Chrysostom says (Super Matth.) that “even the shoemakers’ and clothiers’ arts stand in need of restraint, for they have lent their art to lust, by abusing its needs, and debasing art by art.””

73 D. 83 c. 6: Just as diligence is the mother of the works of each art, so is negligence the step-mother of learning.”

74 Cfr *DMLBS* s.v. *attaediare.*

75 *BOETH.* (pseud.) *Disc. schol.* 3. The tale of the ‘son of inconstancy’ became proverbial, according to Weijers.

76 *Mt* 20.8: “And when evening was come, the lord of the vineyard saith to his steward: Call the labourers and pay them their hire, beginning from the last even to the first.”
Summary

1. Transfer of ownership
   1.1. Donation
   1.2. Exchange
   1.3–4. Purchase and sale
   1.5–6. Giving and receiving a loan
   1.7. Liceity of the six conveyances

2. Transfer of use
   2.1. Loan for use
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3. Evasion of law
   3.1. From thing to thing
   3.2. From person to person
   3.3. From contract to contract
   3.4. From contract to contract in a different fashion
Chapter 2. On the various kinds of contracts.

1. Transfer of ownership

One must observe that in the transfer of things from one person to another which is carried out through private persons, sometimes ownership of the thing is transferred, sometimes only the use of the thing, with ownership being retained. And the first is carried out in six ways.²

1.1. Donation

First, through a liberal conveyance, namely when no recompense is expected from such giving of a thing apart from good-will; and this <kind of contract> is called donation, about which we shall discuss below after the next title.³

<Transfer> is carried out in the other five ways through an illiberal conveyance, in which, to wit, the one transferring one thing expects from another something equivalent to that which he transfers.⁴

1.2. Exchange

And the first method is called exchange; when, to wit, the ownership of some useful thing is transferred in exchange for another useful thing: for instance grain for wine; or my cloth with your wool, or your silk cloth; or my gold money — suppose one florin — for your silver money — suppose for 17 groats or thereabout. Yet that last one is by custom commonly called moneychanging; but the other exchanges are called in the vernacular barter.

¹ Immediately above the body of this chapter, a note added by Giuliano Lapaccini reads: “This chapter ought to be placed above, in the title on merchants, at folio 70 at the following symbol.” The symbol is a ladder. There are also numbers 1–6 added in the left and right margins of this chapter, corresponding to two sets of six types of contract. The hand cannot be definitely identified.

² For this whole chapter, cfr BERN. SEN. Evang. aet. 32, 3 (4:134–139).

³ ANT. FLOR. Summa 3.10.3 (De testamentis); but see rather 3.10.4 (De donationibus).

1.3–4. Purchase and sale

The second method is called, as applied to the one transferring ownership of the thing with another, sale, and as applied to the other, purchase; when, namely, ownership is transferred of a useful thing — for instance grain, wine, animals, houses, fields, and things of this kind — in exchange for currency, or vice-versa. For since it was always difficult to exchange useful things directly for other things, therefore a medium was invented through which such exchange could be carried out; and this medium is called currency or coined money. And the exchange of a useful thing for money is called sale; the exchange of currency for a useful thing is called purchase.

1.5–6. Giving and receiving a loan

The final method is when an exchange is carried out of currency for currency, but with a delay of time; and in the one who gives the money it is called giving a loan, and in the one who accepts the money and is expected to return the money it is called receiving a loan. For through a loan, ownership of the money is transferred to the one receiving the loan.

1.7. Liceity of the six conveyances

And these six contracts are licit when they are carried out in due manner; they are illicit when they are carried out in an unjust manner. For donation, if carried out by one who is unable

5 I have emended the Latin text here, conjecturing what appears to be necessary both for grammar and sense. The autograph reads: Alius modus dicitur in uno transferentium dominium rei cum altero emptio, et in altero venditio.

6 Cfr ibid. (4:137). For precedents cfr Dig. 18.1.1 (Origo); ARIST. Ethica Nic. 5 (1133a15–35; McKeon, 1011): “All things that are exchanged must be somehow comparable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect. ... All goods must therefore be measured by some one thing, as we said before. . . but money has become by convention a sort of representative of demand; and this is why it has the name ‘money’ (nomisma)—because it exists not by nature but by law (nomos) and it is in our power to change it and make it useless.”

7 Cfr RAYM. PENN. Sum. paen. 2.8.1 (1B:557–8).
to donate, as in a religious, is unjust, and does not hold; and if carried out for an unjust cause, as in for the sake of turpitude, it is a sin.\textsuperscript{8}

\textit{Exchange} of things, when it is carried out without fraud, is licit, as evident from the whole title On exchange of things;\textsuperscript{9} when carried out with fraud, is a sin; and the innominate contracts seem to be reduced to this \textit{i.e.} the contract of exchange, namely I give so that you give, and I give so that you do or I do so that you give.

\textit{Purchase} and sale are licit unless there is committed a notable excess of price on the part of the seller, or an understatement of the price on the part of the buyer, or fraud, or implicit usury because of delay of time, as in \textit{Extra, On usury}.\textsuperscript{10}

\textit{Giving a loan} that involves things which are consumed by use, as in grain, wine, and things of this sort, or are disposed of, as in coined money: when it is free of charge, so that nothing be expected except its principal, and good-will out of dutifulness — then it is licit and a pious work. But if something of temporal utility be expected, whence the lender is principally moved to lending — then it is illicit, and usury.\textsuperscript{11}

\textsuperscript{8} Argued at D. 86 c. 7 (\textit{Donare}): “It is a very great sin to give one’s possessions to actors.”
\textsuperscript{9} X 3.19 (\textit{De rerum permutatione}).
\textsuperscript{10} X 5.19.6 (\textit{In civitate}); X 5.19.19 (\textit{Naviganti}).
\textsuperscript{11} Argued at C.14 q.3 c.1 (\textit{Si fomneraveris}): “That it is an exaction of usury to seek gains beyond the sum given is proven by the authority of Augustine . . . If you have lent to a man at interest, that is, if you have given your money in loan, and you expect to receive something more than what you gave, and not the money alone, but something more than you gave, whether you receive it in wheat, or in wine, or in oil, or in anything else, if you expect to receive more than you gave, you are a lender at interest, and in this you are to be condemned, and not to be praised.” Also argued at X 5.19.10 (\textit{Consuluit}).
Receiving a loan is licit, not only when free of charge, but even when it carries usury, namely when the borrower is moved to this by necessity, and does not induce the lender to commit usury, since, for example, he was ready to do it.

2. Transfer of use

But sometimes only the use of a thing is transferred, with the ownership of one’s thing retained for oneself. And there are six methods of this transfer, as it were corresponding to the aforesaid six methods by which ownership of a thing is transferred.

2.1. Loan for use

For to the first method, namely donation, corresponds the contract called loan for use, which is properly of a thing which is not consumed or disposed of in use, as when someone loans to another free of charge a horse, a book, a house, and things of this sort, so that it may be used for a certain time; and this is in itself a licit contract, as was said about a thing given.

2.2. Accommodation

To exchange corresponds mutual accommodation of the aforesaid things: suppose you lend me your horse, and I lend you my ox; or you lend one book, and I lend you another book; you lend one house, and I lend one field; and the whole, without any hidden fraud, shall be licit.

2.3–4. Hire and lease

To purchase corresponds hire, and to sale corresponds lease, which may be for mobile or immobile things, which still are not consumed in use. And these are not free of charge, but with a given price for such use: suppose when a horse is received as a means of transport for such a price, or a house for a pension, or a field to be cultivated for half the produce, or for a rent; or when someone hires out his personal services, and the other hires him to labour; the whole is
licit, provided that a just price is established, and all fraud is precluded. For, “no one’s fraud and malice ought to be defended.”

2.5–6. Pledge and mortgage

To loan there does not respond properly any other contract; it has, nevertheless, some similarity, though small, to pledge, in as much as, with the money returned by the one who gave the pledge, the one who had received it restores the pledge. In pledging there may or may not be sin present: for if someone accepts only a pledge, so that from his possession he may be secure, such that from the pledge he does not derive any utility, it is licit.

If, however, from it he derives utility — whether of a mobile thing, which is properly called pledge, or of an immobile thing like a house or a field, which is more properly called mortgage — for instance, that he uses a horse or clothing which he has in pledge, <or> he uses a house by living or having a pension from it, a field by taking its produce, which he holds as a pledge: there is then express usury. For he is bound to count all the profit which he has from the pledge towards the principal. About contracts of this sort you have <material> above in part 2, title 1, ch. On usury.

3. Evasion of law

Also, note that to evade the laws is unjust, hence also a sin, and as John’s gloss says: “he evades the law who respects the words of the law but circumvents its intention.”

12 X 1.3.15 (Sedes Apostolica).
13 X 3.21.4 (Illo vos).
14 ANT. FLOR. Summa 2.1.5 (De usura per modum praedicationis), and moreover 2.1.6–10.
15 C. 14 q. 3 c. 3 (Plerique) Glossa ord. s.v. precepta. “Some people do not wish to act against the law, but they defraud the law. He defrauds the law who observes the words of the law, but circumvents its intent, as at Digest 1.3.30.”

Dig. 1.3.30 (Fraus). “Fraud on the statute is practiced when one does what the statute does not wish anyone to do yet which it has failed expressly to prohibit. And what separates “words from meaning” separates cheating from what is done contrary to law.”
last rule of law in the Sext states, “it is certain that he contravenes the law, who, embracing the words of the law, strives against the will of the law.”\textsuperscript{16}

Now evasion of the law is committed in four ways.\textsuperscript{17}

**3.1. From thing to thing**

In one way, from thing to thing, when one thing is given for another in fraud, as in Decretum C.14 q.3 c.3, where there is set out the example of one who, for reason of money lent, lest he should appear to commit usury, does not seek more money than was lent, but rather a bribe\textsuperscript{18} of meat or wine and things of this sort, which are valued in money: this character is guilty of evading the law, hence also of doing what the law forbids, because it is usury, as is said there;\textsuperscript{19} and such is the fraud of the Macedonian.\textsuperscript{20}

**3.2. From person to person**

Also, the law is evaded from person to person, as when someone exacts usury under the persona of another, as though he himself were not a usurer, when in truth he is a usurious sinner, and is bound to restitution, from that which is carried out from his own money.\textsuperscript{21} And

\textsuperscript{16} VI 5,[13].88 (Certum est).

\textsuperscript{17} The rest of this chapter, from this sentence to the end, is based on C. 14 q. 3 c. 3 (Plerique) Glossa ord. s.v. precepta. The gloss lists the four ways of evading the law; St Antonin quotes each sentence of the gloss, with few changes, as the leading sentence of each of the paragraphs which follow, expanding each point with his own explanation of the relevant cases.

\textsuperscript{18} See DMLBS s.v. exenium.

\textsuperscript{19} And at C. 1 q. 1 c. 114 (Sunt nonnulli): “There are some who do not accept a gift of money for ordination, yet they bestow sacred orders for some human favour, and from this bestowal they seek only the reward of praise. . . One gift is by deference, another by the hand, and another by the tongue. A gift by deference is one of undue servility; a gift by hand is money; a gift by tongue is flattery.”

\textsuperscript{20} Dig. 14.6.7.3 (Sed Iulianus adicit, §. Mutui): “But if a loan of, say, corn or wine or oil is made so that the son-in-power may sell it and use the proceeds, this is a fraud on the senatus consultum and he should be given relief.” Antonin’s citation points to Dig. 14.6.19 (Iulianus), but this fragment does not answer the subject at hand. The gloss, Antonin’s source, cites the fragment I have just given.

\textsuperscript{21} D. 46 c. 10 (Sicul non sue). “No cleric should attempt to engage in money-lending, either in his own name or in another’s, for it is indecent to cover up one’s crime under another’s gains.”

I do not understand what the last clause of Antonin’s sentence means.
when a husband is not able to give anything to his wife, he substitutes another person, to whom he may give.\textsuperscript{22}

3.3. From contract to contract

Also, the law is evaded from one contract to another, for instance, since a woman cannot give anything to her husband, she represents herself as selling to him.\textsuperscript{23} Thus C.16 q.3 c.10, where the case is set out according to one reading: when a bishop or a priest, wishing to give to his nephews out of the goods of the church, contrives that he has a lawsuit with them on behalf of the church, and makes a settlement with them.

3.4. From contract to contract in a different fashion

Also, the law is evaded from one contract to another, but in a different fashion, for instance, since a woman cannot stand surety, she sets herself up as the principal debtor.\textsuperscript{24}

\begin{flushleft}
\textsuperscript{22} Dig. 24.1.3.13 (\textit{Haec ratio et, \S. ult.}): “If I order someone who is about to give something to me to give it to my wife, the transaction will be void; for the position would be held to be the same as if I had received it myself and when it became mine, I had given it to my wife.”

\textsuperscript{23} Dig. 24.1.5.5 (\textit{Si sponsus sponsae, \S. Circa}): “A sale between husband and wife for the purpose of making a gift will only have no effect if the husband did not intend to sell the property at all, but pretended to sell it so as to make a gift of it.”

C. 16 q. 3 c. 10 (\textit{Si sacerdotes}) Glossa ord. s.v. \textit{si sacerdotes}: “It is usual to pose a threefold case here. . . According to another case, expound they decreed such things in writing, that is, they entered into a written out of court settlement, and did so fraudulently; for being unable to give those things to his nephews, he feigned a controversy with them as to those goods and made the agreement with them.”

\textsuperscript{24} Dig. 16.1.8 pr. (\textit{Quamvis pignoris}): “The return of a pledge does not constitute an intercession if a woman, who is the creditor, releases to the debtor the property which she has received on pledge.”

C. 33 q. 5 c. 17 (\textit{Mulierem}): “It is clear that the woman is subject to her husband’s dominion, and to have no authority; she can neither teach, nor be a witness, nor give faith, nor judge; how much more is she unable to command?” Cfr C. 33 q. 5 c. 17 Glossa ord. s.v. \textit{neque fidem}.
\end{flushleft}
APPENDIX 4. RECENSIONS

1. TABLE OF SUBSTANTIAL ADDITIONS TO THE FIRST RECENSION OF 2.1.16

Thema.
1. De negotiatione spirituali.
   1.1. Regio celestis.
   1.2. Regio terrestris.
   1.3. Regio infera.
2. De negotiatione mundiali.
   2.1. Ratione finis cupidī.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
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<tbody>
<tr>
<td>“Quicumque rem comparat ut integram immutamque ue ndendo lucretur, ille est qui de templo eicitur,” ut habetur D. 88 c. Eiciens, quod uerum est quando “ultimum finem constituit in lucro,” tunc enim est extra ecclesiam quoad meritum.</td>
<td>in marg. sin. add.: Nolite hoc modo facere domum meum domum negotiationis etc. Hic tamen summimus large negotiationem, et in sequentibus huiusmodi sectionibus.</td>
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</table>

2.2. Ratione persone clerici.

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<tr>
<th>recensio prima</th>
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<tbody>
<tr>
<td>Secundo negotiatio est mala ratione persone, cum scilicet aliquidus personis specialiter aliquo iure prohibetur, quod fit cunctis clericis et multo magis religiosis, unde Augustinus: “Negotiari aliquando licet, aliquando non licet: antequam sis clerichus, licet; postquam effectus es clerichus, non licet,” D. 88 Fornichari. Ratio huius est, secundum B. Tomam, 2a 2e q. 77 articulo 4, quia “clerici abstinere debent non solum” a malis, “sed etiam ab hiis que habent speciem mali, quod in negotiatione contingit,” et hoc tripliciter. Primo, quia negotiatio “est</td>
<td>in marg. super. add.: Extra, Ne clerici uel mona., per totum, ubi non solum negotiatio sed plura negotia ibi ponuntur eis interdicta. Dicit etiam</td>
</tr>
</tbody>
</table>
ordinata ad lucrum, cuius clerici debent esse contemptores.”


Tertio, “quia negociatio nimis implicat mentem curis secularibus et per consequens a spiritualibus retrahit, unde Apostolus, 2 ad Thim., Nemo militans Deo implicat se negotiis secularibus,” et ad idem D. 88 Consequens,

| 2.3. Ratione temporis feriati. |
| 2.4. Ratione loci sacraei. |
| Haec lucra in pauperibus eroganda. |
| 2.5. Ratione consortii iniusti. |
| 2.6. Ratione medii iniqui. |

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<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>De mendaciis autem dicit Raymundus quod si hoc faciunt ut decipient, etiam mortaliter peccant,</td>
<td>et tenentur ad restitutionem eius in quo deceperunt.</td>
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</table>

| 2.7. Ratione materie mali. |

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<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Septimo ratione materie mali: quedam enim negotia sunt, que sunt de se mala in “sui natura,” ut usura, symonia, et huiusmodi.</td>
<td>Vnde Ambrosius: “Reperiuntur quamplurimi negotiatione muneris merchari uelle gratiam Spiritus Sancti,” 1 q. 1 Reperiuntur.</td>
</tr>
</tbody>
</table>
Et horum negotiatio, id est exercitatio, omnibus prohibetur “clericis et laycis” secundum Raymundum.

... Quedam alia sunt dubia, ut emere prestantias solutias communitati ab alis, seu denarios montis, et imprestita Venetorum, et loca Ianuensium, que quidam dicunt licita, quidam illicita et usuraria, et ab huiusmodi etiam abstinendum, quia: “In dubiis tutior uia est eligenda,” Extra, De spons., Iuuenis. Et

3. De negotiatione temporali modesta.

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<tr>
<th>recensio prima</th>
<th>additiones</th>
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<tr>
<td>Vnde Cassiodorus super dicto uersiculo Psalmi: “Illi abhominabiles sunt,” scilicet “qui iustitiam Dei minime considerantes, per nimium pecunie ambitum merces suas polluunt,” D. 88.</td>
<td><em>in marg. super. add.:</em> Sicut autem seruatur iustitia Dei, id est iustitia secundum Deum, cum in negotiando datur iustum pretium, non excessuum, et res integra debita, non sophisticata, et aut permutatio equa: ita econtra negotiantes, largo sumpto uocabulo pro ementibus et uendentibus,</td>
</tr>
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</table>

tripliciter faciunt contra iustitiam Dei:
1o. Ex iniqua appretiatione.
2o. Ex uaria sophisticacione uel fraudatione.
3o. Ex illica permutatione.

3.1. Ex iniqua appretiatione.

3.1.1. Debitus ualor rei.
   3.1.1.1. Ex virtuositate.
   3.1.1.2. Ex raritate.
   3.1.2.3. Ex complacibilitate.

3.1.2. Latitudo ualoris rei.
   3.1.2.1. Ex iure.
... tunc secundum iura “contractus est nullus,” Extra, De empt. et uen., Cum dilecti, “per iudicem irritandus,” Verum etiam si esset minor excessus quam medietas iusti pretii, si sit notabilis, utique secundum B. Tomam, 2a 2e q. 77, et Scotum in 4o D. 15, est ibi iniustitia, et per consequens peccatum mortale, et “restitutio facienda”

3.1.2.2. Ex consuetudine.
3.1.2.3. Ex discretione.

3.1.3. **Excessus uloris rei.**

3.1.3.1. Excessus ultra dimidiam iusti pretii.
3.1.3.2. Excessus notabilis infra dimidiam iusti pretii.

Quam oppinionem sequi uidetur Durandus ordinis Minorum in Summa sua. Sed hanc oppinionem tamquam eroneam et periculosum salutis animarum reprobant B. Tomas, 2a 2e q. 77, et Schotus in 4o D. 15, dicentes quod talis sciente decipiens iniustitiam facit, et tenetur ad restitutionem eius in quo decepit.

... Ad rationem ab illis inductam de lege, respondet B. Tomas, ubi supra, quod lex “datur populo, in quo sunt multi deficientes a virtute: unde solum prohibet ea” mala que habent destruere “humanum convictum” pacificum ea puniendo, ut furta, adulteria,
notabiles deceptiones in contractibus ut deceoptio ultra dimidiam iusti pretii:

“Alia autem permicit,”

in quantum “non punit ea:” et hoc, ne puniendo sequentur maiora mala. “Sed lex diuina,” que datur omnibus, “nil dimicit impunitum” in hac uita, uel alia “quod sit uirtuti contrarium. Vnde secundum diuinam legem illicitum reputatur, si” in contractibus “equalitas non seruetur:” quod fit plus uendendo rem quam ualeat, uel minus emendo, cum fit precipue notabilis excessus.

3.1.3.3. Excessus minor.

3.1.3.3.1. Ratione pacis et salvationis.

3.1.3.3.2. Ratione mutue concordationis.

3.1.3.3.3. Ratione humane extimationis.

3.1.3.3.4. Contra quoddam objectionum.
<table>
<thead>
<tr>
<th>recensio prima delete</th>
<th>sectiones correspondentes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hoc totum del. auctor fol. 69r:</strong> De tertoio opere dicitur, Prover. (&lt;12.11&gt;), <em>Qui operatur terram</em>, scilicet cultivando, <em>replebitur panibus</em>, scilicet recolliget fructum. Et de muliere nobili dicitur Prover. ultimo (&lt;31.27;31.13&gt;), <em>Panem otiosa non comedit</em>, sed [panem] <em>operata est consilio manuum suarum.</em></td>
<td><strong>Fol. 69r–69v (l. 63ff.):</strong> De tertoio opere dicitur, <em>Exibit homo ad opus suum</em> etc. Aliis quidem animalibus natura prouidit de uictu et uestitu et armis ad se defendendum sine eorum opere; (|) homini uero dedit rationem ex qua exeundo per discursum ad actum considerationis et inuestigationis, per opera exteriora diuersorum exercitiorum sibi prouidere possit de uictu et uestitu et defensione a nociuis. Et quasi omnia opera exteriora hominin ad hec ordinantur. <em>Exibit ergo</em> etc. Vbi de ipsis operibus corporalibus tria nota. 1. Bonam conscientiam, ibi <em>Exibit homo ad opus suum.</em> 2. Aptam conuenientiam, ibi <em>Ad operationem suam.</em> 3. Debitam permanentiam, ibi <em>Vsque ad uesperam.</em></td>
</tr>
<tr>
<td>Harum autem operationum extraneorum, ut dicit Hug. de Sancto Vic., ad quedam opera cogit necessitas, quedam adinvenit cupiditas, quedam induxit vanitas.</td>
<td><strong>Fol. 70r (l. 146ff.):</strong> Et dicit Hugo de sancto Victore quod operationum humanarum exteriorum triplex differentia inuenitur. Nam: Ad quedam cogit necessitas; Quedam inuenit cupiditas; Quedam induxit vanitas.</td>
</tr>
<tr>
<td>Ad necessitatem est opus (|) agriculture, unde dicitur Ecclesiastici (&lt;7.16&gt;), <em>Non oderis opera rustichana.</em> Et sicut ad victum necessarium est opus agriculture, propter quod dicitur Proverb. (&lt;12.11&gt;) <em>Qui operatur terram replebitur panibus.</em> Et alibi (&lt;10.4&gt;), <em>Egestatem operata est manus remissa.</em></td>
<td><strong>&lt;3.2.1. Cogit necessitas.&gt;</strong> Cogit utique necessitas ad opera agriculture, quia si uult fructus terre colligere unde comedat et bibat, oportet quod operetur colendo terram per se uel alium, unde dicitur Proverb. 12, <em>Qui operatur terram, saturabitur panibus</em>, et econtra, <em>egestatem operata est manus remissa</em>, scilicet ad operandum. Et Ecclesiastici (&lt;7&gt;) dicitur, <em>Ne oderis opera rustichana.</em> Nam Deus eam instituit quia, ut dicitur Genes. 3, <em>Emisit Deus Adam de paradiso voluptatis, ut operaretur terram de qua sumptus est.</em> Et post diluuium, ut dicitur Genes. 9, <em>Noe...</em></td>
</tr>
</tbody>
</table>
Ita ad vestitum opus lanificii et linificii et alie que hiis deserviunt,

unde dicitur Proverb. ultimo <31.13> de muliere sapienti, Quesivit lanam et linum et operata est consilio manuum suarum. Et econtra dicitur Proverb. <10.4>, Egestatem operata est manus remissa, que scilicet non operatur aliquod exercitium corporale, vel negligenter.

Nam [suo] artium in unoquoque suo opere mater invenitur instantia, id est sollicitudo et frequentia, [ita novercha est neglig eruditionis, scientie scilicet vel artis, est negligentia, dicit Anacletus] D.83 Nichil. Et ideo si vult vive-

Ecclesiastes <9.10>, Quodcumque potest manus tua, instanter operare.
instabiles, qui omni die mutant unam artem; hii sunt similes filio inconstantie de quo dicit Boetius, de eo narrans in libro De scolarium disciplina quod cum pater eius posuisset ad opera diuere artis, quia subito attediabatur cum unam inchoabat, demum omnes reuens; interrogante patre quid facere uellet, respondit se uelle fieri asinum ut salmam ferret. Sed cum aliquis in operibus alciuus licite artis bene uiuendo perseuerat usque ad uesperam, id est finem; tunc facto sero, id est uita deficiente, dicit Dominus: Voca operarios, et da illis mercedem, Matth. 20, scilicet glorie.
3. Table of Substantial Additions to the First Recension of 3.8.1

**Thema.**

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
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<tbody>
<tr>
<td>Prima perfectio cuiuslibet creature est primus actus eius, id est forma substantialis, ut in homine anima rationalis; secunda uero perfectio seu secundus actus est operatio eius per quam manifestatur uirtus eius.</td>
<td>in marg. sin. add.: que ab ea procedit,</td>
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1. **Ad opus uirtuale.**
2. **Ad opus criminale.**

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
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<tbody>
<tr>
<td>De secundo ait Dominus Noster, Io. 8, Vos facitis opera patris uestri, scilicet diaboli, scilicet faciendo que ipse suggestit nostra quidem sunt propter consens. equidem(?) Vnde Iero., “Sicut in bonis operibus nostris perfector est Deus, quia non est uolentis etc., ita in malis,” scilicet operibus, “et in peccatis semina nostra sunt incentiu et perfectio diaboli,” De pen. D.2</td>
<td>p.c.: mala: diaboli propter suggestionem. in marg. dext. add.: ^ enim sunt</td>
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</table>

| in marg. dext. add.: | Si enim inquit. |

3. **Ad opus manuale.**

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<tr>
<th>recensio prima</th>
<th>additiones</th>
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</table>
est opus agriculture, propter quod dicitur Proverb. <12.11> Qui operatur terram replebitur panibus. Et alibi <10.4>, Egestatem operata est manus remissa. Ita ad vestitum opus lanificii et linificii et alie que hiis deserviunt, unde dicitur Proverb. ultimo <31.13> de muliere sapienti, Quesivit lanam et linum et operata est consilio manuum suarum. Et eontra dicitur Proverb. <10.4>, Egestatem operata est manus remissa, que scilicet non operatur aliquod exercitium corporale, vel negligenter. Nam [suo] artium in unoquaque suo opere mater inventur instantia, id est sollicitudo et frequentia, [ita novercha est neglig eruditionis, scientie scilicet vel artis, est negligentia, dicit Anacletus] D.83 Nichil. Et ideo si vult vive-

Ecclesiastes <9.10>, Quodcumque potest manus tua, instanter operare.


3.1.1. Rectum in intentione.

3.1.2. Licitum ex improhibitione.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
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<tbody>
<tr>
<td>Et recte</td>
<td>in marg. sin. add.: ait Christus et Apostolus,</td>
</tr>
<tr>
<td>Dignus est enim operarius mercede sua.</td>
<td></td>
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</tbody>
</table>

3.1.3. Congruum in discretione.

3.2. Apta conuenientia.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.c.:</td>
<td>p.c.:</td>
</tr>
<tr>
<td>... que tantas et tam varias operationes artificium inspirauit mentibus hominum. Et hoc est quod dicit Sapiens</td>
<td>Exeat ergo homo ad operationem suam, id est ad eam artem quam iudicat sibi magis conuenire et complacere.</td>
</tr>
</tbody>
</table>

3.2.1. Cogit necessitas.
a.c.: Nam Deus eam instituit quia, ut dicitur Genes. 3, Emisit Deus Adam de paradiso uoluptatis, ut operaretur terram de qua sumptus est. Et primus filius eius, scilicet Chayn, agrichola fuit.

... Et primus pastor fuit Abel, quem sequiti sunt Iacob Patriarcha cum filiis suis.

p.c.: Et post diluuium, ut dicitur Genes. 9, Noe uir agrichola cepit exercere terram et plantauit uineam, ut uinum colligeret quod prius ignorabatur.

in marg. dex. add.: in marg. sin. add.: in hoc opere

3.2.2. Inuenit cupiditas.

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<tr>
<th>recensio prima</th>
<th>additiones</th>
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</thead>
</table>
| Operatio hec plena periculis est et fraudibus et aliquando mixta usuris, ut notatur Extra De usur., In ciuitate, et c. Nauiganti. Et ideo oculos aperi. | in marg. infer. add.: Vnde et Crisostomus dicit super Matheum: “Nullus Christianus debet esse merchator” quia “merchator numquam potest Deo placere,” D.88 Eiciens. Quod dicit B. Tomas 2a 2ae q.77 esse intelligendum de hiis qui ponunt finem suum ultimum in acquisitione lucri seu peccunie; uel de illicitas negotiationes exercentibus, scilicet cum usuris, fraudibus, et periuris, et huiusmodi. Vnde et Cassiodorus dicit D. eadem, “Negotiatores illi” de templo eiciuntur, qui “per immoderatum peccunie ambitum merces suas polluunt plus onerantes periuris quam pretiis.” Ponuntur illa, c. Eiciens et c. Quoniam, pro palea, unde et aliqui libri non habent, sed sunt optimum granum. in marg. super. add.: Dicit etiam Crisostomus in dicto c. Eiciens, “Quemadmodum qui ambulat inter duos inimichos uolens ambobus placere, sine alloquo mali esse non potest, sic” merchator “sine mendacio et periurio esse non potest.” “Sed substantia talium stabilis” esse non potest, “nec proficit ad bonum quod de malo
Exemplum.
Nam et si legatur in vitis Patrum de quodam mercatore, quod fuit usus a Beato Pannusio ei equiparandus in gloria, qui tamen Pannusius hermita sanctissimus magni meriti fuit apud Deum: attende quia ipse Pannusius examinans uitam eius inuenit quia totum lucrum expendebat in pauperes Christi ut pater pauperum, ab usuris et periuriis et aliis illicitis abstinebat, cum magna deuotione uacans diuinis tempori suo; qui demum etiam dimisit opus illud. Quis est hic, et laudabinus eum?

<3.2.3. Induxit uanitas.>
Operatio autem tertia que deseruit uanitati est illa que deseruit ornatui iactantie, ut ars serici in magna parte. Nam et si dominos deeat tales uestes, et reginas, ut Hester sancta, et sancti aliqui reges se ornantes; |

congregatur. Quemadmodum si tritichum aut aliquid tale cernas in cibro, dum huc illucque iactatur, omnia grana paulatim deorsum cadunt et tandem in cibro nil remanet nisi sterchus.

in marg. super. M₂ fol. 69v add.: Sic de substantia negotiatori nil remanet nisi peccatum.”

3.3. Debita permanentia.
4. Table of substantial additions to the first recension of 3.8.2

1. De translatione rerum.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notandum quod in translatione rerum que fit per priuatas personas, aliquando transfrer dominiue rei, aliquando solum usus rei retento dominio.</td>
<td>s.l. add.: de una persona ad aliam</td>
</tr>
</tbody>
</table>

1.1. Donatio.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aliis quinque modis fit per dationem illiberalem qua uidelicet transferens unam rem expectat aliquid equiualens ei quod transfert.</td>
<td>in marg. dext. add. (s.l. a.c.): ab alio</td>
</tr>
</tbody>
</table>

1.2. Permutatio.
1.3–4. Emptio-uenditio.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quia enim difficile erat semper res usuales immediate commutare in alias res, ideo inuentum est numisma per quod talis commutatio fiat;</td>
<td>in marg. sin. add.: medium</td>
</tr>
</tbody>
</table>

1.5–6. Mutui datio-acceptio.
1.7. Istri sex contractus liciti uel illiciti.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permutatio rerum, cum fit sine fraude, licita est, si cum fraude peccatum est.</td>
<td>in marg. sin. add.: ut patet De rerum permut. per totum;</td>
</tr>
</tbody>
</table>

2. De translatione usus.

2.1. Commodatum.
2.2. Accomodatio.
2.5–6. Pignus-ypotheca.

3. De fraude legi.
3.1. De re ad rem.
3.2. De persona ad personam.
3.3. De uno contractu ad alium.
3.4. De uno contractu ad alium alio modo.

<table>
<thead>
<tr>
<th>recensio prima</th>
<th>additiones</th>
</tr>
</thead>
<tbody>
<tr>
<td>... et facit transactionem cum eis.</td>
<td>in marg. super. add.:</td>
</tr>
<tr>
<td></td>
<td>&lt;4. De uno contractu ad alium alio modo.&gt;</td>
</tr>
<tr>
<td></td>
<td>“Item, fit fraud de uno contractu ad alium</td>
</tr>
<tr>
<td></td>
<td>&lt;sed alio modo&gt;, ut cum mulier non possit</td>
</tr>
<tr>
<td></td>
<td>fideiubere, constituit se principalem</td>
</tr>
<tr>
<td></td>
<td>debitricem, ut Ff. Ad Vell., Quamuis, et 33 q.5</td>
</tr>
<tr>
<td></td>
<td>Mulierem.”</td>
</tr>
</tbody>
</table>
APPENDIX 5. SOURCES AND PARALLEL PASSAGES FOR 2.1.16

SUMMARY

Dominicans


Franciscans


Canonists


[http://amesfoundation.law.harvard.edu/digital/Panormitanus/PanormitanusMetadata.html](http://amesfoundation.law.harvard.edu/digital/Panormitanus/PanormitanusMetadata.html).
<table>
<thead>
<tr>
<th>2.1.16: section</th>
<th>DOMINICANS</th>
<th>FRANCISCANS</th>
<th>CANONISTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Thema:</strong> Because I have not known learning, ...</td>
<td></td>
<td>BERN. SEN. EVANG. AET. 35, PR. (4:198)</td>
<td></td>
</tr>
<tr>
<td><strong>1. Spiritual trade</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.1. Heavenly country</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.2. Earthly country</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1.3. Hellish country</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2. Worldly trade</strong></td>
<td>RAYM. PENN. SUM. PAEN. 2.8.1–7 (557–67); THOM. AQ. SUM. TH. 1a 2ae q.7 a.3</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 1–7 (4:145–51)</td>
<td>HOSTIEN. SUM. 5.38 §.50 (1811); 5.38 §.61 (1858)</td>
</tr>
<tr>
<td><strong>2.1. End: greed</strong></td>
<td>RAYM. PENN. SUM. PAEN. 2.8.1 (558–9); THOM. AQ. SUM. TH. 2a 2ae q.77 a.4</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 2 (4:146–7)</td>
<td></td>
</tr>
<tr>
<td><strong>2.2. Person: cleric</strong></td>
<td>RAYM. PENN. SUM. PAEN. 2.7.9 (547); 2.8.1–2 (559–62); THOM. AQ. SUM. TH. 2a 2ae q.77 a.4 ad 3</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 1 (4:145–6)</td>
<td>HOSTIEN. SUM. 5.38 §.61 (1858–60) PANORM. COMM. X 5.19.19 §.18–19 (1571 ed. 7:150va–51vb)</td>
</tr>
<tr>
<td><strong>2.3. Time: holiday</strong></td>
<td>RAYM. PENN. SUM. PAEN. 1.12.4 (398–9); 2.8.1 (558–9); PETR. PAL. QUART. SENT. LOCUS unknown</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 3 (4:147)</td>
<td>HOSTIEN. SUM. 5.38 §.61 (1859)</td>
</tr>
<tr>
<td><strong>2.4. Place: sacred</strong></td>
<td>RAYM. PENN. SUM. PAEN. 2.8.3 (562)</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 4 (4:148)</td>
<td>HOSTIEN. SUM. 5.38 §.61 (1859)</td>
</tr>
<tr>
<td><strong>These illicit profits should be distributed to the poor</strong></td>
<td>RAYM. PENN. SUM. PAEN. 2.5.44 (524–5); 2.7.11 (548–50); 2.8.7 (566–7)</td>
<td>BERN. SEN. EVANG. AET. 33, 2, 5 (4:148–9); 33, 2, 7 §.5 (4:153–4)</td>
<td>HOSTIEN. SUM. 5.38 §.61 (1859) PANORM. COMM. X 3.17.1 n.9 (1583 ed. 3:96r)</td>
</tr>
<tr>
<td><strong>2.5. Combination: unjust</strong></td>
<td></td>
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<tr>
<td>2.6. Means: wicked</td>
<td>RAYM. PENN. <em>Sum. paen.</em> 1.9.4–5 (367–8); 2.8.5 (563–4); GUI. RED. Glossa ibid. <em>s.v. in quantum</em> (247) THOM. AQ. <em>Sum. th.</em> 1a 2ae q.88 a.4–5; 2a 2ae q.77 a.2; 2a 2ae q.98 a.3 2a 2ae q.150 a.2</td>
<td>BERN. SEN. <em>Evang. aet.</em> 33, 2, 5 (4:148–9); 33, 2, 7 §.1 (4:152)</td>
<td>HOSTIEN. <em>Sum.</em> 5.38 §.41 (1792); 5.38 §.49 (1808–9); 5.38 §.61 (1843–4; 1859)</td>
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<tr>
<td>2.7. Matter: evil</td>
<td>RAYM. PENN. <em>Sum. paen.</em> 2.8.1 (558); 2.8.6 (564–6)</td>
<td></td>
<td>HOSTIEN. <em>Sum.</em> 5.38 §.61 (1860) LAUR. ROD. <em>Tr. usur.</em> 2 q.7 (180); 3 conc. (249)</td>
</tr>
<tr>
<td>3. Modest temporal trade</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1. Wrongful appraisal</td>
<td>THOM. AQ. <em>Sum. th.</em> 2a 2ae q.77 a.1</td>
<td>BERN. SEN. <em>Evang. aet.</em> 35, 1, 2 (4:191–2)</td>
<td></td>
</tr>
<tr>
<td>3.1.1. Valuation of things</td>
<td>PETR. OLIVI <em>Tr. contr.</em> 1 q.1 (94–109) IO. SCOT. <em>Oxon.</em> d.15 q.2 n.14 (283b) BERN. SEN. <em>Evang. aet.</em> 35, 1, 1 (4:190–1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.1.1. Virtuosity</td>
<td>PETR. OLIVI <em>Tr. contr.</em> 1 q.1 n.9 (100) BERN. SEN. <em>Evang. aet.</em> 35, 1, 1 (4:190–1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.1.2. Rarity</td>
<td>PETR. OLIVI <em>Tr. contr.</em> 1 q.1 n.10 (100) BERN. SEN. <em>Evang. aet.</em> 35, 1, 1 (4:190–1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.1.3. Complacibility</td>
<td>THOM. AQ. <em>Sum. th.</em> 2a 2ae q.77 a.1</td>
<td>PETR. OLIVI <em>Tr. contr.</em> 1 q.1 n.11–12 (100–2) BERN. SEN. <em>Evang. aet.</em> 35, 1, 1 (4:190–1)</td>
<td></td>
</tr>
<tr>
<td>3.1.2. Latitude in valuation</td>
<td>PETR. OLIVI <em>Tr. contr.</em> 1 q.1 (94–109) IO. SCOT. <em>Oxon.</em> d.15 q.2 n.15 (283b) BERN. SEN. <em>Chr. rel.</em> 37, 2, 1 (1:470–2); ibid. <em>Evang. aet.</em> 35, 1, 2–3 (4:191–4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.2.1. By law</td>
<td>THOM. AQ. Sum. th. 2a 2ae q.77 a.1</td>
<td>BERN. SEN. Evang. aet. 35, 1, 2–3 (4:191–4)</td>
<td>HOSTIEN. Sum. 3.17 §.1 (935); 3.17 §.7 (943)</td>
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<tr>
<td>3.1.2.2. By custom</td>
<td></td>
<td>IO. SCOT. Oxon. d.15 q.2 n.15 (283b–284a) BERN. SEN. Evang. aet. 35, 1, 2–3 (4:191–4)</td>
<td></td>
</tr>
<tr>
<td>3.1.2.3. By discretion</td>
<td>THOM. AQ. Sum. th. 2a 2ae q.77 a.1</td>
<td>IO. SCOT. Oxon. d.15 q.2 n.16 (289a) BERN. SEN. Evang. aet. 35, 1, 2–3 (4:191–4)</td>
<td></td>
</tr>
<tr>
<td>3.1.3. Excess in valuation</td>
<td></td>
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<tr>
<td>3.1.3.1. Excess beyond half the just price</td>
<td>PETR. OLIVI Tr. contr. 1 q.1 (94–109) BERN. SEN. Evang. aet. 34, 2, 2 (4:178–9); 35, 1, 3 (4:194)</td>
<td>HOSTIEN. Sum. 3.17 §.1 (935); 3.17 §.7 (943) IO. ANDR. Novella X 3.17.1 (3:79b–79va) ANT. BUTR. Comm. X 3.17.1 §.3 (3:75r–v); X 3.17.1 §.7 (3:75r–v); X 5.19.6 §.10 (4:63r–v) PANORM. Comm. X 3.17.1 §.6 (3:95v–96r)</td>
<td></td>
</tr>
<tr>
<td>3.1.3.2. Excess notable but less than half</td>
<td>THOM. AQ. Sum. th. 2a 2ae q.77 a.1</td>
<td>IO. SCOT. Oxon. d.15 q.2 n.15 (283b) DUR. CAMP. Sum. conf. 2 de avaritia (77rb–va) BERN. SEN. Evang. aet. 35, 1, 2 (4:192)</td>
<td>HOSTIEN. Sum. 3.17 §.7 (944) IO. GASP. CALD. Repet. X 5.19.19 (281v–82r) IO. LIG. Comm. X 5.19.19 (99v) LAUR. ROD. Tr. usur. 2 op. 6 (161)</td>
</tr>
<tr>
<td>3.1.3.3. Minor excess</td>
<td>IO. REG. Quodl. 4.18 (64va–65ra)</td>
<td>PETR. OLIVI Tr. contr. 1 q.5 n.52–61 (126–135) GER. ODON. Tr. contr. q.4 (81v) BERN. SEN. Chr. rel. 37, 2, 1 §.1 (1:470)</td>
<td></td>
</tr>
<tr>
<td>3.1.3.3.1. Argument from peace and salvation</td>
<td>PETR. OLIVI Tr. contr. 1 q.5 resp n.55 (128–9) BERN. SEN. Chr. rel. 37, 2, 1 §.2 (1:470)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.3.3.2. Argument</td>
<td>PETR. OLIVI Tr. contr. 1 q.5 resp n.57 (130–1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>from mutual agreement</td>
<td>BERN. SEN. Chr. rel. 37, 2, 1 §.4 (1:470–1)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>3.1.3.3.3. Argument from human estimation</td>
<td>PETR. OLIVI Tr. contr. 1 q.5 resp n.58 (132–3) IO. SCOT. Oxon. d.15 q.2 (283ff.) BERN. SEN. Chr. rel. 37, 2, 1 §.5 (1:471)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.3.3.4. Against an objection</td>
<td>PETR. OLIVI Tr. contr. 1 q.5 arg. n.53 (126–9); 1 q.5 ad 1 n.59–61 (132–5) BERN. SEN. Chr. rel. 37, 2, 1 §.6 (1:471–2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 6. Description of the hand A’s letter-forms

The hand A at M: fol. 66v and M: fol. 69r

For facsimiles of these folios see plates 1 and 2 in chapter two. The general characteristics of the hand A are described there. Here is provided a detailed discussion of this hand’s individual letter-forms, as well as samples of its majuscules, arabic numerals, and abbreviations.

Letter-forms

a. The letter a is always single-compartment. Two forms are visible on the page: an a with a bulb and a flat a with no discernible bulb (pl. 1: l. 1, fraudulentia; pl. 2: l. 2 suam, l. 3 anima). It seems likely that the ductus is the same: the latter flat a merely having been written in haste such that the bulb is not traced with a curving motion, but is instead formed by a simple motion of the pen down and to the left, then up and to the right. The a can commence joined with the preceding letter or not; this does not produce a change in form, and both bulbous and flat a are found in either case.

b. On the second line in plate 1 there is a b with looped ascender (pl. 1: l. 2, introibo) and a loopless b (pl. 1: l. 2, memorabor). Biting occurs when followed by o, as in the two examples just cited, and even with e (pl. 1: l. 30 habes; pl. 2: l. 24 bonum). The loop is counter-clockwise, coming upwards from the base of the previous letter (pl. 2: l. 2 Exibit). It seems likely that loopless b is written with the same ductus, but receives a clubbed shape from the up-and-down motion rather than being given a round curve: this is the same variation as we saw in a. The frequent combination ab, with looped or loopless b (pl. 1: l. 4 ab eis, l. 5 ab eo), shows that the presence of absence of a loop is not regular by position. The bulb of b, like the ascender, is written counter-clockwise; when joined with the following letter, the join begins from the point where the lobe meets the ascender, i.e. the headline; when not joined, the lobe is sometimes incompletely closed (pl. 1: l. 5 abstulit, l. 6 abstinuisse; pl. 2: l. 36 replebitur).

c. The letter c has basically one form, with a two-stroke ductus: a stroke beginning from the top left and descending down and to the right, followed by a nearly horizontal stroke along
the headline. Sometimes the first stroke is rather straight (pl. 1: l. 3 *cum*), sometimes it forms a distinct circular curve (pl. 1: l. 24 *coronam*, *corona*). Joining with the preceding letter is inconsistent (pl. 1: l. 3 *dicat*, l. 4 *peccuniam*, l. 5 *peccuniam*); it does regularly join with the following letter, merely a continuation of the horizontal stroke along the headline.

**d.** The letter *d* shows the same variation as *b*, sometimes having a looped asender (pl. 1: l. 1 *fraudulentia*, *uenditione*; pl. 2: l. 2 *ad*¹), sometimes loopless (pl. 1: l. 2 *domini*, *domine*; pl. 2: l. 11 *ad*¹, *delectationem*). That the use of a looped or loopless ascender was not regular but a matter of choice,¹ is illustrated by the A’s treatment of three feminine singular gerundives ending in -*enda*: the first is loopless, the second looped, the third loopless again (pl. 1: l. 8 *cauenda*, l. 9 *exercenda*, l. 10 *permittenda*). Nevertheless A does show a preference for loopless *d* in initial position. Both forms can join with the following letter; loopless *d* seems regularly not to be joined with the preceding letter. The loopless form, by contrast with flat *a* and loopless *b*, does suggest a different ductus. Looped *d* is written in one continuous counter-clockwise motion: starting at the headline, forming the circular lobe, continuing still counter-clockwise up to the top of the ascender, then forming the loop in a rapid curving motion downward and to the right leading directly into the following letter, which commences from the headline. Some looped *ds* are larger in size and come closer in appearance to majuscule *d* (pl. 1: l. 9 *cauenda*).² Loopless *d* is formed in two strokes: a first, semicircular stroke forming an open lobe, followed by the ascender which is drawn from top left to bottom right, closing the lobe, and often enough joining to the next letter. The connecting stroke from loopless *d* theoretically stands on the baseline, but often enough is really some height above it. Note a variant form, a heavily clubbed *d* (pl. 1: l. 11 *inchoando*; pl. 2: l. 38 *cupiditas*). Indeed, *d* sometimes forms a ligature with the following letter (pl. 1: l. 1 *fraudulentia*, l. 31 *possidetur*; pl. 2: l. 38 *quedam*²).

**e.** The letter *e* has typical *cursiva* forms listed by Derolez: in general its form is “two curved strokes traced in the same direction, which can cause confusion with *c*.”³ It rarely has a true lobe, but is distinguished from *c* by the second stroke beginning slightly to the right of the

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first, leaving a gap between the two (pl. 1: l. 4 *pecuniam*, *rationem*; pl. 2: l. 13 *te*), though sometimes they do touch (pl. 1: l. 4 *exigens*; pl. 2: l. 8 *operaretur*).

f. This letter has two forms visible on these folios, a thin form whose vertical descender appears to be written in a single stroke from top to bottom (pl. 1: l. 1 *fraudulentia*, l. 21 *affectu*; pl. 2: l. 2 *perfectio*, l. 24 *efficiuntur*), and a thick form whose descender is made in two strokes, overlapping or slightly apart (pl. 1: l. 5 *fui*; l. 13 *fit*, l. 15 *manifestat*; pl. 2: l. 5 *frustra*). Sometimes it is hard to distinguish the two (pl. 1: l. 13 *fidelibus*, l. 24 *finem*; pl. 2: l. 33 *facere*). In either case the letter is written vertically, without a notable slant, and with a pointed descender. The crossbar begins low, near the baseline, but tends to join with the next letter at the headline. In A’s hand *f* tends to be a large spacious letter, and stands out in the overall mise-en-page.

g. The letter *g*, on these folios at least, is completely regular (pl. 1: l. 1 *negotiatione*). It appears to be traced in two strokes, the first forming the tail in a clockwise direction, the second, again clockwise, forming the lob and joining with the following letter (pl. 1: l. 32 - *garite*; pl. 2: l. 38 *cogit*). Sometimes the loop comes up high enough to touch the lobe, which may also descend somewhat in a leaf-shape reminiscent of flat *a* (pl. 1: l. 7 *genus*, l. 32 *genera*; pl. 2: l. 41 *Egestatem*, l. 44 *negligentur*). There is a doubled *g*, abbreviating *Gregorius*, where the second *g* is much smaller than the first (pl. 1: l. 30; cfr. pl. 2: l. 27 *suggerit*).

h. The letter *h* has a looped form which acquires its loop from a counter-clockwise stroke, which can be joined with the preceding letter or not (pl. 1: l. 11 *inchoando*, l. 12 *hominini*; pl. 2: l. 6 *nichil*, l. 19 *homo*). The loopless form has a straight vertical back (pl. 1: l. 7 *habere*, l. 12 *hic*; pl. 2: l. 18 *hoc*). The lower portions of the letter are as a rule identical in the two forms: the bulb is formed with a clockwise stroke, which descends down and to the left and terminates in a point or hairline (pl. 1: l. 9 *honesta*, l. 30 *hinc*). Sometimes the descender is extended to greater length (pl. 1: l. 5 *dauith*; pl. 2: l. 22 *nichil*). Biting sometimes occurs with a following round letter, like *o* (pl. 1: l. 32 *honores*). The scribe A has a habit of inserting unclassical *h* following *c*, as in *locha* (pl. 1: l. 20) for classical Latin *loca*.

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4 Cfr Derolez, *Gothic Manuscript Books*, 146 fig. 33.
i. The short form of i is a simple downstroke or minim, whose angle changes depending on the speed of writing and the letters joined to it (pl. 1: l. 1 in, uenditione, negotiatione, l. 11 inchoando). The long form descends below the line, terminates in a point, and is used regularly in final position (pl. 1: l. 2 cognoui, domini, l. 4 negotiari, l. 26 domini; pl. 2: l. 41–2 lanificii et linificii) and following another i (pl. 2: l. 16 hiis. Either form is usually undotted but occasionally dotted, perhaps to avoid minim-confusion with nearby letters, though without consistency (compare pl. 1: l. 1.3 dicat, Negotiamini, uenio, l. 31 Nil uilius, l. 32 diuitie). Sometimes indeed minims, particularly in the combination ui, are indistinguishable (pl. 1: l. 5 increpauit, peccuniam; pl. 2: l. 25 inde efficiuntur).

k. The letter k does not occur on these folios.

l. The looped form of l is written counter-clockwise, like a looped b whose lobe is not completed (pl. 1: l. 1 fraudulentia, l. 30 voluntati; pl. 2: l. 3 substantialis). The loop can be narrow or wide and triangular (pl. 1: l. 3 loquens, l. 10 temporalis). The unlooped form is a simple downstroke, joining with the next letter from the baseline (pl. 1: l. 3 lu., l. 10 solius; pl. 2: l. 3 cuiuslibe), or simply standing on the baseline (pl. 1: l. 30 gloriam, l. 31 Nil). It can begin with a connecting stroke from the preceding letter, yet receive no loop (pl. 1: l. 11 spirituali, salvator, Simile, l. 31 uilius; pl. 2: l. 3 rationalis).

m. The normal form is a typical cursiva m, apparently formed in a single stroke (pl. 1: l. 2 memorabor, l. 8 mundialis; pl. 2: l. 41 manus remissa). It need not join with the preceding letter, but usually joins with the following one (pl. 1: l. 3 Negotiamini). Its third minim is not usually lengthened in final position, which permits distinction from long-i (pl. 1: l. 30 tantum). The alternate form in final position is the sideways 3-shaped m, very frequent (pl. 1: l. 4 rationem, l. 5 peccuniam; pl. 2: l. 11 delectationem mentalem, l. 19 summum, l. 25 Cum).

n. The one form of n is two minims written in a single stroke; the lines are usually not parallel but slope at different angles (pl. 1: l. 1 emptione, uenditione, negotiatione; pl. 2: l. 4

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5 Derolez, Gothic Manuscript Books, 148 fig. 42.
6 Cfr Derolez, Gothic Manuscript Books, 148 fig. 47.
manifestatur). The letter is sometimes, but not always, joined with the letters on either side (pl. 1: l. 2 non, cognoui).

**o.** There is a single form of o: a circle written with a counter-clockwise stroke, often slightly open at the top (pl. 1: l. 1 emptione, uenditione, negotiatione, l. 2 non, l. 5 eo; pl. 2: l. 2 perfectio). When joined with the following letter, it is more likely to be closed at the top (pl. 1: l. 3 loquensl. 32 pretiosior omnibus). Biting in the combination bo has already been mentioned (pl. 1: l. 2 introibo, memorabor, l. 3 parabola).

**p.** The letter is completely regular, and is executed with a standard cursive ductus in one stroke: starting at the headline, drawing the descender, then forming the lobe with a clockwise loop ending at the baseline (pl. 1: l. 1 emptione, l. 2 potentias, l. 3 parabola, l. 5 increpauit, l. 10 permittenda, l. 31 possidetur; pl. 2: l. 2 opus, operationem, uesperam, psalm., perfectio, l. 13 pane). There is often a gap at the headline between the top of the descender and the top of the lobe. The descender is not typically very pointed, and is vertical.

**q.** There is one form for q, written in a single stroke: first, a probably counter-clockwise curve for the lobe, then a straight descender (pl. 1: l. 1 que, l. 4 qua, l. 32 que). The q can be joined with the following letter by drawing the pen upwards from the point of the descender (pl. 1: l. 4 quem). The lobe of q exhibits the same potential for flattening as a (pl. 1: l. 3 loquens, l. 32 quia; pl. 2: l. 5 que, aliquid).

**r.** The letter r has a standard form but within this form it shows some diversity. The most typical form is a basically textualis r, written, seemingly, in two strokes: the first a minim forming the body of the letter, the second beginning towards the middle of the minim and moving up and to the right, with a clockwise hook at the end (pl. 1: l. 3 parabola, tra-, l. 4 reperit, l. 5 dure, l. 6 intraret, l. 31 regione; pl. 2: l. 3 rationalis). When it joins with the next letter, which is usual, the connecting stroke begins at the foot of the r. An unjoined r exhibits this textualis form best (pl. 1: l. 7 recte). This form can even appear to have a serif on the baseline (pl. 1: l. 4 negotiari, l. 9 spiritualis, l. 32 -garite; pl. 2: l. 2 Prima). Sometimes the second stroke begins high, near or at

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8 Cfr Derolez, *Gothic Manuscript Books*, 149 fig. 57.
the headline (pl. 1: l. 2 introibo, l. 4 rationem; pl. 2: l. 14 proculures). A 2- or z-shaped r follows round letters, especially o (pl. 1: l. 2 memorabor, l. 10 temporalis, l. 32 honores, pretiosior; pl. 2: l. 3 forma, l. 6 commentator, aufert).

s. The hand A’s letter s shows some departures from a typical cursiva script. For one, the round s form is infrequent except as an initial majuscule (pl. 1: l. 3 Sed, l. 16 Sic; pl. 2: l. 3 Secunda, l. 28 Sicut). Contrary to a typical cursiva — “straight s in final position does not occur, or at least is definitely exceptional”¹⁰ — the hand A regularly uses straight s in final position (pl. 1: l. 2 potentias, l. 3 dominus, loquens, l. 4 exigens, eis, l. 6 dicens; pl. 2: l. 7 operationes, essentias, felicitas, l. 28 nostris); contrast this with the round s in final position in one marginal addition (pl. 1: l. 2 Psalm. 70, cfr. l. 1 Ps.). The straight s in final position sometimes ends with a tail coming to the left off of the descender (pl. 1: l. 7 negotiationis, l. 8 mundialis, 9 spiritualis, l. 10 temporalis, l. 33 sapiens; pl. 2: l. 3 rationalis, l. 12 eis).¹¹ The more regular straight s simply ends in a point, without a tail (pl. 1: l. 6 suum, l. 9 spiritualis, l. 11 secunda, l. 30 scilicet; pl. 2: l. 2 suum). The vertical stroke of s exhibits the same variations as f: a thin form, and a fat form whose two strokes are often separated (pl. 1: l. 1 seu, l. 8 scelesta, l. 8 scelesta, l. 9 honesta, l. 10 modesta, l. 30 sue, l. 32 pretiosior; pl. 2: l. 3 suam usque, psalm.). The form does not change when doubled; in double-s one sees especially clearly the very vertical angle (pl. 1: l. 4 posset, l. 5 fuisse). There is a ligature in st (pl. 1: l. 2 iustitie, l. 5 abstulit, l. 32 sunt) and se (pl. 1: l. 6 se).

t. The letter t has one form, very simple: a vertical stroke which begins above the headline, often joined with the preceding letter, crossed by a horizontal stroke at the headline, often joined with the following letter. Sometimes t is written quite straight (pl. 1: l. 1 fraudulentia, emtione; pl. 2: l. 13 uita), sometimes curved (pl. 1: l. 1 commictitur, uenditione; pl. 2: l. 13 ultus tui).

u. There is no distinction between u and v; indeed, apart from the occasional majuscule V (pl. 1: l. 1 Vnde), the form of u is invariable. It is formed of two joined minims (pl. 1: l. 1 fraudulentia, uenditione, l. 3 dum uenio, l. 24 seu, iusti, spiritualis, l. 26 seruis suis, l. 29 paruulus; pl. 2: l. 20 uirtuale, mouente).

¹⁰ Derolez, Gothic Manuscript Books, 150.
¹¹ Cfr Derolez, Gothic Manuscript Books, 151 fig. 73.
x. The form is typical *cursiva x* written in one counter-clockwise stroke, with the curve extending well below the baseline (pl. 1: l. 4 *exigens*, l. 7 *exemplo*, l. 22 *iuxta*; pl. 2: l. 11 *experiendum*, l. 12 *expulsus*).\(^{12}\) The x can be an especially large letter. A possibly two-stroke form is seen occasionally (pl. 1: l. 9 *exercenda*; pl. 2: l. 11 *exinde*).

y. The letter y does not occur on plate 1. On plate 2, it appears as a plain undotted letter written in two strokes (pl. 2: l. 20 *ysaeie*, l. 31 *ymaginationem*). Both instances show A replacing a classical initial i with y.

z. The letter z, in the one place it occurs on these folio, is replaced by the typical Italian c-caudata or c with cedilla: ç (pl. 1: l. 29 *baptiçatus*).

**Majuscules**

The majuscules of hand A are most easily dealt with by a simple visual summary. Thus also for arabic numerals and abbreviations.

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<th>Sample majuscules of hand A</th>
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<td><img src="image5" alt="I" /></td>
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\(^{12}\) Derolez, *Gothic Manuscript Books*, 152 fig. 84.
### Arabic numerals

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## Abbreviations

### Sample abbreviations of hand A

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