

NORTHWESTERN UNIVERSITY

Cares at the Curia: Andreas de Escobar and Ecclesiastical Controversies at the Time of the
Fifteenth-Century Councils

A DISSERTATION

SUBMITTED TO THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS

for the degree

DOCTOR OF PHILOSOPHY

Field of History

By

Johnna L. Sturgeon

EVANSTON, ILLINOIS

March 2017

ABSTRACT

Cares at the Curia: Andreas de Escobar and Ecclesiastical Controversies at the Time of the Fifteenth-Century Councils

Johnna L. Sturgeon

This dissertation explores the extent to which Portuguese theologian, papal penitentiary, bishop, and abbot Andreas de Escobar, O.S.B. (1348-1448) benefited from contemporary trends in manuscript culture and thereby functioned as a late-medieval public intellectual. Recent research suggests that early-fifteenth-century university-trained theology masters used their expertise and authority to intervene into current controversies by writing brief, focused tracts that were copied and distributed more widely and read by a broader audience than the theological works of previous centuries. However, this research has focused only upon theologians who remained professional academics. This dissertation examines Escobar's career in the Church, his writings, and the success of his works via three research methodologies to evaluate the extent to which he also performed this role. Primary and secondary sources show that Escobar entered into ecclesial and other contemporary debates both orally and in writing, although the Schism-era disorder in the Church and weakening of papal authority prevented him from effectively exercising his public authority as bishop. Close reading and analysis of Escobar's five Latin theological treatises demonstrate his overriding concern for unity of the Church, and also show that Escobar thought of his writing as a part of his preaching and teaching responsibilities. Manuscript analysis demonstrates that while one of his Latin treatises was enormously successful, surviving in over 100 copies, the other four were relatively unsuccessful. Failing to appreciate the potential advantages of brief tracts aimed at a broader audience, instead Escobar

instead usually wrote long treatises aimed at a small circle of readers. The most successful of his treatises was also the shortest and aimed at the widest audience: all clergy with pastoral responsibilities. The recently-formed Melk Congregation of reformed Benedictine monasteries and the relatively new audience of educated German priests were mainly responsible for the copying and transmission of Escobar's most successful treatise. The results of this research confirm that Andreas de Escobar did function as a late-medieval public intellectual, although his modest employment of changes in contemporary manuscript culture limited his influence.

ACKNOWLEDGMENTS

No work of scholarship is truly a solitary endeavor, and I am indebted not only to those scholars upon whose work I have built, but to many other individuals and groups who advised, assisted, and supported me in writing this dissertation. I have received so much generosity and kindness during my graduate career, it is difficult to both recall and thank in these pages everyone who deserves my gratitude. If I have overlooked anyone in the attempt, I offer my apologies and thanks.

The members of my committee, of course, deserve my greatest thanks for their untiring support. I am deeply grateful to Dyan Elliott for taking me on as her student, and for her patience and encouragement. She has tirelessly read and commented upon the many revisions of these chapters, and I hope my writing reflects her beneficent influence. I am indebted to Robert Lerner not only for suggesting my subject, but for lending me his expertise on all manner of subjects from the calendrical to the geographic. Richard Kieckhefer has rendered me invaluable assistance with Latin and paleographic puzzles, while Ed Muir has advised me on matters regarding quattrocento Italy. All my committee members have generously recommended helpful books and articles and stimulated me to keep sight of larger historical questions.

Many others at Northwestern University have given me support and assistance. David Shyovitz generously read and answered my questions on crucial Hebrew-language scholarship that would otherwise have remained inaccessible to me. Scott Sowerby and Barbara Newman arranged fellowships and research grants without which it would have been impossible to complete my dissertation. Ann Aler provided technical assistance with geographic information systems and generating maps. The inter-library loan staff at the Northwestern University Library

filled my every obscure request and supplied me with necessary materials while I resided away from campus.

Innumerable archivists, librarians, and scholars at many other institutions have generously answered questions and offered advice. Daniel Hobbins (University of Notre Dame) was especially generous with his time and assistance in answering questions. Ruth Karras (University of Minnesota), Marco Grilli (Archivio Segreto Vaticano), Martin Morard (Institut de recherche et d'histoire des textes), Claire Allen (Trinity College Dublin) and Deana Klepper (Boston University) also answered questions and helped me with sources. Matt Heintzelman, Julie Dietman, and Daniel Gullo at the Hill Monastic Museum and Library assisted me with their collections. Debra Cashion helped me with the collections of the Vatican Film Library at St. Louis University. Bettina Wagner (Bayerische Staatsbibliothek), Christine Sauer (Stadtbibliothek Nürnberg), Sigrid Kohlman (Universitätsbibliothek Erlangen-Nürnberg), and Gerald Raab (Staatsbibliothek Bamberg) assisted me in obtaining microfilms.

The manuscript research necessary for this project would have been impossible without research and travel assistance. I deeply appreciate the research funding I received from the Committee on Research at the Hill Museum & Manuscript Library and from the American Catholic Historical Association. I am also very grateful for financial assistance received, much of it via Mellon Foundation grants, from the Department of Graduate Studies, Department of History, and Medieval Studies Cluster at Northwestern University. I offer special thanks to the sisters of the Monastery of St. Benedict in St. Joseph, Minnesota, Abtei Venio in Munich, and Abtei St. Walburg in Eichstätt for their kindness and hospitality during my travels.

Finally, I am grateful for the patience and support of my family. My parents have tolerantly borne my many absences at family events and un-returned telephone calls, and valiantly attempted to explain to friends what I do. My daughter had to endure an impecunious high school career in a strange city but seems, nevertheless, to have forgiven me. Most importantly, my long-suffering husband provided excellent coffee, constructive criticism, and unbounded sympathy and encouragement.

ABBREVIATIONS

Arm.	Armario
AV	Archivio Segreto Vaticano
BAV	Biblioteca Apostolica Vaticana
BL	British Library
BML	Biblioteca Medicea-Laurenziana
BNP	Biblioteca Nacional de Portugal
BSB	Bayerische Staatsbibliothek
CVP	Codex Vindobonensis Palatinus
Format.	Formatarum Libri
Obl. Communes	Obligaciones Communes
Obl. et Sol.	Obligaciones et Solutiones
ÖNB	Österreichische Nationalbibliothek
PL	Patrologia Latina
Reg. Aven.	Registra Avenionensia
Reg. Lat.	Registra Lateranensia
Reg. Suppl.	Registra Supplicationum
SBB	Staatsbibliothek Bamberg
SBKE	Stiftsbibliothek des Klosters Einsiedeln
SBN	Stadtbibliothek Nürnberg

TABLE OF CONTENTS

ABSTRACT.....	2
ACKNOWLEDGMENTS.....	4
ABBREVIATIONS.....	7
LIST OF TABLES AND MAPS.....	10
INTRODUCTION.....	11
The Changing Intellectual Landscape of the Late Middle Ages.....	14
Purpose, Methods, and Sources of Research.....	17
Limitations and Delimitations.....	21
Chapter Overview.....	22
THE LIFE AND WORKS OF MASTER ANDREAS DE ESCOBAR.....	25
Origin and Early Life.....	25
Escobar in the Roman Obedience.....	32
Escobar in the Obediences of Pisa and Avignon.....	46
The Council of Constance.....	57
Escobar in the Curia of Martin V.....	64
Portuguese “Retirement”.....	73
The Councils of Basel and Ferrara-Florence.....	80
Exile and Death.....	92
THE TREATISES OF ANDREAS DE ESCOBAR.....	98
Escobar as Author.....	99
<i>Colles reflexi</i> (1408).....	111

<i>De publicatione haeresum contentarum in libro Talmut</i> (ca. 1417).....	132
<i>De decimis</i> (1426).....	163
<i>Gubernaculum conciliorum</i> and <i>Avisamenta</i> (1435).....	172
<i>De Graecis errantibus</i> (1437).....	185
DISSEMINATION AND RECEPTION OF ESCOBAR’S TREATISES.....	203
Methodology – Identifying the Tract.....	206
Methodology – Distribution and Copying Networks.....	215
Methodology – Authorial Control and Reception.....	218
<i>De decimis</i> (1426).....	221
<i>Colles reflexi</i> (1408).....	234
<i>De publicatione haeresum contentarum in libro Talmut</i> (ca. 1417).....	235
<i>Gubernaculum conciliorum</i> and <i>Avisamenta</i> (1435).....	240
<i>De Graecis errantibus</i> (1437).....	244
CONCLUSION.....	251
MAPS AND TABLES.....	262
WORKS CITED.....	270
APPENDICES.....	283
Appendix 1: <i>De decimis</i> Copies, Part 1.....	283
Appendix 2: <i>De decimis</i> Copies, Part 2.....	286
Appendix 3: <i>De publicatione haeresum contentarum in libro Talmut</i> Copies.....	289
Appendix 4: <i>Gubernaculum conciliorum</i> Copies.....	291

LIST OF TABLES AND MAPS

Table 1: Summary of planned and actual structure of first and second divisions of the theme in <i>De publicatione...in Talmut</i>	151
Table 2: Arrangement of rubrics in standard and “conclusions” versions of <i>De decimis</i>	230
Map 1: Map of principal cities and Escobar’s episcopal sees.....	262
Map 2: Map of Escobar's commendatory monasteries.....	263
Map 3: Distribution of earliest known owners of copies of <i>De decimis</i> (excluding Cardiff).....	264
Map 4: Distribution of <i>De decimis</i> copies owned by all monastic libraries and Congregation of Melk libraries.....	265
Map 5: Distribution of all copies of <i>De decimis</i> compared to those owned by Congregation of Melk libraries.....	266
Map 6: Distribution of copies of <i>De decimis</i> owned by secular clergy, canons regular, and friars.	267
Map 7: Distribution of all copies of <i>De decimis</i> compared to distribution of the “conclusions” variant.....	268
Map 8: Distribution of copies of <i>De publicatione haeresum contentarum in libro Talmut</i>	269

INTRODUCTION

The traditional narrative of European history usually has the Middle Ages draw to a close around 1450, roughly with the invention of print and the fall of Constantinople to the Turks. While we may not endorse Johann Huizinga's famous depiction of the final medieval century as a period of florid decline, we often do tend to view it as a period of crisis and disaster. From the devastating demographic and social consequences of plague mortality to the undermining of religious and political authority during the Great Western Schism, the disorders of the late Middle Ages seem to point to a society mired in crisis. Alongside these disorders, however, the last medieval century also saw innovations in religion and education that both shaped and were shaped by responses to those crises. Many new universities were founded, literacy increased, and lay people embraced innovative religious texts and forms of piety. University theologians, monastic reformers, and conciliar theorists contributed to a discourse created by the crisis in papal authority, in a movement memorably dubbed "the last medieval reformation" by Brian Patrick McGuire.¹ All these innovative trends are epitomized by the careers of celebrated scholars like Parisian theologians Pierre d'Ailly and Jean Gerson. The career of the Portuguese intellectual Andreas de Escobar, though much less well-known to scholars, exemplified the same trends.

Andreas de Escobar (1348-1448) lived through many of the momentous events of the closing century of the Middle Ages. He was born in Lisbon the year before the Black Death

¹ Brian Patrick McGuire, *Jean Gerson and the Last Medieval Reformation* (University Park, Pa.: Pennsylvania State University Press, 2005).

arrived there in 1349.² We know little of his life until the age of 41 when he obtained his doctor of theology in Vienna in 1393, a degree normally requiring approximately fifteen years to complete.³ Andreas de Escobar then enjoyed a long career in the Roman curia as a penitentiary, first during the Schism under a pope of the Roman obedience (Gregory XII) and under two popes of the Pisan obedience (Alexander V, and John XXIII), and finally under Martin V, elected at the Council of Constance.⁴ John XXIII rewarded Escobar's service to the Pisan curia with his first bishopric, of Ciudad Rodrigo in Castile and Portugal, in 1410.⁵ Pope Martin V translated Escobar to the bishopric of Ajaccio, in Corsica, in 1422 and in 1428 made him titular bishop of Megara in Greece.⁶ (See Map 1.)

Andreas de Escobar was not content to be simply a papal bureaucrat, however, even before becoming a bishop. Like his better-known contemporaries Pierre d'Ailly and Jean Gerson, Escobar used his learning, his ecclesiastical office, and his pen to intervene in the important

² Antonio García y García, *Estudios sobre la canonística portuguesa medieval* (Madrid: Fundacion Universitaria Española, 1976), 139.

³ García y García, *Canonística portuguesa medieval*, 139; William J. Courtenay, "The Course of Studies in the Faculty of Theology at Paris in the Fourteenth Century," in "*Ad Ingenii Acuitionem*": *Studies in Honour of Alfonso Maierù*, ed. Stephan Caroti et al., FIDEM: Textes et études du Moyen Âge 38 (Louvain-la-Neuve: Collège Cardinal Mercier, 2006), 67–92; Michael H. Shank, "*Unless You Believe, You Shall Not Understand*": *Logic, University, and Society in Late Medieval Vienna* (Princeton, N.J.: Princeton University Press, 1988), chap. 1; R. N. Swanson, *Universities, Academics and the Great Schism*, Cambridge Studies in Medieval Life and Thought: Third Series 12 (Cambridge: Cambridge University Press, 1979), iii–iv.

⁴ García y García, *Canonística portuguesa medieval*, 139.

⁵ Konrad Eubel, *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1198 usque ad annum 1431 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*, 2nd ed. (Münster: Librariae Regensburgianae, 1913), 190.

⁶ Eubel, *Hierarchia catholica*, 1:71, 133.

issues of his day. As early as 1407-8, prior to the Council of Pisa, Escobar wrote his first treatise on the problem of church reform, *Colles Reflexi*.⁷ He revised a brief history of schismatic sects entitled *De schismatibus* during the reforming Council of Constance, as well as writing the penitential works *Canones poenitentiales* and *Modus confitendi*, and his anti-Judaic treatise *De publicatione haeresum contentarum in libro Talmut*.⁸ Between the councils of Constance and Basel, he completed one treatise on tithes, *De decimis* (1426), and his lengthiest work on penance, the comprehensive manual *Lumen confessorum* (1429).⁹ Escobar likely did not attend the Council of Basel, but is credited as the author of a treatise advocating conciliarism, the *Gubernaculum conciliorum*.¹⁰ Despite his apparently pro-conciliar position, Escobar did advocate submission of the Greek Church to the Roman pope (the central issue of the pope's competing council at Florence) in his 1437 *De Graecis errantibus*.¹¹ Escobar continued to serve in the papal curia until 1439, when he returned in exile to the Iberian peninsula.¹² Late in his

⁷ García y García, *Canonistica portuguesa medieval*, 140; Stephen A. Allen, "Escobar, Andrés (Andreas) de (1367-c. 1439)," ed. Clayton J. Drees, *The Late Medieval Age of Crisis and Renewal, 1300-1500: A Biographical Dictionary* (Westport, Conn.: Greenwood Press, 2001), 145.

⁸ García y García, *Canonistica portuguesa medieval*, 140–41.

⁹ García y García, *Canonistica portuguesa medieval*, 141; Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, N.J.: Princeton University Press, 1977), chap. 3.

¹⁰ García y García, *Canonistica portuguesa medieval*, 142; Allen, "Escobar, Andrés (Andreas) de (1367-c. 1439)," 145.

¹¹ García y García, *Canonistica portuguesa medieval*, 142; Allen, "Escobar, Andrés (Andreas) de (1367-c. 1439)," 145.

¹² García y García, *Canonistica portuguesa medieval*, 139.

career, he wrote one collection of hymns and another of miracles in the vernacular.¹³ He concluded his exceptionally long life in late 1448 at the Dominican convent of S. Domingos in Lisbon.¹⁴

The Changing Intellectual Landscape of the Late Middle Ages

Historical narratives about not only late-medieval decline but also the “print revolution” have until recently overshadowed early-fifteenth-century intellectual and cultural change outside the Italian peninsula. The invention of print is often regarded as transforming the culture in which Andreas de Escobar lived, not to mention the role played by educated men of his stamp. Historical memory assigns to Martin Luther so pre-eminent a role as religious reformer, aided by the power of the press, that it obscures the efforts of earlier theologians like Escobar via the power of the pen. The effects upon European and global intellectual and cultural history wrought by the invention of mechanical printing in the mid-fifteenth century have been much debated in the last several decades by historians, literary critics, and communications theorists.¹⁵ The question of whether print revolutionized culture or an innovating culture demanded print is compelling to thinkers of the early twenty-first century precisely because Western culture is again undergoing radical changes in the technology of communication. But the “print revolution” also has enduring relevance for how historians understand the relationship between technological

¹³ García y García, *Canonística portuguesa medieval*, 142.

¹⁴ António do Rosário, “Letrados dominicanos em Portugal nos séculos XIII-XV,” *Repertorio de historia de las ciencias eclesiásticas en España* 7 (1979): 544.

¹⁵ The most important contributions to this debate are summarized in Charles F. Briggs, “Literacy, Reading, and Writing in the Medieval West,” *Journal of Medieval History* 26, no. 4 (2000): 397–420.

and cultural change. While scholars are generally sensibly cautious about ascribing increased literacy directly to the invention of print, Elizabeth Eisenstein's influential 1983 work *The Printing Revolution in Early Modern Europe* nevertheless makes strong claims about print's effects on the development of knowledge production and the creation of authorship.¹⁶ Manuscript scholars David and Mary Rouse have argued that printing largely responded to a demand that had already been created by rapidly increasing literacy and point out that Eisenstein lacked a sophisticated understanding of manuscript culture and of important innovations in that culture preceding print.¹⁷ The Rouses note that early fifteenth-century manuscripts produced both by the *Devotio Moderna* and by the reformed German Benedictines and Augustinian friars exhibit important changes including renewed concern for textual accuracy, new and clearer script, and improved finding aids. Furthermore, it was these same religious houses that generated the most important early promoters of and markets for printed books.¹⁸ Such criticisms demonstrate that questions about the effects of print on European culture cannot be adequately answered without a sophisticated and detailed understanding of what changes in written culture were already underway during the manuscript period.

Daniel Hobbins' *Authorship and Publicity Before Print* is an important recent intervention in the debate about trends in late-medieval manuscript culture and intellectual life. His main argument is that university-trained theologians, preeminently Jean Gerson, chancellor of the University of Paris, used the written medium to rapidly communicate their ideas about events

¹⁶ Elizabeth L. Eisenstein, *The Printing Revolution in Early Modern Europe*, 2nd ed. (Cambridge: Cambridge University Press, 2005).

¹⁷ Mary A. Rouse and Richard H. Rouse, *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts* (Notre Dame, Ind.: University of Notre Dame Press, 1991), chap. 12.

¹⁸ Rouse and Rouse, *Authentic Witnesses*, chap. 12.

and issues of contemporary relevance. The increasing use of short tracts on topics of current interest is tied, in turn, to the changing social role of their authors, a role Hobbins likens to that of the public intellectual.¹⁹ The university-trained theologian had become a kind of “licensed expert in moral theology” in this view, an expert who spoke through the tract to an audience beyond the university community.²⁰ Such a role goes well beyond that posited by R. N. Swanson, who explored how university masters influenced “public opinion” on the Great Schism, but focused on their activity collectively and corporately rather than on the roles of individual members.²¹ Hobbins also contends that works of the late fourteenth and early fifteenth centuries demonstrate an already increased access to existing texts, and that a greater emphasis on authorship is discernible both in the organization of manuscripts copied at that time and in the attitudes and intentions of some authors. Such trends are suggestive, tending to support a view that print intensified existing trends in literate culture rather than revolutionizing it.

Hobbins is primarily interested in examining Jean Gerson’s role in these posited changes in intellectual culture, but his work suggests some very promising possibilities and methodologies for further research into that culture. His approach challenges scholars to explore the degree to which careers of other university-trained theologians, especially the plurality of those whose careers were mostly outside the university, also manifest these changes. Hobbins’ compelling evocation of the changing intellectual landscape of the late Middle Ages invites further theorizing about the relationships between other major late-medieval cultural shifts and this

¹⁹ Daniel Hobbins, *Authorship and Publicity Before Print: Jean Gerson and the Transformation of Late Medieval Learning* (Philadelphia: University of Pennsylvania Press, 2009), 129.

²⁰ Hobbins, *Authorship and Publicity Before Print*, 147.

²¹ Swanson, *Universities, Academics and the Great Schism*, 16.

movement in intellectual life. A robust understanding of broader European cultural trends must encompass both extraordinary innovators in the academy like Pierre d'Ailly and Jean Gerson, and the many doctors serving as abbots, bishops, and members of the papal curia. This study seeks to contribute to a nuanced and holistic view of late-medieval European intellectual history by examining a theologian whose career encompassed all three of these roles, Andreas de Escobar.

Purpose, Methods, and Sources of Research

This study of Andreas of Escobar's life and works will add important pieces missing from our current understanding of late-medieval intellectual and manuscript culture. Escobar differs usefully from academics like Jean Gerson, because, although a university-trained theologian, his career took quite a different path. Escobar shared many of the same reform interests as did Gerson, and works by the two authors even occasionally appear together in the same manuscripts.²² Both enjoyed some renown as preachers. Gerson's role as a "public intellectual" depended largely upon his authority as a university chancellor, however. While Escobar likely taught in Dominican *studia* during his early career, and would have delivered lectures as required by his theology training, his career was primarily outside academia. While we should not overestimate Escobar's autonomy from the university, since graduates remained lifelong members of an academic corporation, his life and work will nevertheless permit us to explore to what extent an abbot, bishop, and member of the papal curia might also function as a public

²² Richard O'Gorman, "A Hitherto Unrecorded Confessional Manual with Texts by Jean Gerson and Andreas de Escobar," *Manuscripta* 33, no. 1 (1989): 36–39.

intellectual.²³ It will help us to understand how widespread the new role of public intellectual was, and how theologians outside the university might use that role to influence the course of papal politics and ecclesiastical reform in the fifteenth century. It will also help us to explore how the Schism and the resulting conciliar movement created a perceived need for the theological expertise and authority wielded by the late-medieval public intellectual. This enriched understanding of the changes in late-medieval manuscript and intellectual culture also contributes to developing a more nuanced and comprehensive view of what really changed with print, and in turn the interrelationship between technological and cultural change. The concerns and significance of this study, then, go considerably beyond papal politics; it should be of interest to scholars of the printing revolution, late-medieval intellectual, cultural, and ecclesiastical historians, historians of technology, and codicologists as well.

The principal question I will seek to answer in this dissertation is to what extent Andreas de Escobar functioned as a public intellectual. To that end, I will explore a number of subsidiary questions, including what questions of applied moral theology Escobar addressed, how his treatises circulated, who read his treatises and how, and how he regarded his work as an author. To answer these questions, I will employ three distinct methodologies. Primary and secondary sources will be used to narrate Escobar's life chronologically, providing context necessary to evaluate his career and its interrelationships with larger historical phenomena. I will employ hermeneutic reading and analysis of Escobar's treatises—a technique of interpreting the meaning of a text through culturally and historically contextualized analysis of its language, rhetoric, and generic conventions. This approach also explicitly assumes that a modern scholar can, within limits, understand the authorial intention and contemporary understanding of a medieval text. I

²³ Swanson, *Universities, Academics and the Great Schism*, 16.

will use this method of analysis to understand what issues of moral theology Escobar addressed, who his intended audience was, and what strategies he used to exercise authorial control over his texts. Finally, codicological techniques will be enlisted to explore the means by which Escobar's treatises were distributed (especially his use of the tract genre), who actually read them, and how readers perceived and responded to them. The results of these three modes of inquiry will be synthesized to illuminate Escobar's role as a public intellectual—the fundamental question of this dissertation.

Escobar's biography rests largely on official documents, together with autobiographical references in his own works and a few letters. The great majority of these documents are related to the papal curia, including petitions, papal letters, and financial records. Other documents related to Escobar's life are preserved in the chartularies of the monastery of S. João de Alpendurada, of which Escobar was abbot for some years in his later life. A few letters Escobar wrote were collected by their recipient, fellow Portuguese Gomes Eanes, abbot of the Florentine Badia.²⁴ I rely on the published transcriptions of these documents and letters in António Domingues de Sousa Costa's magisterial 1967 biography of Escobar, *Mestré André Dias de Escobar, figura ecuménica do século XV*.²⁵ Many of Escobar's works include some autobiographical information, documenting his whereabouts when a particular work was completed or briefly recounting various incidents in his life. In some cases, I rely on published

²⁴ Martin Malcolm Elbl and Ivana Elbl, "The Private Archive (Carteggio) of Abbot Dom Fr. Gomes Eanes (Badia Di Firenze) – An Analytical Catalogue, with Commentary, of Codex Ashburnham 1792 (Biblioteca Medicea Laurenziana, Florence), Part One," *Portuguese Studies Review* 21, no. 1 (2013): 19–151.

²⁵ António Domingues de Sousa Costa, *Mestré André Dias de Escobar, figura ecuménica do século XV*, Estudos e textos da idade média e Renascimento 2 (Rome: Editorial Franciscana, 1967).

editions of a work for this information, in others I use my own transcriptions of manuscripts, and in a few others, I rely on transcriptions of selected passages published by Sousa Costa. A comprehensive list of documentary and other primary sources relevant to Escobar's biography was also published in 1979 by António do Rosario.²⁶

Escobar's five treatises will provide the basis for analyzing Escobar's moral theology and authorial strategies, particularly with respect to his use of the hypothesized tract genre. Hobbins theorizes that in the late fourteenth and fifteenth centuries, certain schoolmen were increasingly employing a genre he calls the tract or *tractatulus*, a medium devised to facilitate rapid copying and distribution. According to Hobbins, not only Jean Gerson, but many other authors, used this genre when they wanted to make timely interventions in important contemporary issues. In addition to certain codicological criteria discussed below, Hobbins posits a series of textual characteristics for the tract genre, particularly a narrow focus in support of a specific position or argument, with little attention to a larger context or fair treatment of contrary arguments. These characteristics resulted in quite a polemical tone. In addition to Escobar's more well-known penitential manuals, he wrote a number of works that, like a *tractatulus*, treat a single topic. Escobar's five Latin treatises address several topics of contemporary interest, including conciliarism, the Talmud, tithes, and the errors of the Greek church. Published editions, when available, and my own transcriptions from manuscript copies are the sources for this textual analysis. Further details concerning specific published and manuscript sources employed for each treatise will be given in the relevant chapter.

I will use manuscript copies of Escobar's Latin treatises to analyze their distribution and reception, as well as to further assess whether they conform to the hypothesized tract genre. His

²⁶ Rosário, "Letrados dominicanos em Portugal nos séculos XIII-XV," 544–556.

possible use of the *tractatulus* genre is a particularly suitable approach for studying Andreas de Escobar's relationship to changes in late medieval manuscript culture because of the nature and quantity of his surviving works. Escobar's treatises are represented by approximately 135 manuscript witnesses in total, of which 105 are copies of a single work. This is a limited enough number of total copies to make codicological analysis practicable, yet a sufficiently large number of copies of a single work to permit detailed study and robust conclusions. The sources for this analysis are manuscripts, microfilm and digital images, and print or digital catalog descriptions.

Limitations and Delimitations

The scope of this study is limited principally by the unknowable accidents of time affecting the distribution of available manuscript copies of Andreas of Escobar's works. This problem may be compounded by relatively poor cataloging of repositories in which additional works of Escobar may lie unidentified. As I will discuss below, we should expect to find relatively little codicological evidence of short ephemeral treatises, because they would be more vulnerable to accidental loss or disposal than copies of texts that were integral parts of a larger manuscript. There is as yet no scholarship differentiating survival rates for ephemera from larger manuscripts, imposing a significant limitation on the evaluation of codicological evidence.

I have also imposed a delimitation on this study by focusing only upon Escobar's Latin treatises. Escobar's numerous confessional works were popular and passed early into print, but they were clearly not in any sense polemical. They were instructional manuals and model confessions which, while certainly relevant to Escobar's interest in providing tools for care of souls, did not intervene in any particular debate and therefore would not conform to the hypothesized characteristics of the tract. Likewise, Escobar's volume of hymns and miracle

stories in the vernacular, while it demonstrates some interest in a lay audience, argues no position. His work on schismatics, which I initially assumed to be a treatise, proved to be merely a chronological register of schisms beginning in the earliest decades of the church. It does not explicitly argue any position. Only Escobar's Latin treatises would likely conform to the working definition of the hypothesized tract genre, so his other works, while of considerable inherent interest, will not be analyzed in detail in this dissertation.

Chapter Overview

Andreas de Escobar was not ideally positioned to exercise a role as public intellectual. Chapter One, "The Life and Works of Master Andreas de Escobar" surveys Escobar's ecclesial and authorial career, from his mastership at the University of Vienna in 1393 to his death in 1448. Escobar struggled to navigate the papal politics of the final years of the Schism, unable to secure the kind of patronage that would allow him to translate his theological expertise into active leadership in the Church. Torn between conflicting imperatives of pragmatism and reformism, Escobar's loyalties shifted successively through all three papal obediences until the Schism was finally resolved at Constance. While his prospects then improved somewhat, the continued weakness of papal authority impeded Escobar from effective exercise of the episcopal dignity to which he had been raised. He was thus not only deprived of the authoritative role Escobar believed educated churchmen should exercise, but compelled by financial necessity to participate in the grubby and labyrinthine process of obtaining papal privileges for benefices. Escobar was torn between conflicting desires for public recognition and reward on the one hand, and contemplative withdrawal from the world on the other. He resigned his curial office and for a few years lived in semi-retirement as abbot of a Portuguese monastery. Seemingly ineluctably,

however, Escobar was drawn back to the curia only to end his career in disgrace. He was handicapped by political ineptitude and a streak of perverse irascibility that earned him few friends and powerful enemies.

Despite all these difficulties and disadvantages, however, Escobar did claim the right to speak authoritatively on controversial issues. Chapter Two, “The Treatises of Andreas de Escobar,” analyzes in detail Escobar’s five treatises, which often responded to, and attempted to intervene in, important contemporary debates. They show that Escobar, while evincing little anxiety about his authorial activity, framed this activity in the larger context of his duty as a master of theology to preach and teach. Indeed, the treatises illustrate a close relationship between preaching and writing both in Escobar’s rhetorical style and his self-understanding as an author. The unity of the Church and, more broadly, of Christendom was a primary theme both of his writing and his moral theology from the start of his authorial career. The treatises do provide some textual evidence of Escobar’s concern to constrain and direct his readers’ interpretations of them, but also deference to the rights of readers to correct or amend anything diverging from the magisterium of the Church. While Escobar did have some grasp of the potential of a broad readership, he more often relied on the traditional strategy of *élite* patronage. The structure, argumentation, and rhetorical style of the treatises are much closer to the theorized characteristics of the tract than of traditional Scholastic genres, and yet Escobar relied almost exclusively upon traditional authorities and demonstrated scant interest in either other contemporary writers or in the humanistic trends then current.

Escobar’s inconsistent engagement with contemporary intellectual and cultural trends limited his success in acting as a public intellectual, an impression reinforced by manuscript

evidence. Chapter Three, “Dissemination and Reception of Escobar’s Treatises,” considers the physical record of distribution of, and reader response to, Escobar’s treatises. The enormous gulf separating the success of his short treatise on tithes, *De decimis*, from that of his other four treatises demonstrates the potential advantages of developments like new distribution networks, new reading audiences, and the short tract. The fifteenth-century councils did play some role in distributing Escobar’s treatises, but far more influential was the reforming Melk congregation of Benedictine monasteries. While not intervening into a current controversy, Escobar’s treatise on tithes conforms to almost every other characteristic of the hypothesized tract genre.

Paradoxically, Escobar’s more topical treatises were less successful, while his least topical treatise was most successful. Escobar’s attempts to shape readers’ perceptions of the purpose and proper use of his treatises was generally successful, as were his strategies to preserve claims of authorship. Preservation of the textual integrity of the treatises and of Escobar’s own schemes of structure and organization, however, is uneven. With one exception, the more successful the work, the less consistent its copies, reflecting both the accumulation of changes introduced by copying and the desire of highly engaged readers to appropriate the text. While part of Escobar’s challenge in assuming the role of public intellectual was managing this dynamic tension between authorial control and the appropriation by readers engendered by a work’s success, the much greater challenge was finding a readership at all. The very limited readership for four of his five treatises underscores the fact that one reason Escobar did not gain the degree of influence he believed just and appropriate was that he did not fully capitalize on contemporary trends.

CHAPTER 1

THE LIFE AND WORKS OF MASTER ANDREAS DE ESCOBAR

In this chapter, I will survey Escobar's career and writings, with special attention to how contemporary circumstances, as well as his own personality, affected his ability to function as a public intellectual. Like most theologians of his day, Escobar had to secure patronage in order to exercise authority, and he sought that patronage in the very system of papal privilege condemned by many reformers as corrupt and simoniacal. While the papal politics of the late schism era were particularly complex, Escobar fared only marginally better after Constance. The very crisis in papal authority that opened up new opportunities for theologians to enter public discourse could also disadvantage those who, like Escobar, lacked powerful allies outside the curia. The details of his biography also suggest that Escobar was torn between conflicting impulses and temperamentally unsuited for court politics, papal or princely. While these characteristics surely limited his influence in contemporary events and debates, they did not prevent him from attaining considerable later success as an author, as we will see in subsequent chapters.

Origin and Early Life

Andreas de Escobar's documented life emerges from near-complete obscurity when he is already almost fifty years of age and embarking on a second career. Until he joined the curia of Boniface IX around 1399, when we have a bull granting him permission to change religious orders, there are virtually no sources. Aside from a couple of records at the University of Vienna, we rely entirely on his own works for clues about Escobar's previous life and career. After this

bull of 23 April 1399, however, many documents and his own compositions testify to Escobar's whereabouts and activities. The year of Escobar's birth can only be approximated from his references within his own works. In a number of manuscripts of these works, the references to his age are elliptical or possibly even corrupted by copying errors. For example, in an addition to one manuscript of his *De decimis*, he says, “And because I, venerable and old, seventy years and more, wither and grow weak in poverty...”¹ This addition appears to have been made in 1437, although the date in the manuscript is given as 1427 due to scribal error.² Sousa Costa points out that, technically speaking, “seventy years and more” would include Escobar's actual age of eighty-eight years at that time, but nonetheless thinks it unlikely that a man of 88 would refer to himself in this way. He therefore concludes that this phrase is yet another scribal error.³ While conceding that possibility, one should also consider that it may simply be a reference to Psalm 89 (90), “The days of our years in them are threescore and ten years.”⁴ Such confusing references have led even careful scholars like Emmanuel Candal, editor of Escobar's treatise on Greek errors, to posit that Escobar was born as late as 1367, despite the fact that so late a date of birth does not accord well with other biographical data that can be pieced together about his life. For

¹ “Et eapropter iam antiquus et senex 70.a et ultra annorum morior et deficio in paupertate una cum obproprio episcopalis dignitatis, quam ab anno Domini 1408 obtinui a domino papa Gregorio 12mo, et cum vituperio gradus scientie theologie.” Prague, Národní Knihovna České Republiky, MS 106 (I. C. 15), fol. 346r. Transcribed in Ludwig Walters, “Andreas von Escobar, ein Vertreter der konziliaren Theorie am Anfange des 15. Jahrhunderts” (Königlichen Akademie zu Münster, 1901), 6, f.n. 1.

² A full discussion of the problems in dating this addition appears in Sousa Costa, *André Dias de Escobar*, 30–34.

³ Sousa Costa, *André Dias de Escobar*, 34.

⁴ “...dies annorum nostrorum in ipsis septuaginta anni.” Ps. 89.10a, 90.10a Vulgate.

instance, we know he received his final degree in 1393, but he could not have become a master of theology by age twenty-six.

The most straightforward reference to his birth appears in the only manuscript of Escobar's translation of Italian religious songs and poems into Portuguese. This manuscript is housed at the Biblioteca Nacional in Lisbon and has remained unknown to most scholars, even after an extensive scholarly study and partial transcription was published in 1951.⁵ Escobar clearly indicates both the date of composition and his exact age in this unique manuscript. Its rubric as transcribed by António de Sousa Costa reads, "Hymns and Spiritual Songs, and Contemplative Prayers, to the most holy and blessed God Jesus, King of heaven and earth, and to his most exalted and glorious mother, the ever-Virgin Saint Mary, translated from the Florentine language into the Portuguese language, in the most flourishing city of Florence, in the year one thousand four hundred thirty-five."⁶ Because the date is written out completely rather than being given in numerical form, we can be confident that it is indeed 1435, and collateral evidence we will examine later confirms that Master Andreas de Escobar was in Florence in that year. Later in this work, he refers to "my old age of eighty and seven years" and speaks of his various activities of teaching, preaching, and writing up until "this present time when I am lxxx and vii years old."⁷

Again the number is fully written out in one case, precluding the possibility of a dropped or

⁵ Mário Martins, *Laudes e cantigas espirituais de mestre André Dias* (Roriz: Mosteiro de Singeverga, 1951).

⁶ "Laudas e cantigas spirituaaes, e orações contemplativas, do muyto sancto e boom Deus Jhesu, Rey dos çeeos e da terra, e da muyto alta e gloriosa sua madre, sempre Virgem sancta Maria, trasladadas de lynguagem felorentyno em lynguagem portugaleso, em na çidade muyto floçente de Florença, no anno de myl e quatroçentos e triinta e çinquo." Lisbon, Biblioteca Nacional de Portugal, MS cód. ilum. 61, fol. 1r.

⁷ "mynha velhiçe, de oyteenta e sete anno; este tempo em que ora soom de hydade de lxxx e vii anos." Lisbon, BNP, cód. ilum. 61, fol. 2v.

added stroke, and even where given in Roman numerals, it matches. Since we may be sure, then, that Escobar was eighty-seven years old in 1435, he must have been born in about 1348.

Escobar's own works and many documents about him attest that he was born in Lisbon. On 14 April 1396, for instance, he is listed in University of Vienna records as “Brother Andreas Didaci of Lisbon, province of Hispania, kingdom of Portugal, Order of Preachers, doctor of sacred theology.”⁸ The 1399 bull permitting him to transfer from the Dominican Order similarly refers to him as “Andreas Didaci of Lisbon.”⁹ In a copy of Bindus Guerri of Siena’s *Distinctiones exemplorum Novi et Veteris Testamenti* he owned, Escobar refers to himself much later as “I, master of theology, Andreas of Lisbon, poor bishop of Megara.”¹⁰ And in 1435, he refers to himself in the *Laudes e cantigas espirituais* in Portuguese as “master André Diaz of Lisbon.”¹¹ Perhaps the clearest statement of all, however, comes in his treatise against the purported heresies of the Talmud, where he refers to himself as “I, poor bishop, having no revenues, called bishop of Civitá, professor of sacred theology, master Andreas Didaci de Scobar, Iberian originating from the most noble city of Lisbon, of the Order of Saint Benedict and minor penitentiary in the Roman curia.”¹²

⁸ “Frater Andreas Didaci de Ulixbona provincie Hispanie regni Portugalie ordinis Predicatorum, doctor sacre theologie.” Franz Gall, ed., *Die Matrikel der Universität Wien I: 1337-1450*, Quellen zur Geschichte der Universität Wien, I (Graz: Böhlau, 1954), 46.

⁹ “Andree Didaci de Ulixbona.” Bull *Religionis zelus*: AV, Reg. Lat. 66, f. 205. Sousa Costa, *André Dias de Escobar*. Appendix, Document 2.

¹⁰ “Ego in theologia magister, Andreas Ulixbonensis, episcopus pauper Megarensis.” Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 1026, fol. 75v; Augustus Pelzer, *Bibliothecae Apostolicae Vaticanae Codices manuscripti recensiti. Codices Vaticani Latini*, vol. II, pars prior (Vatican, 1931), 528–9.

¹¹ “...mestre Andre Diaz de Lixbõa.” Lisbon, BNP, cód. ilum. 61, fol. 3r.

We also find in the preceding quotation most of the appellations by which Andreas de Escobar is known in various works and documents. His personal name could appear in either the Latin form Andreas Didaci or the Portuguese form André Dias or Diaz, with or without the additional cognomen of “de Scobar” or “Escobar.” This latter name is usually considered to be of Castilian origin and has therefore contributed to a controversy over Escobar's nationality that need not detain us here. It was, however, used as a Portuguese surname certainly by the sixteenth century and, since it does not appear to be derived from any toponym, I treat it as Master Andreas' surname. He was sometimes also referred to as “de Rendufe” (and is so listed in the Vatican Library index) because his first dignity was the abbacy of a monastery by that name. Often he is also called *hispanus*, another characterization that has led to confusion about his nationality. As seen above in the record from the University of Vienna, *Hispania* was then understood as a “province” which included a number of kingdoms, Portugal being among them. Thus the designation *hispanus* was widely applied to anyone originating in the Iberian peninsula, as may be seen in a specimen of Escobar's own signature as *Ego Andreas hispanus, portugalsis, episcopus Megarensis*, “I, Andreas *hispanus*, of Portugal, bishop of Megara.”¹³ Escobar's usage here indicates that we ought not to understand *hispanus* as “Spanish,” which

¹² “Ego pauper episcopus, nullos habens redditus, dictus Civitatis episcopus, sacre theologie professor, magister Andreas Didaci de Scobar, hispanus de nobilissima Civitate Ulixbonensis oriundus, ordinis sancti Benedicti et in Romana curia minor penitentiarius.” Bamberg, Staatsbibliothek Bamberg, MS Msc. theol. 107, fol. 49r; Einsiedeln, Stiftsbibliothek des Klosters Einsiedeln, MS cod. 224; Erlangen, Universitätsbibliothek Erlangen-Nürnberg, MS Cod. 542, fol. 101v.

¹³ Fragment of the original bull of Union of the Greeks in Florence of 6 July 1439, diploma in Biblioteca Medicea-Laurenziana of Florence, photograph published in Andreas de Escobar, *Tractatus polemico-theologicus de Graecis errantibus*, ed. Manuel Candal, Concilium Florentinum, Documenta et Scriptores IV-1 (Rome-Madrid: Pontificium Institutum Orientalium Studiorum, 1952), fig. 1.

inevitably but anachronistically suggests to us the modern nation-state of Spain, but rather as “Iberian.”

We can infer a little about Escobar's life before he first appears in records in 1396, mainly from autobiographical information in his works. In his *Laudes e cantigas espirituais*, for instance, he states, “...by many sermons and many teachings and many lessons of sacred theology, which I made in the court of Rome, and in the courts of many kingdoms, I was always preaching our holy catholic faith, which I did from the age of eighteen years until the present time when I am eighty-seven years of age.”¹⁴ Nowhere else does Escobar explicitly refer to his activities before becoming master of theology, though other autobiographical references repeat the emphasis on preaching and teaching. In the aforementioned addition found only in one manuscript of *De decimis*, for instance, he refers to himself as “...continually persevering in reading, disputing, preaching, and frequently writing and setting forth to the clergy, I have written many treatises advantageous and useful to the church...”¹⁵ This emphasis is also consistent with the other piece of information we have about Master Andreas de Escobar prior to 1393, which was that he had been a Dominican friar. We know this both because of the reference to him at the University of Vienna as being “of the Order of Preachers” but also because of the 1399 bull in which he is given permission to transfer from that order, discussed below.¹⁶ We will

¹⁴ “...por muytas preegações, e muytas doutrinas, e muytas lições de sancta theologia, que fige em corte de Roma, e em muytos reynos, preegando sempre a vossa sancta fe catholica, des que fuy de xviii annos ataa este tempo em que ora soom de hydade de lxxx e vii anos.” Lisbon, BNP, cód. ilum. 61, fol. 2v.

¹⁵ “...continue perseverans legendo disputendo praedicando ad clerum sepius scribendo et opponendo multos tractatus descripsi ecclesie utiles et fructuosos.” Walters, “Andreas von Escobar,” 6, f.n. 1.

¹⁶ Gall, *Die Matrikel der Universität Wien I: 1337-1450*, 46.

also see that Escobar maintained an ongoing close association with the Dominican convent in Lisbon. This is all the more explicable if the convent in Lisbon had previously been his home during at least part of the thirty years he had been a Dominican.

Escobar completed his doctoral degree in theology at the University of Vienna in 1393 when he would have been about forty-five years old. The notice in the registers of the University of Vienna corroborates Escobar's own, much later, account given in the addition to *De decimis*, where he notes, "...I was promoted master of theology in the University of Vienna in Alemannia in the year of the Lord one thousand three hundred ninety-three..."¹⁷ Completing a doctorate in theology at this age would also be quite consistent with an active career of preaching and teaching within the Dominican Order, in which such duties usually punctuated or even terminated an individual's path towards the doctoral degree. It should be noted here, perhaps, that Escobar is invariably referred to by himself and others during his own lifetime only as a master or doctor of theology, never of either branch of the laws, canon or civil. References to him as a doctor of canon law arise only retrospectively and, apparently, were based on misunderstandings of passing observations by authors such as Johannes Trithemius. Trithemius, in his catalog of illustrious Benedictines, writes that Escobar was quite knowledgeable about law, but never states that he was a doctor of law.¹⁸ Indeed, as António de Sousa Costa notes in examining this question, Escobar made several references to himself as being ignorant of the law, something he never did as regards theology.

¹⁷ "...sim magister in theologia in universitate Wiennensi alimonie promotus anno domini MCCCLXXXIIIo." Walters, "Andreas von Escobar," 6, f.n. 1.

¹⁸ Johannes Trithemius, *De viris illustribus Ordinis sancti Benedicti*, vol. II (Cologne, 1575), 463a.

After completing his degree, Escobar remained at the University of Vienna for a time as a member of the Austrian Nation, perhaps teaching. In the record of the 1396 election of Magister Cholomannus de Nova Villa as rector, we find listed under the members of that nation one “Brother Andreas Didaci of Lisbon, province of Hispania, kingdom of Portugal, [who] held a doctor of sacred theology.”¹⁹ It was usual for a newly-minted doctor to remain as a teacher for one or more years, so it seems likely that in the years between 1393 and 1396 we would also have found Escobar there, despite the lack of any other documentation.

Escobar in the Roman Obedience

Master Andreas de Escobar's curial career began soon after his university regency, no later than 1398, according to various estimates he makes of the length of his service. The first such estimate comes from 4 August 1426, in a letter in Portuguese he sent to Abbot Gomes Eanes of the Florentine Badia. In it, he discusses plans to depart for Portugal but regrets having to leave the curia “where I served for twenty-eight years,” without having received fit recompense.²⁰ Twenty-eight years of service in 1426 would put the start of his curial career at around 1398. Similarly, in the aforementioned addition to *De decimis*, Escobar refers to himself as “I,

¹⁹ “Frater Andreas Didaci de Ulixbona provincie Hispanie regni Portugalie ordinis Predicatorum, doctor sacre theologie tenetur.” Gall, *Die Matrikel der Universität Wien I: 1337-1450*, 46–7.

²⁰ “...onde sservi per xxviii annos...” Florence, Biblioteca Medicea-Laurenziana, MS Cod. Ashb. 1792 I, fol. 66; Sousa Costa, *André Dias de Escobar*. Appendix, Document 60. The letter, dated 4 August, cannot be before 1426. In it, Escobar speaks of the return of Abbot Dom Gomes Eanes, who was already then in Florence, from Portugal. On 20 November 1425, he was still in Portugal. On this date, a document of free passage through the realms of the kingdom of Portugal was granted to him, Florence, BML, Cod. Ashb. 1792 I, f. 2. By 15 July 1426, he was again in Florence as attested by a document with this date, ASF Conv. 78, n. 227, fol. 28-32. Cf. António Domingues de Sousa Costa, “D. Gomes, reformador da abadia de Florença, e as tentativas de reforma dos mosteiros portugueses no século XV,” *Studia Monastica* 5 (1963):124–6.

miserable and poor bishopling of the churches once of Civitá and afterward of Ajaccio but now of Megara, of which I neither have nor have had possession in the Roman curia for forty years.”²¹

While this addition is internally dated MCCCC27 in the manuscript, scholars have unanimously concluded, based on numerous strong pieces of evidence, that this is an error for 1437.²² Without digressing into all the problems of interpretation, we may simply note here that forty years of curial service in 1437 would put the start of his career around 1397, which agrees with the estimate provided by his 1426 letter to Abbot Gomes.

Escobar received permission to transfer out of the Dominican Order shortly after he began his career in the Roman curia in 1397 or 1398. What his exact role was in the Roman curia (the obedience to which Portugal then adhered) during these early years is quite unclear. In stereotyped language, the 23 April 1399 bull is addressed to him as “beloved son, Andreas Didaci of Lisbon, professed in the Order of the Friars Preacher, master of sacred theology.”²³ The bull does not indicate that Escobar resides in the curia, nor that he occupies any curial office. A lengthy document, it does grant to him the right to retain all the privileges normally enjoyed by a theology master in the Dominican Order. This might support Sousa Costa's hypothesis that Escobar initially came to the curia to teach theology in the then-new papal studium. Another curious feature of the document is that it grants Escobar the right to transfer from the Order of Preachers to the Augustinian Canons Regular, but we have no subsequent reference to Escobar

²¹ “Ego miser et pauper, olim Civitatensis et ex post Adiacensis, nunc vero Megarensis ecclesiarum episcoppulus [sic], quarum nullam possessionem pacificam habui nec habeo in Romana curia per XL annos.” Walters, “Andreas von Escobar,” 6, f.n. 1.

²² Sousa Costa, *André Dias de Escobar*, 31–34.

²³ “Dilectio filio Andree Didaci de Ulixbona, ordinis fratrum predicatorum professori, in sacra theologia magistro.” AV Reg. Lat. 66, fols. 205-6. Sousa Costa, *André Dias de Escobar*. Appendix, Document 2.

having been a canon regular at any time. We also have no later document permitting him to join any other order.

Escobar may have been a Benedictine by the time he next comes to Boniface IX's attention in the matter of the Portuguese monastery of Rendufe. Rendufe, in the diocese of Braga in northwestern Portugal, was home to the Benedictine monastery of S. André. (See Map 2) On 10 July 1401, the archbishop of Braga, Martinho, received permission to dissolve S. André de Rendufe, which had allegedly dwindled to ten monks, of whom two had wandered from the monastery and most of the rest had been imprisoned for unspecified reasons.²⁴ Boniface IX's bull permitted the archbishop to convert the monastery into a collegiate church headed by a deacon, with four canons and a perpetual chaplain for the care of souls. Eight days later, however, Boniface IX announced that, because it was right that a decision made “on account of improper information” be reversed, he was withdrawing all the provisions of the previous bull with respect to S. André de Rendufe.²⁵ Boniface IX states that shortly after issuing the bull authorizing the dissolution, “we were informed by truthful persons that the said monastery was not actually in ruins.”²⁶ These unidentified truthful persons also informed him that the abbacy was vacant “on account of the death of Alfonse, previous abbot of this same monastery,” so he ordered that it be provided to some qualified person who should be made abbot.²⁷ We can only wish we were better

²⁴ AV Reg. Lat. 93, fols. 169-170. Sousa Costa, *André Dias de Escobar*. Appendix, Document 3.

²⁵ “...per sinistram informationem.” AV Reg. Lat. 93, f. 161v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 4.

²⁶ “...fuerimus a personis veridicis informati quod dictum monasterium non est adeo collapsum...” AV Reg. Lat. 93, f. 161v.

²⁷ “...per obitum quondam Alfonsi eiusdem monasterii abbatis...” AV Reg. Lat. 93, f. 161v.

informed about these events, but it certainly appears that Archbishop Martinho misrepresented the state of the monastery in order to gain control of its lands and revenues under the pretext of reform. Might Escobar himself have been among the “truthful persons” who foiled the Archbishop’s plan? On 28 September 1401, “brother Andreas Didaci, abbot of the monastery of Saint Andrew of Rendufe, of the Order of Saint Benedict” promised to pay the 100 gold florins due to the papal camera as common service for his appointment, so we learn that it was Escobar who took charge of S. André de Rendufe.²⁸

It should be noted that “of the Order of Saint Benedict” here refers to the monastery, not necessarily to Escobar. Being named the abbot of a Benedictine house is not, at this period, unambiguous evidence that one had professed in the Benedictine Order. Rather, Boniface IX’s grant was a type of papal provision called a “commendation,” which was theoretically a temporary, custodial grant and therefore circumvented canonical prohibitions against holding multiple benefices.²⁹ These *in commendam* grants proliferated during the Avignon papacy, because the custom of paying annates and common services for all such papal provisions helped offset the loss of revenue from papal territory in Italy.³⁰ The annate was a tax paid to the papal curia equivalent to one year's revenue from a benefice, while common services were paid by those who received offices directly from the pope.³¹ Half the common services, which were

²⁸ “...frater Andreas Didaci, abbas monasterii sancti Andree de Randuffo, ordinis sancti Benedicti.” AV Obl. et Sol., t. 57, f. 69v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 6.

²⁹ Jean-Loup Lemaître, “Commendation,” *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

³⁰ Lemaître, “Commendation.”

³¹ J. N. D. Kelly and Michael J. Walsh, *A Dictionary of Popes* (Oxford: Oxford University Press, 2010).

supposed to amount to one-third of the annual revenue of the office, were paid to the pope, and the other half to the papal camera.³² A monastery could be granted *in commendam* to anyone, even a layman, because nominally the recipient was merely custodian of its temporalities—revenue and property—until the office was filled permanently.³³ While the primary motivation for commendatory grants was certainly pecuniary, appointment of an abbot *in commendam* was also sometimes employed in the early fifteenth century as a reform measure.³⁴ While technically contravening the Benedictine Rule’s provisions for abbatial elections, imposition of a reform-minded abbot was one method of improving a corrupt monastery, and it is possible that this was the intention of Boniface or Escobar with respect to Rendufe.

The papal documents do not name Boniface IX's informants, but the archbishop of Braga certainly held Escobar responsible. A 1 May 1402 document written “at the monastery of Freixeo,” also in the archdiocese of Braga, records that Escobar was obliged to pay the archbishop two hundred gold florins.³⁵ The document states that both the archbishop and Escobar appeared there “in the presence of myself, Vasco Domingues, notary-general for our Lord King,” so it seems that Escobar was in Portugal at the time. Escobar's payment is to reimburse expenses incurred by the archbishop in his failed attempt to have the monastery dissolved. Since Escobar is obliged to pay these monies under the implied threat of deprivation of any benefices, including

³² Phillip H. Stump, *The Reforms of the Council of Constance (1414-1418)* (Leiden: Brill, 1993), 59–60.

³³ Ann Leader, *The Badia of Florence: Art and Observance in a Renaissance Monastery* (Bloomington, Ind.: Indiana University Press, 2012), 41.

³⁴ Leader, *The Badia of Florence*, 46.

³⁵ “...no moesteiro de Freixeo; em presença de mim Vaasco Dominguez tabeliom geral por nosso Senhor ElRei.” Arquivo Distrital de Braga, Coleção Cronológica, Caixa 20, f. 3-3v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 11.

the monastery, should he fail to do so, one can only conclude that the archbishop at least believed that Escobar had a hand in Boniface IX's reversal. Archbishop Martinho had lost a rich prize, judging from the common services Escobar had paid for the monastery. Since Escobar paid 100 florins for Rendufe just to the papal camera, we can calculate that the annual revenues were expected to be 600 florins. It is still impossible to determine Escobar's order at this time, however, since the document refers to him as "Master Andreas," "Lord Abbot," or "Brother," but never explicitly to his religious order.

Escobar also refers to himself simply as the abbot of Rendufe in his late 1407 or 1408 work *Colles reflexi*. This treatise, which survives only as collected into Dietrich of Nieheim's *Nemus Unionis*, references "the most holy father, my Lord, the Apostolic Gregory XII," so therefore must have been completed after Gregory XII's election on 30 November 1406. Furthermore, according to Dietrich of Nieheim, it was written to refute another treatise by the archbishop of Ragusa (presumably the tenacious apologist for Gregory XII, Giovanni Dominici) which was completed according to its colophon on 15 November 1407. Since Escobar refers to himself in the preface of *Colles reflexi* as "I, the poor Andreas, abbot of the monastery of Randuphe [*sic*], of the Order of Saint Benedict, diocese of Braga, professor of sacred theology," it must have been completed before he was elected Bishop of Ciudad Rodrigo shortly before 27 April 1409, as we shall see.³⁶ The basic arguments of *Colles reflexi* are that the unity and peace of the Church should come before all other considerations and that Gregory XII was indeed bound by the oath he took to resign the papacy in order to secure that peace and unity. Because Escobar remained welcome in Gregory XII's curia and was rewarded by him with a bishopric, it is likely that

³⁶ "Pauperculus ego Andreas, Abbas monasterii de Randuphe, ordinis sancti Benedicti Bracharensis dioeceseos, sacrae Theologiae professor." Andreas de Escobar, "Colles reflexi," in *Nemus unionis*, ed. Dietrich von Nieheim, vol. 4 (Strasbourg: L. Zetzneri, 1609), 352–80.

Colles reflexi was completed during the period when Gregory XII was more open to resigning, before he openly repudiated abdication in May 1408.³⁷ By this time, Escobar may already have become acquainted with Cardinal Giordano Orsini, who participated in the conclave that elected Gregory XII but who later wrote his own treatise refuting Giovanni Dominici.³⁸

The next documented events of Escobar's career take place against the background of the open rift between Gregory XII and the cardinals who had elected him. As we have seen, Escobar was still at the University of Vienna in 1396 but later spoke of having 28 years of curial service by 1426 and 40 years of curial service by 1437. This reckoning would not allow for any very lengthy absences, so presumably if Escobar was in Portugal in 1402 attending to the affairs of his new monastery, he returned to Gregory XII shortly afterward. Yet in *Colles reflexi*, some five years later, he still mentions no other office than that of abbot of Rendufe. Beginning in May 1408, after negotiations toward union broke down, Gregory XII's relationship with his cardinals deteriorated rapidly and his followers began to dwindle. Gregory XII ejected Simon de Cramaud, chief architect and representative of the French strategy to end the schism, from the papal court and forbade any further contact with his cardinals.³⁹ As Gregory then tried to pack the college of cardinals with new nominations, the former colleagues who had elected him began to openly abandon him, beginning with the Cardinal of Liège on 11 May. Six more, including Giordano Orsini, left on 12 May, when Gregory XII publicly refused to abdicate. Acrimonious letters were

³⁷ Unless otherwise specified, throughout this chapter I rely for the basic chronology of events upon the first two volumes of Mandell Creighton, *A History of the Papacy from the Great Schism to the Sack of Rome*, 2nd ed., 6 vols. (London: Longmans, Green, and Co., 1904).

³⁸ Erich König, *Kardinal Giordano Orsini (†1438): ein Lebensbild aus der Zeit der grossen Konzilien und des Humanismus* (Freiburg im Breisgau: Herder, 1906), 36.

³⁹ Howard Kaminsky, "The Great Schism," in *The New Cambridge Medieval History*, ed. Michael Jones, vol. 6 (Cambridge: Cambridge University Press, 1995), 694.

exchanged between Gregory XII and these cardinals, who had joined Simon de Cramaud and the rest of the French delegation in Pisa. On 1 July, the cardinals called upon Gregory XII's obedience to withdraw from him in order to compel a settlement. The following day, Gregory XII announced that he would be holding a council during Pentecost of 1409, nearly a year hence, and on 12 July 1408 he offered an amnesty to the rebellious cardinals should they appear to ask his forgiveness before the month was out.⁴⁰ However, he departed Lucca (where he had been residing for several months while conducting negotiations with the Avignonese Benedict XIII) on 14 July with the single cardinal who still remained loyal. On the same day, Gregory XII's and Benedict XIII's former cardinals jointly invited all the bishops and secular princes to participate in a council they themselves announced for 29 May 1409 in Pisa, preempting the Pope's planned council by one week. Gregory XII could not take refuge in Bologna, where his legate Cardinal Cossa (later to become the second Pisan pope, John XXIII) defied him openly, so he went to Siena and, in September, created ten more new cardinals. In November, he placed himself under the protection of the *condottiero* Carlo Malatesta and moved again to Rimini. Gregory XII announced on 9 December that his council would be held in Cividale del Friuli.⁴¹ By early 1409, Gregory XII had to go so far as to sell the papal states, including Rome, outright to King Ladislas of Sicily for a mere 25,000 florins. The threatened council was convened by the cardinals in Pisa, but on 25 March rather than 29 May as originally announced. In the midst of such grim circumstances, those who remained in the ever-shrinking number of Gregory XII's loyal supporters can only have become progressively more valuable to him.

⁴⁰ Karl Joseph von Hefele, *Histoire des conciles d'après les documents originaux*, vol. 6, p. 1 (Paris: Letouzey, 1914), 1361.

⁴¹ Cf. Karl Joseph von Hefele, *Histoire des conciles d'après les documents originaux*, vol. 6, p. 2 (Paris: Letouzey, 1915), 62.

Escobar's continuing loyalty to Gregory XII was rewarded in 1409 with appointments documented in both contemporary records and in later bulls. The most important of these appointments, as bishop of Ciudad Rodrigo (a diocese straddling the border between far western Castile and northeastern Portugal, see Map 2), was recounted by John XXIII in some detail in a 1414 bull. The bull in fact deals with the monastery of S. André de Rendufe, but John XXIII recalls that Ciudad Rodrigo was supplied with a pastor "...through promotion of the person of our venerable brother Andreas as Bishop of Ciudad Rodrigo, then abbot of the said monastery [i.e. Rendufe], by Angelo Correr, formerly called Gregory XII in his obedience..."⁴² The exact date of Escobar's consecration is not given, so it must be approximated from documents of Gregory VII's own curia. His election must have taken place some time before 27 April 1409, for "the reverend father, lord Brother Andreas, bishop-elect of Ciudad Rodrigo, in Hispania," promises the papal camera on that date to pay the 150 florins due for common service on his own behalf and that of his predecessor, Rodrigo.⁴³ By this time, an attempt by Carlo Malatesta to negotiate with the Council of Pisa on Gregory XII's behalf had failed. On 12 May 1409, Master Andreas de Escobar is still referred to as "bishop-elect of Ciudad Rodrigo" when he appears again to promise payment of a further 100 florins as common service for the commendatory grant of the monastery of S. André de Rendufe.⁴⁴ On 16 May 1409, Gregory XII's curia departed

⁴² "...per promotionem de persona venerabilis fratris nostri Andree episcopi Civitaten[is], tunc abbatis dicti monasterii, per Angelum Corario, olim Gregorio xii in sua obedientia nominatum." AV Reg. Lat. 168, f. 98-98v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 23.

⁴³ "...reverendus pater dominus frater Andreas, electus in episcopum Civitaten(sis), in Yspania." AV Obl. Communes I, f. 28v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 13.

⁴⁴ "...electus episcopus Civitaten(sis)." AV Obl. Communes I, f. 30. Sousa Costa, *André Dias de Escobar*. Appendix, Document 14.

for Cividale del Friuli where his council was to be held, arriving there on 26 May.⁴⁵ Not long afterward, on 5 June, the Council of Pisa read a sentence against Benedict XIII and Gregory XII describing them as “...notorious schismatics, persistent nourishers, defenders, approvers, supporters and maintainers of schism over a long time, as well as heretics and wanderers from the faith...” and declared them deposed.⁴⁶ Meanwhile, Escobar's consecration as bishop must have taken place sometime between mid-May and 26 August 1409, when he was made commensal chaplain to Gregory XII.⁴⁷ Escobar is bishop, not bishop-elect, in the brief notice of this latter appointment: “Reverend father, lord Andreas, by the grace of God and of apostolic seat Bishop of Ciudad Rodrigo, selected by our lord for the commensal chapel of himself and of the apostolic seat, vows obedience for this his aforesaid office according to the custom of the camera.”⁴⁸ By the time of appointment as commensal chaplain, two sessions of Gregory XII's council had been held on 6 June and 22 July.⁴⁹ On June 26, after an eleven-day deliberation, the conclave meeting at Pisa elected Peter of Candia, Cardinal of Milan, who was crowned Pope Alexander V on 7 July. In the last session of the Council of Pisa, held 7 August, Alexander V deferred action on reform to a future council. Gregory XII held a third session of his council on 5

⁴⁵ AV Obl. Communes I, f. 30-30v.

⁴⁶ C. M. D. Crowder, *Unity, Heresy and Reform, 1378-1460: The Conciliar Response to the Great Schism* (New York: St. Martin's Press, 1977), 61.

⁴⁷ Papal chaplains theoretically recited the daily offices with the popes, but the office of commensal chaplain was essentially an honorary one. Anne-Marie Hayez, “Benedict XII, Pope,” ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

⁴⁸ “Reverendus pater dominus Andreas, Dei et apostolice sedis gratia episcopus Civitateñ, per dominum nostrum in capellum commensalem ipsius et apostolice sedis assumptus, iuravit dictum eius officium in forma camere consueta.” AV Arm. XXIX, t. 2, f. 33v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 15.

⁴⁹ AV Obl. Communes I, f. 30-30v.

September 1409, in which Master Andreas de Escobar himself was one of the two bishops charged with the task of formally summoning Peter de Luna (Benedict XIII) and Peter of Candia to answer charges that they “have no right to the papacy and that they were and are schismatics and partisans of schism and of the crime of heresy.”⁵⁰ The very next day, however, Gregory XII fled Cividale del Friuli, abandoning both the council and most of his remaining followers.

It was probably around this same time, in 1409, and while still in the curia of Gregory XII that Escobar assumed the office of penitentiary. The Holy Apostolic Penitentiary is among the oldest of the curial institutions, and is a tribunal responsible for reviewing cases of absolution for sins which, according to canon law and penitential practice, could be absolved only by papal authority.⁵¹ It is composed of a number of minor penitentiaries overseen by the major penitentiary, who is usually also a cardinal. In Escobar’s time both the major penitentiary and the minor penitentiaries, once appointed, retained their offices during successive papal administrations unlike most curial appointees.⁵² Perhaps as a consequence of their permanent tenure, the papal penitentiaries also had a number of special duties attending the death and burial of the popes, such as reading the Office of the Dead over the dying pontiff and washing his body after death.⁵³ Presumably, this permanent tenure would also have made the office highly desirable.

⁵⁰ “...nullum habere ius in papatu ipsosque fuisse et esse scismaticos ac scismatis fautores et crimine heresis.” AV Arm. XXIX, t. 2, f. 34v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 16.

⁵¹ Filippo Tamburini, “Penitentiary, Apostolic,” ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

⁵² Agostino Paravicini-Bagliani, *The Pope’s Body*, trans. David S. Peterson (Chicago: University of Chicago Press, 2000), 148.

⁵³ Paravicini-Bagliani, *The Pope’s Body*, 115, 134.

Evidence for the date of Escobar's appointment as papal penitentiary is later and indirect. He first refers to himself as "minor penitentiary to the lord Pope" in his own work, the first recension of *De schismatibus*, completed sometime between May 1410 and early 1414.⁵⁴ The curial documents of 1409, and for many years afterward, make no mention of Escobar holding such an office. In his work *Lumen confessorum*, dated to 1429, Escobar writes to his colleagues that he had served as penitentiary for twenty years at that time, asking for three masses "for me, wretched penitentiary, and for twenty years your unworthy associate."⁵⁵ Assuming the "twenty years" are more or less exact, he would have assumed the office around 1409. Later in this work, Escobar refers to the same twenty years of service, but adds the information that this was over the pontificates of four popes: "I who exercised this holy office for over twenty years by mandate of four of the Roman popes."⁵⁶ But to which four popes does Escobar refer here? Martin V, elected at Constance, was still the reigning pope when *Lumen confessorum* was written in 1429. As we shall see, Escobar also received graces from three other popes before Martin V: Alexander V, John XXIII, and Benedict XIII.⁵⁷ António de Sousa Costa stated in his biography of Escobar

⁵⁴ "...domini pape minor penitentiarius." Bamberg, Staatsbibliothek Bamberg, MS Msc. theol. 112, fol. 92vb.

⁵⁵ "...pro me misero penitentiario et eorum per viginti annos socio indigno." Vienna, ÖNB, CVP 4212, f. 291va; CVP 4463, f. 37va; Vienna, Schottenkloster, cod. Schottenstift 51, f. 196a; BAV, Reg. lat. 442, f. 172; Schlägl, Stiftsbibliothek, cod. Cpl. 214, f. 213v; cod Cpl. 134, f. 423a. Transcribed in Sousa Costa, *André Dias de Escobar*, 97.

⁵⁶ "...qui ultra xx.ti annos de mandato quatuor Romanorum pontificum hoc sanctum officium exercui." Vienna, ÖNB, CVP 4212, f. 282va; Vienna, Schottenkloster, cod. Schottenstift 51, f. 190b; BAV, Reg. lat. 442, f. 156; Schlägl, Stiftsbibliothek, cod. Cpl. 214, f. 203v; cod Cpl. 134, f. 423a. Transcribed in Sousa Costa, *André Dias de Escobar*, 98.

⁵⁷ "Graces" is a general term used in papal documents of the time to refer to benefices, offices, and miscellaneous privileges. Anne-Marie Hayez, "Supplications," ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

that he would not have been resident in the curia of Benedict XIII, though Sousa Costa does not really offer any specific grounds for this claim.⁵⁸ Sousa Costa thus concluded that it was to the pontificates of Gregory XII, Alexander V, John XXIII, and Martin V that Escobar referred in *Lumen confessorum*, excluding Benedict XIII. Even if the four “Roman” pontificates Escobar meant did include Benedict XIII, which while possible is unlikely, Escobar could still only have served in four pontificates if he became a penitentiary before Alexander V's death in May of 1410. Furthermore, Escobar had much less competition for desirable offices as one of Gregory XII's dwindling followers than in the other curias to which he was attached. On balance, Sousa Costa's supposition that Escobar's service as penitentiary began under Gregory XII around 1409 seems more probable.

We might well ask at this juncture why Escobar should have remained loyal to Gregory XII for so long, turning to Alexander V only after Gregory XII himself abandoned his last supporters. We have already seen that Escobar wrote an entire treatise arguing that Gregory XII was obligated to resign in order to end the schism, yet he continued to follow the Roman pope more than one year after Gregory openly refused to do so. Escobar apparently admired Alexander V as a trained theologian like himself. In his *De schismatibus*, written around 1412, he briefly recounts the history of the papal schism and notes that, Benedict XIII and Gregory XII having been deposed by their cardinals at Pisa in 1409, “the most famous master of theology in the world, Brother Peter of Candia of the Order of Friars Minor [Franciscans], then Cardinal of Milan, was made Pope, called Alexander V, the 213th from Blessed Peter...”⁵⁹ As we shall see, it

⁵⁸ Sousa Costa, *André Dias de Escobar*, 98.

⁵⁹ “...factus est papa famosissimus orbis magister in theologia dominus frater Petrus de Candia, tunc cardinalis Mediolaneñ dictus Alexander 5, a beato Petro 213, ordinis fratrum minorum.” Bamberg, SBB, Msc. theol. 112, f. 98. Transcribed in Sousa Costa, *André Dias de*

was entirely in keeping with Escobar's own reform ideas that a renowned theologian should have been made pope. Furthermore, *De schismatibus* tells us that at least by 1412, Escobar was convinced that once deposed by the Council of Pisa, Gregory XII became an anti-pope. Immediately after noting the election of Alexander V by the Council of Pisa, he states, "...there both were once and are now two anti-popes, the aforesaid expelled and deposed pair, both Angelo Correr called formerly Gregory and Peter de Luna called Benedict."⁶⁰ But Escobar continued to follow Gregory XII for three months after he was deposed. He was certainly aware of the election of Alexander V, since he himself had been one of the two bishops to formally summon Peter of Candia and Peter de Luna to Gregory's council in Cividale del Friuli on 5 September 1409. It seems that Escobar only later came to conclude that Gregory XII had really been an anti-pope at that time. It may be that Gregory's flight from Cividale del Friuli made it finally altogether clear to Escobar that no hope for ending the schism could come from Gregory XII, a conclusion that most had already reached months before. There was much about Gregory XII's character that was admirable to his contemporaries, quite apart from the fact that he initially seemed (and probably indeed was) quite sincere in his intention to resign the papacy and thus end the schism. Gregory's own quondam secretary, Leonardo Bruni, considered him a "reverend man of old-fashioned strictness and purity," and thought that the aging pope's many relatives had played upon his fears to dissuade him from renouncing the papacy.⁶¹ Like Escobar, Bruni

Escobar, 64.

⁶⁰ "...antipape fuerunt simul et semel et nunc sunt duo prefati eiecti et privati scilicet Angelus de Corario qui et Gregorius et Petrus de Luna qui et Benedictus antea dicebatur." Bamberg, SBB, Msc. theol. 112, f. 98b. Transcribed in Sousa Costa, *André Dias de Escobar*, 64.

⁶¹ "...vir prisca severitate, et sanctimonia reverendus..." Leonardo Bruni, *Rerum suo tempore in Italia gestarum commentarius* (Lyon: Seb. Gryphius, 1539), 26–7. The best introduction to the writings of Leonardo Bruni is to be found in James Hankins, *Repertorium Brunianum: A Critical*

continued to follow Gregory XII even after he publicly rejected abdication, accompanying him upon his departure from Lucca.⁶² Bruni's account of his reasons might well also explain Escobar's continued loyalty. "I followed the pontiff [Gregory XII]," he says, "more on account of the intimacy of friendship than because I approved of his cause. Nevertheless there was in Gregory a greatness of life and uprightness of conduct and a certain old-fashioned goodness (as I have said); and also diligent and honest knowledge and investigation of the scriptures. In short, he satisfied me in almost every respect, except in the business of union."⁶³

Escobar in the Obediences of Pisa and Avignon

Escobar reappears, now in the Pisan obedience, after an interval of about six months, during which time his activities and whereabouts are unknown. In the last few months of 1409, Alexander V and the powerful Cardinal Baldassare Cossa, Gregory XII's former legate to Bologna, were busy with the armed reconquest of the papal states, including Rome. Cardinal Cossa established the papal curia at Bologna, his own base of power, and Alexander V proceeded there in January 1410. Meanwhile, Cardinal Cossa himself went to Rome and took up residence. Shortly afterward, Escobar first appears in records of the Pisan obedience. On 16 April 1410, Alexander V deprived the possessor of the bishopric of "Ciudad Rodrigo in Hispania in favor of

Guide to the Writings of Leonardo Bruni (Rome: Istituto storico italiano per il Medioevo, 1997-).

⁶² Bruni, *Rerum suo tempore commentarius*, 28.

⁶³ "Ego pontificem [Gregory XII] secutus sum, potius familiaritatis gratia quam quod eius causam probarem. Quanquam fuit in Gregorio permagna vitae, morumque honestas, et prisca quaedam (ut ita dixerim) bonitas; scripturarum quoque scientia et indagatio subtilis, et recta. Denique in cunctis ferme rebus mihi satisfaciebat, praeterquam in unionis negotio." Bruni, *Rerum suo tempore commentarius*, 28.

the person of master Andreas Didaci, master of sacred theology.”⁶⁴ However, the actual letters necessary to carry out this provision for Escobar were apparently never issued. The reason was likely that by late April 1410, Alexander V had become seriously ill and subsequently died on 3 May 1410. Cardinal Cossa's own political power and influence, together with the fact that the conclave to elect Alexander's successor took place in Bologna, made the conclusion virtually foregone. After a three-day deliberation, Cardinal Balthasar Cossa was elected on 17 May and on 25 May he was enthroned as John XXIII. On the very day of John XXIII's coronation, he issued the bull confirming Escobar's possession of the bishopric of Ciudad Rodrigo.⁶⁵ The bull explains the complex history of the diocese, which straddled the border of Portugal and Castile. For a time, the pope of the Roman obedience, to which Portugal adhered, and the pope of the Avignonese obedience, to which Castile adhered, each nominated a bishop for the diocese. Since the seat is actually in Castile, the Avignonese nominee effectively controlled the diocese while the Roman appointee just administered the Portuguese part of the diocese. For a time under Innocent VII, Gregory XII's immediate predecessor, this practice was abandoned in favor of annexing the Portuguese part to another Portuguese diocese whose bishop would rule both. Gregory XII reversed this practice by appointing his own nominee to the diocese again, namely Escobar. But the seat in Castile remained out of Gregory XII's power. Although John XXIII confirmed Alexander's grant to Escobar and issued the necessary bull, the power of the Pisan popes in Castile was just as theoretical as that of the Roman popes.

⁶⁴ “...Civitatē(s) in Hispania in favor de persona magistri Andree Didaci, magistri in sacre theologia.” AV Acta Miscellanea I, Liber Provisionum Sacri Collegii, f. 12. Sousa Costa, *André Dias de Escobar*. Appendix, Document 18.

⁶⁵ *Decens reputamus*, AV Reg. Lat. 142, fols. 214-215. Sousa Costa, *André Dias de Escobar*. Appendix, Document 19.

Undoubtedly this complex situation accounts for why, at the same time, Alexander V also granted Escobar the priory of S. Miguel de Soza *in commendam*. As we learn from a later bull of Martin V, Alexander gave this priory, located in the diocese of Coimbra (see Map 2), to Escobar until such time as he gained actual possession of the bishopric of Ciudad Rodrigo.⁶⁶ No doubt Alexander's intention was to provide Master Andreas de Escobar with a suitable income since he had no immediate prospect of controlling the episcopal seat in Castile. However, Escobar's claim to S. Miguel de Soza evidently was also contested by another claimant because, according to later documents, he never gained possession of it nor received any income from it.⁶⁷ Indeed, on 10 November 1410, John XXIII granted S. Miguel de Soza to his chaplain, the Franciscan Vasco Pereira, who was also confessor to the Portuguese Infante Don Duarte.⁶⁸ Escobar is not mentioned in the bull at all, so it is possible that John XXIII never confirmed Alexander V's grant. In any case, Vasco Pereira may well have been in a stronger position, as an intimate of the future King of Portugal, to enforce his claim.

It must have been around this same time, certainly no earlier than the second half of 1410, that Escobar completed the first version of his work *De schismatibus*. This original recension of *De schismatibus* offers only the most basic information regarding the twenty-four incidents of schism Escobar lists up to his own day. Each entry contains the date the schism began, the name of the pope (and his number since Peter), a few principal events and, if applicable, the means by

⁶⁶ *Litterarum scientia*, AV Reg. Lat. 282, f. 205. Sousa Costa, *André Dias de Escobar*. Appendix, Document 90.

⁶⁷ Cf. AV Reg. Suppl. 230, fols. 41v-42. Sousa Costa, *André Dias de Escobar*. Appendix, Document 89.

⁶⁸ *Grata dilecti filii*, AV Reg. Lat. 150, fols. 189v-190. Sousa Costa, *André Dias de Escobar*. Appendix, Document 20.

which the schism was resolved and its duration in years. The first recension is dedicated to Francesco da Montepulciano (ca. 1353-1433), who from 1404 onwards served in the chancery of the Roman and then Pisan popes.⁶⁹ Francesco da Montepulciano belonged to a circle of humanists that included Leonardo Bruni, Antonio Loschi, and Poggio Bracciolini—a circle of which Cardinal Giordano Orsini, who would soon become Escobar’s superior, was an important patron.⁷⁰ Escobar states that he has compiled *De schismatibus* because the mere memory of persons and deeds is too impermanent to suffice in troubled times, an eminently traditional rationale for the writing of history.⁷¹ He offers no more specific purpose and gives no hint about any audience beyond the dedicatee. The work evidently had limited circulation, but Escobar nevertheless found it worthwhile to update it, and he probably also used it in composing his *De Graecis errantibus* much later. A second recension of *De schismatibus* notes that during the pontificates of “Alexander V in the year of the Lord 1409 and of his immediate successor Pope John XXIII, 214th since Blessed Peter,” the church experienced its twenty-fifth schism.⁷² Since John XXIII is included, it could not have been updated before 25 May 1410 and, as we shall see, almost certainly no later than January 1414. This twenty-fifth schism was nothing other than that “...there were and are still two anti-popes simultaneously, the aforesaid expelled and deposed

⁶⁹ Paolo Viti, “Francesco da Montepulciano,” in *Dizionario Biografico degli Italiani*, ed. Istituto dell’Enciclopedia Italiana, vol. 49 (Rome: Istituto dell’Enciclopedia Italiana, 1997).

⁷⁰ Viti, “Francesco da Montepulciano”; W. A. Simpson, “Cardinal Giordano Orsini (+1438) as a Prince of the Church and a Patron of the Arts: A Contemporary Panegyric and Two Descriptions of the Lost Frescoes in Monte Giordano,” *Journal of the Warburg and Courtauld Institutes* 29 (1966): 140.

⁷¹ Munich, Bayerische Staatsbibliothek, MS Clm 3238, fol. 74r.

⁷² “Allexander [sic] 5. anno Domini 1409 et eius successor immediate Johannes papa 23, a beato Petro 214.” Bamberg, SBB, Msc. theol. 112, fols. 97vb-98b. Transcribed in Sousa Costa, *André Dias de Escobar*, 64.

pair, both Angelo Correr called formerly Gregory and Peter de Luna called Benedict.”⁷³ As previously noted, *De schismatibus* indicates quite clearly that Escobar regarded the Council of Pisa, and its deposition of Gregory XII and Benedict XIII as legitimate. Yet, Escobar would break with John XXIII before the Council of Constance and adhere to Benedict XIII instead.

It is probably also around 1410 or 1411 that Escobar authored a little-noticed text, referred to as a *Confessio*, found in only a few manuscripts. Our principal Escobar scholar Sousa Costa apparently confused it with a quite different work composed around the same time, the penitential work *Modus confitendi*, which is often called *Confessio generalis minor*.⁷³ They are distinct works, however, despite the similarity of title. The *Modus confitendi* is a confessional manual, while this brief text called *Confessio* is a numbered series of thirty-two ecclesiological propositions. I identified just two copies of this text, one of which is followed immediately in the manuscript by a first-recension version of the aforementioned *De schismatibus*.⁷⁴ The *Confessio* can safely be attributed to Escobar because the first sentence begins, “I, master Andreas *hispanus* of the kingdom of Portugal, confess...”⁷⁵ It seems unlikely that this would be any but our Andreas de Escobar, though it is curious that he does not mention any religious order or office held. There is no dated colophon or internal dating reference, but the (rather poorly legible) text opens with a statement referring to “the lord archbishop of Lisbon,” to “our most reverend lord John” and to “the lord cardinal Orsini [and] lord Alamannus.”⁷⁶ Presumably, this John would be

⁷³ Sousa Costa, *André Dias de Escobar*, 13.

⁷⁴ Munich, BSB, Clm 3238, fol. 74r–76r.

⁷⁵ Munich, BSB, Clm 3238, fol. 74r.

⁷⁶ “Has quidem confessionum propositiones Reverendissime domine Ulixbonensis Archiepiscopo probatas et rationibus munitas misi Reverendissimo domino nostro domino Johanni Cardinali domine ursinis domine Alamannia pro testacione praevia et salvo meliorio

John XXIII, though Escobar does not explicitly refer to him as the pope. The other named individuals must surely be Giordano Orsini and Alamannus Adamarius, archbishop of Pisa until his promotion to the cardinalate on 6 June 1411.⁷⁷ Possibly it is relevant that Cardinal Orsini was John XXIII's legate to "Spain" from mid-April of 1411, succeeded by Cardinal Alamannus on 21 July 1411.⁷⁸ Their mission was to persuade those in Benedict XIII's obedience to accept Gregory XII, and perhaps Escobar's text, many of whose propositions could be read as a defense of the actions of the Council of Pisa, was meant to aid that effort in some way. It seems quite certain that it at least belongs to the period between Pisa and Constance because at least one of its propositions, the seventh, refers obliquely to the existence of three contenders to the papacy: "Seventh, I believe and confess that when two *or more* are contending for the papacy, whose particular truth is not known to the universal Church or the faithful, it is not an article of faith nor a derivation of one to believe in this one or that, or to hold either to be the true pope or head of the Church militant, nor is any prince, prelate, or faithful Christian obliged to believe or hold it."⁷⁹ It is improbable that Escobar should have referred to the existence of more than two contenders for the papacy at any time after Alexander V's election. It is also, however, interesting

semper iudico." Munich, BSB, Clm 3238, 74r.

⁷⁷ Konrad Eubel, *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1198 usque ad annum 1431 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*, 2nd ed., vol. 1 (Münster: Librariae Regensburgianae, 1913), 42.

⁷⁸ König, *Kardinal Giordano Orsini*, 25–26.

⁷⁹ "7o: Confiteor et credo quod duobus seu pluribus de papatu contententibus quorum veritas singularis non est nota ecclesie universali seu fidelibus istum vel illum credere aut pro vero papa tenere seu caput militantis ecclesie esse nec est fidei articulus nec dependens est eo nec ad id credendum aut tenendum obligatur aliquis princeps prelatus aut fidelis christianus." Munich, BSB, Clm 3238, 74v.

that this and many other statements in the *Confessio* insist that recognition of any one candidate in a contested papacy is neither obligatory nor necessary to salvation. While the document does defend the powers of a council of cardinals as superior to the pope, implicitly defending the proceedings of Pisa, it certainly does not mandate obedience to John XXIII. It is a pity that the *Confessio* cannot be dated with more confidence, since Escobar's attitude towards John XXIII in it seems to foreshadow the coming break.

It is certain that Escobar had earned John XXIII's wrath by the beginning of 1414, though the cause of their estrangement is not entirely clear. It does not seem that his troubles had yet begun in late 1410 when his commendation to S. Miguel de Soza was given instead to Vasco Pereira, since in August 1411 he appeared before the Curia to promise payment of the common service he owed, presumably for the confirmation of his claim to the bishopric of Ciudad Rodrigo.⁸⁰ We may suspect that the power politics of the papacy played a role in Escobar's fall from favor, for it was in June 1412 that John XXIII and the unscrupulous Ladislas, previously on opposite sides of the succession dispute to the kingdom of Naples, allied together, with John XXIII recognizing Ladislas also as King of Sicily, which was in fact held by the Crown of Aragon. As we shall see, Escobar enjoyed some esteem in the Aragonese court. The objective of this alliance was to oust Gregory XII from Rome, to which end Giordano Orsini was deputed by an October 1412 secret consistory, assisting his brother Paolo Orsini's military actions.⁸¹ In addition, John XXIII was showing himself to be no friend to the cause of reform, holding a tame and ineffectual council in Rome in February 1413 in order merely to adhere to the letter of his promise. In May 1413, having bought time through his alliance with John XXIII simply to gather

⁸⁰ AV Arm. 34, t. 4, f. 36. Sousa Costa, *André Dias de Escobar*. Appendix, Document 22.

⁸¹ König, *Kardinal Giordano Orsini*, 26.

strength for a future attack, Ladislas marched on Rome. John XXIII and his retinue were forced to flee Rome ignominiously on 8 June, reaching Siena on 17 June and Florence on 21 June, where he was not even allowed inside the walls but instead took refuge at the monastery of San Antonio. John XXIII was left with virtually no option in late 1413 but to accept the protection of the recently-elected King of the Romans, Sigismund, on condition of agreeing to summon a general council. John XXIII, as recorded by his secretary Leonardo Bruni, was very reluctant to agree to a council at all, and enraged when his legates agreed that it could be held at Constance rather than a location favorable to his control and influence. John XXIII even proceeded to Lodi in November to meet with Sigismund in person and try to persuade him to move the council, but Sigismund was adamant. Such naked attempts to impede meaningful reform suggest that John XXIII and Escobar could never have found one another very congenial.

Some time during this course of events, Escobar attached himself to the court of Ferdinand I of Aragon, elected king in February of 1412, and continued to pursue reform. In January of 1414, Escobar was in Italy on a mission for Ferdinand in the interest of the union of the church, according to a 1416 letter Ferdinand wrote.⁸² On about 13 January 1414, Escobar was arrested in Florence at John XXIII's order. He was imprisoned for some months, according to Ferdinand, at the monastery of San Antonio and monies amounting to one thousand thirty-six gold ducats, seven French crowns, and twenty-four Aragonese florins were seized from his banker. Ferdinand's letter, addressed to the authorities of Florence, requested the return of these monies. It should not surprise us that John XXIII would imprison a member of his own obedience for negotiating in the cause of the union of the church, given his behavior, especially since Aragon

⁸² Archivo de la Corona de Aragon, regist. 2561, f. 98v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 38.

was loyal not to John XXIII but to Benedict XIII. In a speech Escobar later delivered at the Council of Constance, he links his imprisonment to his tenacity in preaching reform, noting, “Likewise just, and indeed holy and immaculate you are, O Lady [Church]. Previously because I preached before the supreme pontiff, they both imprisoned me and deprived me of my monies.”⁸³ Whether through his preaching or his mission for Ferdinand I, however, Escobar's continued pursuit of union and reform against John XXIII's wishes doubtlessly resulted in a 4 May 1414 bull depriving him of S. André de Rendufe, the one benefice whose untroubled possession he seems to have enjoyed up to this time.⁸⁴ Having incurred John XXIII's wrath and entered Ferdinand I's service, it was perhaps only natural that Escobar now looked to Benedict XIII for patronage.

Escobar joined the obedience of Benedict XIII sometime before October 1414, near the conclusion of the ongoing Disputation of Tortosa. On 1 October 1414, Benedict XIII named him the titular bishop of Tabor in Palestine, in a bull that was not however executed until spring of the following year.⁸⁵ Escobar himself confirms later, in his treatise against the Talmud, that he was indeed in Benedict XIII's court in Valencia around this time. He notes there, “I saw in the curia of Lord Benedict XIII, as he was called in his obedience, and called Peter de Luna amongst those who do not obey him, bulls with the seals of the aforesaid popes, read in the plenary

⁸³ “Item iusta quidem sancta et immaculata tu es, o domina [Ecclesia]. Quia prius predicavi coram summo pontifice et captivaverunt me et privaverunt me pecuniis.” Heinrich Finke, *Acta Concilii Constanciensis*, vol. 2 (Münster: Regensbergsche Buchhandlung, 1923), 457.

⁸⁴ *Inter sollicitudines varias*, AV Reg. Lat. 168, f. 98-98v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 23.

⁸⁵ *Apostolicae sollicitudinis studium*, AV Reg. Aven. 347, f. 302-302v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 25.

consistory before him.”⁸⁶ The bulls read in Benedict XIII's consistory contained regulations promulgated by the other two papal claimants concerning the Jews. By Escobar's time, Christian Europeans had come to doubt that their Jewish neighbors were really the heirs of the Jews described in the scriptures. The Talmud, Jewish learned and legal commentary on the first five books of the Hebrew Bible, was particularly potent evidence of this difference. Indeed, the Talmud's extra-Biblical character and occasional hostility to Christians opened the door to Jews being regarded as potential heretics rather than as the legitimate inheritors of biblical Judaism. The Disputation of Tortosa, initiated at the behest of Benedict XIII, forced the intellectual leaders of the Aragonese Jewish community to defend their beliefs and practices against Christian criticisms. Their attempts to do so were met repeatedly with accusations of heresy, and near the end of the “debate” in late 1414, the Talmud itself came under specific attack. By that time, the Jewish participants clearly understood the futility of their situation and did not attempt to defend the Talmud. Benedict XIII declared victory and ordered that copies of the Talmud be seized for censorship.⁸⁷ According to Escobar's account, on 13 November Benedict XIII issued his own bull which was read in the presence of at least three thousand Jews. More than fifty of these Jewish auditors immediately requested baptism, Escobar claims. Benedict's bull was confirmed by Ferdinand I of Aragon, who also “added most severe temporal punishments that were heeded in

⁸⁶ “...ego vidi in curia domini Benedicti xiii, dicti in sua obedientia, et vocati Petri de Luna apud non obedientes sibi, litteras bullatas cum sigillis predictorum pontificum legi in pleno consistorio coram ipso.” Bamberg, SBB, Msc. theol. 107, fol. 268ra–269va; Einsiedeln, SBKE, Cod. 224, fol. 45r–47r; Erlangen, UBEN, Cod. 542, fol. 99r–101r.

⁸⁷ Robert Chazan, “Tortosa, Disputation of,” in *The Oxford Dictionary of the Jewish Religion*, ed. Adele Berlin and Maxine Grossman (Oxford: Oxford University Press, 2011); Haim Benart, “Disputation of Tortosa,” ed. Cecil Roth, *Encyclopedia Judaica* (New York: Macmillan, 2007).

Iberia.”⁸⁸ Escobar clearly presents himself as an eyewitness to these events, which in fact took place over a period of some months both before and after the 13 November 1414 bull, and there seems no reason to doubt him.

Escobar continued to receive graces from Benedict XIII for some months, even after the Council of Constance had begun. On 14 February 1415, “Andreas Didaci, master of sacred theology, bishop of Tabor” petitioned Benedict XIII for a pension of three hundred gold Aragonese florins out of the fruits of the diocese of Burgos, because he possessed no benefice, the bishopric of Tabor being purely titular.⁸⁹ In the bull granting this petition, interestingly, we find the first unambiguous reference that Escobar is a member of the Benedictine Order. Benedict XIII includes a clause giving him permission to take whatever oath or follow whatever custom is necessary in the diocese of Burgos, “notwithstanding the fact that you are professed of the Order of St. Benedict.”⁹⁰ A bull dated the same day as Escobar’s petition also granted him the right to exercise episcopal powers in the diocese of Burgos during a vacancy occasioned by the death of Bishop Alfonse.⁹¹ This bull contains a very similar clause granting Escobar permission to take any required oath and to exercise other powers permitted by privileges, indulgences, or apostolic letters despite his profession as a Benedictine. The two bulls are dated the same day as

⁸⁸ “...apposuit graves penas temporales que observantur in Hyspania.” Bamberg, SBB, Msc. theol. 107, fol. 268ra–269va; Einsiedeln, SBKE, Cod. 224, fol. 45r–47r; Erlangen, UBEN, Cod. 542, fol. 99r–101r.

⁸⁹ “Andreas Didaci, sacre theologie magister, episcopus Thebarnen(sis)” AV Reg. Suppl. 104, f. 241. Sousa Costa, *André Dias de Escobar*. Appendix, Document 26.

⁹⁰ “Non obstan(te) quod ordinis sancti Benedicti professor existis...” *Decet ex apostolicae sedis*, AV Reg. Aven. 347, fols. 301v-302. Sousa Costa, *André Dias de Escobar*. Appendix, Document 28.

⁹¹ *Cum itaque nuper*, AV Reg. Aven. 347, fols. 301r-301v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 27.

Escobar's petition was granted, February 14, but they were not executed until 21 March and 22 March in Valencia. It seems very likely that Escobar was still present in Benedict XIII's curia on 14 February 1415 when his petition was heard, but he could scarcely have departed for the Council of Constance much later than this if he was there on 6 April 1415 as he himself apparently later relates in the *Gubernaculum conciliorum*.⁹² António de Sousa Costa believed that Escobar was still in Valencia when the bulls in his favor were executed on 21 and 22 March, which would have left him only about two weeks to reach Constance.⁹³ Even if he did depart in February rather than March, it is curious that so zealous an advocate of union as Escobar did not begin attending the council until some months after it officially commenced on 5 November 1414.

The Council of Constance

Our first definite evidence of Escobar's presence at Constance comes from 6 April 1415, when he preached a sermon during the fifth session of the council. If indeed this was the approximate time of his arrival, Escobar was not the only participant to arrive well into the proceedings. Sigismund himself did not arrive until December, while the envoys of the King of Aragon did not arrive until January 1415. The Aragonese envoys attempted to arrange a separate meeting between Sigismund and Benedict XIII at Nice in order to procure Benedict's resignation on negotiated terms, but these attempts were temporarily laid aside during negotiations with John XXIII himself. By 1 March 1415, John XXIII had publicly committed himself to resignation, and

⁹² Andreas de Escobar, *Gubernaculum conciliorum*, ed. Hermann von der Hardt (Helmstadt: Salomon Schnorr, 1700), col. 153.

⁹³ Sousa Costa, *André Dias de Escobar*, 122.

only then did the council turn its attention again to the meeting proposed by the Aragonese envoys. Once again, however, action on Benedict XIII's resignation was delayed by conflict with John XXIII, culminating in his flight from Constance on 20 March 1415. John XXIII's cardinals maintained that he still intended to resign and was therefore still legitimate president of the council, which consequently could not continue to meet without him. Thus it was that the day Escobar's participation is first recorded, 6 April 1415, was the very session in which the Council of Constance promulgated the famous *Haec sancta synodus* decree that unambiguously asserted the authority of a general council even over the pope. According to a later account in the *Gubernaculum conciliorum*, he delivered a sermon during a pontifical mass celebrated by Cardinal Orsini.⁹⁴ Soon afterward, Orsini became Cardinal-Penitentiary and thus Escobar's superior in the Holy Apostolic Penitentiary.⁹⁵ No surviving copy of Escobar's sermon is known, and the *Gubernaculum conciliorum* states only that it was “concerning the power of the Church.”⁹⁶ The decree *Haec sancta synodus*, cited in the account of this sermon, states that the

⁹⁴ “Et isti de ista tertia opinione probant intentionem suam reali executione; dicunt enim quod presentibus omnibus cardinalibus sancte Romane ecclesie et multis archiepiscopis, patriarchis, episcopis et prelatibus ac diversorum principum ambassiatoribus et illustrissimo principe domino Sigismundo Romanorum rege de consensu omnium, beneplacito et mandato sacrosanctum concilium Constantiense promulgavit et promulgari fecit et diffinivit hoc perpetuum statutum die vi mensis aprilis in quinta sessione eiusdem concilii, anno Domini millesimo quadringentesimo decimo quinto, me qui hec scribo eadem die coram concilio sermocinante et domino reverendissimo cardinale de Ursinis celebrante in pontificalibus.” This reference is in fact a bit confusing, because while the *Gubernaculum conciliorum* states the date of the sermon and pontifical mass to be April 6, other sources suggest that, while Orsini actually presided over the April 6 session, he delivered the pontifical masses held before each session only on the dates 16 November 1414 and 30 October 1417. Escobar, *Gubernaculum conciliorum*, col. 153; König, *Kardinal Giordano Orsini*, 29.

⁹⁵ William J. Kubelbeck, “The Sacred Penitentiaria and Its Relations to Faculties of Ordinaries and Priests” (Catholic University of America, 1918), 16–17.

⁹⁶ “...de potestate ecclesie...” Escobar, *Gubernaculum conciliorum*, col. 153.

Council “holds power directly from Christ,” so the sermon may well have developed this argument.⁹⁷

Escobar seems to have temporarily departed from the council, probably from late 1415 to early 1416. He later recounted that he declared publicly in the cathedral at Zaragoza in 1416 the same decree proclaimed the day of his first sermon at Constance, *Haec sancta synodus*: “indeed this same reformation was proclaimed through the universal church in the general council of Constance in the year of the Lord one thousand four hundred sixteen, both promised and confirmed by oath, and through letters sealed by the council with lead seals, published through the whole church of God, which I Andreas the Iberian, then bishop of Ciudad Rodrigo, published, read and declared in a solemn sermon before about eight thousand persons in the city of Zaragoza in the metropolitan church of San Salvador major.”⁹⁸ Furthermore, the royal confirmation of Benedict XIII's aforementioned sanctions against the Jews came not in 1414, as Escobar's account seems to imply, but on 23 July 1415. Although collapsing together the November 1414 decree of Benedict and the Aragonese royal confirmation of it in July 1415, Escobar's account still seems to imply that he was an eyewitness to both. Thus it seems possible that by 23 July 1415, Master Andreas de Escobar had returned to Aragon in time to witness the royal confirmation, went on to proclaim the reform decree at Zaragoza in the first half of 1416, and then returned to Constance.

⁹⁷ “...potestatem habet immediate a Christo.” Escobar, *Gubernaculum conciliorum*, col. 153.

⁹⁸ “...ymo in concilio generali Constantiensi, per universalem ecclesiam fuit ipsa reformatio emissa anno Domini millesimo quadringentesimo decimo sexto, fuit et promissa et iuramento firmata et per litteras concilii sigillatas cum sigillo plumbeo per totam ecclesiam Dei publicata, quas ego Andreas hispanus tunc Civitatensis episcopus, publicavi, legi et declaravi in solempni sermone coram viii.º quasi milibus personis in civitate Cesaraugustana in sancti Salvatoris maiori ecclesia metropolitana.” Andreas de Escobar, *Sermo ad Clerum*, Oxford, Bodleian Library, MS cod. All Souls L. R. 2. C. 11, f. 185v. Transcribed in Sousa Costa, *André Dias de Escobar*, 123.

Escobar appears to have remained at the council for some time after his return, composing and revising several works and preaching before the council. The first of these works was a general confession, in both a shorter and longer form, that he at least began in 1415 while at the council, for he later states, “and thus concerning other sins of theirs [penitents], which you may find revealed in general, with their types and parts, in my *Confession* that I made in Council of Constance in the year of our Lord one thousand fourteen hundred forty-five, as much in the *Major Confession* as in the *Minor*.”⁹⁹ On 9 August 1416, the first day the new reform committee met, Escobar preached again before the council, focusing mainly on the need to reform unfit clergy.¹⁰⁰ His *Confessio generalis* (major) was published “to the honor and reverence of all the lords in this sacred general Council of Constance” on 25 August 1416.¹⁰¹ Over the succeeding months, Constance polarized into the pro-reform party of Sigismund, which held that reform ought to precede the election of a new pope, and the anti-reform party of the cardinals, which argued that the council had no power to pass measures placing obligations on a future pope. The pressure to elect a new pope despite Sigismund's preferences came not only from the anti-German sentiment in the French and Italian nations of the council. The delegates were also well

⁹⁹ “...et sic de aliis peccatis suis que invenies in generali declarata cum suis speciebus et membris in confessione mea quam feci in Constantiensi concilio anno Domini millesimo ccccxv^o tam in confesione maiori quam in minori.” Vienna, ÖNB, CVP 4212, f. 249b; CVP 4463, f. 21b; Vienna, Schottenkloster, cod. Schottenstift 51, f. 168va; Prague, Národní knihovna České republiky, MS cod. IX. B. 7, f. 328; Schlägl, Stiftsbibliothek, cod. Cpl. 134, fol. 385vb; cod. Cpl. 214, f. 157-157v. Transcribed in Sousa Costa, *André Dias de Escobar*, 124.

¹⁰⁰ Phillip H. Stump, “The Council of Constance (1414-1418) and the End of the Schism,” in *Companion to the Great Western Schism*, ed. Joëlle Rollo-Koster and Thomas M. Izbicki (Leiden: Brill, 2009), 395–442.

¹⁰¹ “...ad honorem et reverentiam omnium dominorum in hoc sacro generali concilio Constantiensi.” Berlin, Staatsbibliothek zu Berlin - Preußischer Kulturbesitz, cod. Theol. Lat. (Berlin 501), f. 150a-150b. Transcribed in Sousa Costa, *André Dias de Escobar*, 124.

aware that patronage would be more readily obtained from a pope than from Sigismund, and simple exhaustion had begun to set in as the council dragged on seemingly without concrete results.

Escobar again departed Constance temporarily during the year 1416, when he was in Savoy for a time. In his treatise *De publicatione haeresum contentarum in libro Talmut*, written during that year, Escobar recounts that the Duke of Savoy, “when I was present, in one day accomplished the seizure of all the books of the Jews in his dominion.”¹⁰² The Jewish books were then burned and the Jews in Chambéry, capital of Savoy, were imprisoned in 1416-1417 at the duke’s command. This duke, not named by Escobar in his treatise, was Amadeus VIII, whose assistance in resolving the schism had been rewarded in early 1416 when Sigismund raised Savoy’s status from county to duchy.¹⁰³ Amadeus VIII may have been influenced by the sermons of Vicente Ferrer (1350-1419), whose preaching tours (which often aroused anti-Jewish sentiment) brought him to Savoy shortly before Amadeus VIII introduced new anti-Jewish statutes on 31 July 1403, reversing the relatively liberal policies of his predecessor.¹⁰⁴ Thomas Bardelle could find no explanation in contemporary Savoyard history for the outbreak of persecution in 1416-1417, concluding only that it was likely related to the recently-concluded

¹⁰² “...et propter excellens exemplum omnibus regibus et principibus secularibus christianis illius catholici et illustrissimi principis et domini nostri ac ducis Subaudie qui me praesente in una die per totum suum dominium libros iudeorum fecit capi...” Bamberg, SBB, Msc. theol. 107, fol. 270vb; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, Stadtbibliothek Nürnberg, MS Inc. 469 fol., fol. 10v–11r.

¹⁰³ Michael J. Walsh, ed., “Felix V,” in *A Dictionary of Popes*, third (Oxford: Oxford University Press, 2015).

¹⁰⁴ Philip Daileader, *Saint Vincent Ferrer, His World and Life: Religion and Society in Late Medieval Europe*, The New Middle Ages (New York: Palgrave Macmillan, 2016), 52.

Disputation of Tortosa.¹⁰⁵ The Disputation of Tortosa and this persecution of the Savoyard Jews feature prominently in Escobar's own treatise, as we shall see in the next chapter. Witnessing these events in Chambéry need not have taken Escobar away from Constance for very long, however, since the two cities are about 450 km apart.

It is likely that Escobar was in Constance in November 1417 when the conclave finally elected a new pope. The rather undistinguished but equally uncontroversial Odo Colonna was elected pope on St. Martin's Day. The Colonna family was one of the most powerful noble families in Rome, however, and also the perennial rival of another powerful Roman clan, the Orsini family.¹⁰⁶ Escobar optimistically revised his *De schismatibus* again in late 1417 to record that the twenty-fifth schism of the Church had been ended by the Council of Constance, “celebrated in the year of our Lord one thousand four hundred fifteen, sixteen, and seventeen” with the election of Martin V.¹⁰⁷ What he had previously described as a schism of two anti-popes opposed to the legitimate Alexander V and John XXIII, Escobar now describes as “an old schism that lasted for forty years or thereabouts in Christendom, sometimes between two and sometimes three considering themselves popes, and proceeded against three contenders for the papacy, namely Balthasar Cossa, called John XXIII, and Angelo Correr, called Gregory XIII, and Peter

¹⁰⁵ Thomas Bardelle, *Juden in einem Transit- und Brückenland: Studien zur Geschichte der Juden in Savoyen-Piemont bis zum Ende her Herrschaft Amadeus VIII*, *Forschungen zur Geschichte der Juden*, Abteilung A: Abhandlungen 5 (Hannover: Hahnsche, 1998), 279.

¹⁰⁶ Elizabeth McCahill, *Reviving the Eternal City: Rome and the Papal Court, 1420-1447*, I *Tatti Studies in Italian Renaissance History* (Cambridge, Mass.: Harvard University Press, 2013), 72.

¹⁰⁷ “...Anno Domini M.°cccc.° xv, xvi et xvii celebratum.” Wolfenbüttel Herzog-August Bibl. cod. 372 Helmst., fols. 66vb-67a; Cambridge, Corpus Christi College, cod. 177, f. 194b-194va; St. Gall, Stiftsbibliothek, cod. 953, p. 855. Transcribed in Sousa Costa, *André Dias de Escobar*, 125–26.

de Luna, called Benedict XIII in their obediences.”¹⁰⁸ In point of fact, Benedict XIII had not resigned, not all the territories formerly adhering to him immediately transferred their allegiance to Martin V, and even in those that did, individual holdouts remained. Escobar nonetheless preached a sermon of thanksgiving on 17 January 1418, declaring that Martin V was now virtually the sole and undisputed pope of the whole Roman Church.¹⁰⁹ Perhaps Escobar’s enthusiasm would have been more muted had he known that Martin V had already approved for his own reign the chancery regulations of John XXIII, regulations that continued to enshrine the same practices (i.e. papal collations to benefices, payment of annates, provisions for absenteeism) to which the reform party at Constance so vigorously objected. Even before the council concluded, however, Escobar was petitioning the pope to grant him a monastery *in commendam*, a practice that was now prohibited in the French and German concordats if not in the council’s reform decrees.¹¹⁰ Quite apart from the exhaustion of the delegates and the strategic error of electing a pope prior to mandating specific reform measures, the chaotic state of the Martin V’s temporal lordship in Italy, a situation engendered by the schism, immeasurably complicated any efforts towards reform.

¹⁰⁸ “...scisma antiquatum quod aliquando inter duos, aliquando inter tres, se gerentes pro papis [duraverat per xl annos vel quasi in christianitate et processit contra tres de papatu] contententes, scilicet Balthazar de Cossa et Johannes xxiii.us et Angelum de Corario qui et Gregorius xiii.us et Petrum de Luna qui et Benedictus xiii.us dicti sunt in suis obedientiis.” Wolfenbüttel, Herzog-August Bibliothek, cod. 372 Helmst., fols. 66vb-67a; Cambridge, Corpus Christi College, cod. 177, f. 194b-194va; St. Gall, Stiftsbibliothek, cod. 953, p. 855. Transcribed in Sousa Costa, *André Dias de Escobar*, 125–26.

¹⁰⁹ “Nono, die sancti Anthonii predicavit quidam episcopus Civitatis. Thema Sicut sol refulsit in domo Dei.” Prague, Knihovna Metropolitní Kapituly, MS E. 77, f. 19b. Cf. Finke, *Acta Concilii Constanciensis*, 2:524.

¹¹⁰ AV Reg. Suppl. 110, f. 172. Sousa Costa, *André Dias de Escobar*. Appendix, Document 30.

Escobar in the Curia of Martin V

At the very time Escobar preached his sermon of thanksgiving that Martin V was the sole and undisputed head of the Roman church, the papal territories and Italy generally were mired in conflict. Northern Italy feared Martin V's close association with Sigismund because as Emperor of the Romans, Sigismund had claims to imperial dominion there. Southern Italy was caught up in a series of intrigues stemming from the fact that Joanna II of Naples had no legitimate issue. Joanna II attempted to retain control of Naples against her cousin Louis of Anjou's rival claim by means of a succession of alliances with husbands, lovers, and *condottieri* whose own enmities and rivalries created a highly volatile and unstable political climate in the Kingdom of Naples. When Martin V was elected, Joanna II recognized him immediately and sought him as an ally against Louis of Anjou, sending her own *condottiero*, Muzio Attendola Sforza, to oust Braccio da Montone, who during 1416 and 1417 had taken control of much papal territory under the guise of holding it in trust as agent for the papacy. In January 1418, Braccio forbade those territories under his control to recognize Martin V, claiming he had received no properly accredited envoys informing him of the election. During the months following his election, then, Martin V could not even reach Rome without first regaining control of the papal states from Braccio, reassuring the northern Italian cities that they faced no threat from Sigismund, and fending off interlopers such as Louis of Anjou who might try to use Rome as a bargaining chip to achieve other political objectives of their own. Martin V's ability to exercise his spiritual lordship of the Church from Rome would depend on his ability to exercise his temporal lordship in Italy. Martin V had to hire armies to retake papal territories while the income he should have been deriving from them went to his enemies, so he would scarcely have been in a position to agree to sweeping reforms on

annates, expectative graces, or indulgences that would have done away with other sources of papal revenue.¹¹¹ Accordingly, many desired fiscal reforms were not pressed upon Martin V by either the reform committees or the delegates who negotiated the national concordats in the closing months of the Council of Constance.

Martin V's precarious political situation must also account for why, with Castile now at least nominally in his obedience, he did not further pursue making Escobar the bishop of Ciudad Rodrigo in fact. Benedict XIII, as we have already seen, did not resign his claim the papacy and continued to reside in Peñíscola, near Valencia, until his death in November 1424. There was always the possibility that if Martin V angered a prince sufficiently, obedience to Benedict XIII could be revived, as indeed Alfonso V of Aragon later threatened to do in 1421. Martin V doubtless saw it as safer politically, and perhaps indeed less disruptive, to maintain the status quo ante by leaving the Castilian bishop on his throne and, as in former practice, permitting a Portuguese bishop to administer that part of the diocese located in the Kingdom of Portugal.

Escobar, probably aware that he would not be able to make his claim to Ciudad Rodrigo good, repeatedly requested Martin V to make some other appropriate provisions for his support. As he recounted in a somewhat later petition, Escobar received on 26 January 1418 a papal letter authorizing him to accept one or two benefices with income totaling up to 150 livres tournois, because he had neither possession of the bishopric of Ciudad Rodrigo nor any other benefice.¹¹²

¹¹¹ Expectative graces were papal injunctions, granted in response to a petition, requiring an ordinary collator to grant to a particular individual the next available benefice of a particular kind or value. As with all petitions for graces, the petitioner paid a fee to the curia, but the grace would expire at the pope's death whether or not any benefice was actually received as a result. Anne-Marie Hayez, "Expectative Graces," ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

¹¹² AV Reg. Suppl. 162, fols. 213-214. Sousa Costa, *André Dias de Escobar*. Appendix, Document 42.

The original petition and papal letter related to this request are not extant, but in a 14 April 1418 petition to receive *in commendam* the Benedictine abbey of Celanova, diocese of Ourense in Galicia, Escobar notes that the income of this abbey did not exceed 800 livres tournois annually according to its accepted valuation.¹¹³ In the 14 April 1418 petition, Escobar not only repeats that he does not have possession of Ciudad Rodrigo, but also that he has neither possession of nor income from the monasteries of S. André de Rendufe and S. Miguel de Soza.¹¹⁴ Although Martin V granted Escobar the commendation of Celanova, either the pope intended that Escobar should receive its income only until a new abbot could be elected, or the monks of Celanova held an unsanctioned election that Martin V chose nevertheless to respect. On 6 September 1419, Escobar's commendation was revoked because a new abbot had been elected from amongst the monks there.¹¹⁵ The new abbot was required to pay Escobar an annual pension of 100 gold florins. The reason Martin V gave for the payment of the pension was simply that Escobar received nothing from Ciudad Rodrigo and possessed episcopal dignity. Later documents of from the pontificate of Eugenius IV indicate that Escobar in fact never received this pension, which amounted to only about one-tenth the income he expected from the commendatory grant.¹¹⁶ On 9 April 1421, Escobar requested the commendatory grant of another monastery, the

¹¹³ "...octingentorum libras (*sic*) Turonensium communem extimationem valorem annum." AV Reg. Suppl. 110, f. 172. Sousa Costa, *André Dias de Escobar*. Appendix, Document 30.

¹¹⁴ AV Reg. Suppl. 110, f. 172.

¹¹⁵ AV Reg. Lat. 205, f. 6-6v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 33.

¹¹⁶ Apostolic letter *Exhibita nobis*: Reg. Lat. 348, fols. 265-266v (Sousa Costa, *André de Escobar*; Appendix, Document 175) on 5 June 1437 instructs the archbishop of Braga and the bishops of Minori and Tui to declare the abbot and monastery of Celanova excommunicate unless Escobar is paid his pension from the date of its grant.

Premonstratensian house of Santa Maria de Caridade in the diocese of Ciudad Rodrigo.¹¹⁷ Escobar reiterates in the petition that he possesses no benefice, and states that the annual revenues of Santa Maria da Caridade do not exceed the value of forty gold florins. The petition was granted, but Escobar states in later documents that he had not been able to obtain possession of the house.¹¹⁸ Although the diocese of Ciudad Rodrigo included Portuguese territory, as we have seen, the house of Santa Maria da Caridade was in or near the city of Ciudad Rodrigo, itself in Castile.¹¹⁹ On 17 December 1421, Escobar requested and received permission to accept two more benefices, in addition to the two for which he received permission in the 1418 grant.¹²⁰ Martin V stipulates in his response that these benefices are temporary measures, granted until such time as Escobar should obtain peaceful possession of his own see or some other episcopal seat.¹²¹ On 20 February 1422, Escobar requested and received the Cistercian house of Santa Maria de Peñamaior in the diocese of Lugo in Castile.¹²² In the petition, Escobar listed all the previous grants Martin V had bestowed upon him, but noted that he was not in peaceful possession or receiving the fruits of any of them.¹²³ Santa Maria de Peñamaior had an annual

¹¹⁷ AV Reg. Suppl. 151, f. 221. Sousa Costa, *André Dias de Escobar*. Appendix, Document 36.

¹¹⁸ Cf. AV Reg. Suppl. 158, f. 232v; AV Reg. Suppl. 160, f. 217. Sousa Costa, *André Dias de Escobar*. Appendix, Document 38, 40.

¹¹⁹ Laurent Henri Cottineau, *Répertoire topo-bibliographique des abbayes et prieurés* (Mâcon: Protat frères, 1935), col. I:603.

¹²⁰ AV Reg. Suppl. 158, fols. 232-233. Sousa Costa, *André Dias de Escobar*. Appendix, Document 39. Apostolic letter *Personam tuam*: AV Reg. Lat. 220, fols. 120v-121., 40.

¹²¹ Apostolic letter *Personam tuam*: AV Reg. Lat. 220, fols. 120v-121.

¹²² AV Reg. Suppl. 160 fols. 216v-217. Apostolic letter *Provisionis nostrae*: AV Reg. Lat. 220, fols. 119v-120v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 41.

¹²³ AV Reg. Suppl. 160 fols. 216v-217.

income of only 100 livres tournois, according to Escobar's petition.¹²⁴ At the end of March or beginning of April of 1422, Escobar requested that Martin V enlarge the terms of the previously granted permission to accept benefices because he still did not have peaceful possession of any benefice, and was not receiving his pension from Celanova.¹²⁵ Santa Maria de Peñamaior is not specifically mentioned in this petition, perhaps because it was too soon for Escobar to know if he would be able to make good his claim. Martin V thus conferred upon Escobar three monasteries *in commendam*, one pension, and the right to receive up to four benefices in the space of a little over four years, from which he appears to have received no benefit. One must conclude that either Martin V had little real power in Castile to enforce his decrees, or that he chose not to expend whatever political capital he did have there on Escobar's behalf. Even once translated to a new episcopal see, Escobar's situation would remain much the same.

The fortunes of the papacy in Italy had meanwhile improved, and Martin V at last took possession of Rome. On 28 September 1420, the pope entered the Eternal City in triumph, but found a virtual ruin. One of his first orders of business was to appoint Cardinal-Penitentiary Giordano Orsini and Cardinal Guillaume Fillastre, both patrons of the humanist classical revival, to head up a commission for restoring and rebuilding the city.¹²⁶ The papal curia, which included almost five hundred persons, at last had a permanent home.¹²⁷ The curia then consisted mainly of men educated in the traditional university curriculum like Escobar, but the chancery, responsible

¹²⁴ AV Reg. Suppl. 160 fols. 216v-217.

¹²⁵ AV Reg. Suppl. 162, fols. 213-214. Sousa Costa, *André Dias de Escobar*. Appendix, Document 42.

¹²⁶ König, *Kardinal Giordano Orsini*, 44.

¹²⁷ McCahill, *Reviving the Eternal City*, 48.

for papal correspondence, also employed an increasing number of humanist writers and scholars. While restoring the glories of Rome and employing humanists, Martin V at the same time ruled as a feudal baron, placing the highest priority on the long-term dynastic interests of his Colonna family and installing many of its members in key positions.¹²⁸ A skilled politician, however, Pope Martin V also made sure to appease his family's traditional enemies, the Orsini. Thus Cardinal Orsini continued to receive important appointments which, in turn, allowed him to confer patronage on humanist clients.¹²⁹ In late 1419, for example, he was appointed together with two other cardinals to formulate a plan of reform for the curia.¹³⁰ Although Cardinal Orsini was nominally Escobar's superior in the Holy Apostolic Penitentiary, and one might therefore assume there was considerable contact between the two, Orsini's numerous other commitments must have occupied him a great deal. Escobar himself remained almost continually with the curia after its return to Rome, until his retirement.

Escobar was translated to the see of Ajaccio, Corsica in October 1422 but again faced a rival for his diocese. On 4 September 1422, Escobar was released from his ties to the bishopric of Ciudad Rodrigo in expectation of the translation to Ajaccio, which was formalized by Martin V on 19 October of the same year.¹³¹ The rival claimant for the bishopric of Ajaccio was a nominee of the Pisan pope John XXIII, named Marcus.¹³² On 9 January 1423, Martin V ordered the bishop of Siena and the bishops of Mariana and Ampurias, in Corsica, to deprive "Marcus and those

¹²⁸ McCahill, *Reviving the Eternal City*, 24.

¹²⁹ König, *Kardinal Giordano Orsini*, 44.

¹³⁰ König, *Kardinal Giordano Orsini*, 45.

¹³¹ AV Acta Miscellanea I: Liber Provisionum Sacri Collegii, f. 129v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 43. AV Reg. Lat. 230, fols. 171-172v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 45.

same barons, clerical or lay nobles, and whomsoever others detaining the church of Ajaccio or its fruits, revenues or proceeds or seized goods of this kind” and surrender them to Escobar.¹³³ Most likely Escobar did not travel to Corsica to take possession of his see during 1423, since we have first these clear indications that it was in the hands of his rival Marcus, and then evidence that on St. John’s Day, December 27, of 1423 he preached a sermon before Martin V and the college of cardinals concerning church reform.¹³⁴ Escobar refers to himself as Bishop of Ajaccio during the years 1423 and 1424 in marginal notes he inscribed in his copy of *Liber sanitatis*, in one case noting, “[the book] of the reverend father lord Andreas the Iberian, master of sacred theology, bishop of Ajaccio in Corsica; pray an Our Father for him. One thousand four hundred twenty-four,” and in another “One thousand four hundred twenty-three, this book is of lord Andreas the Iberian, bishop of Ajaccio.”¹³⁵

Escobar must have traveled to Corsica briefly sometime in early 1425 to attempt to take up his duties as Bishop of Ajaccio. Manuscripts of his treatise *De decimis* often note that he began writing it in Corsica: “And this treatise was compiled and finished in the year of the Lord one thousand four hundred twenty-six, and begun in the island of Corsica.”¹³⁶ In several places, Escobar’s wording in *De decimis* implies that he fielded questions about tithes while personally

¹³² AV Reg. Lat. 231, f. 127-127v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 46. Cf. Eubel, *Hierarchia catholica 1198-1431*, 1:69.

¹³³ “...eosdem Marcum ac barones nobiles clericos laicos et quoslibet alios ecclesiam Aiacensem seu illius fructus, redditus et proventus ac bona huiusmodi detinentes occupata.” AV Reg. Lat. 231, f. 127-127v.

¹³⁴ Oxford, Bodleian Library, MS cod. All Souls L. R. 2. C. 11, fols. 172, 190v. Transcribed in Sousa Costa, *André Dias de Escobar*, 140.

¹³⁵ “Reverendi patris domini Andree hispani, sacre theologie magistri, Aiacensis Corsisice episcopi; orate pro eo pater. M.º ccccxxiiii; M.º ccccxxiii, liber iste est d(omini) Andree hispani, episcopi Aiacensis.” BAV Arch. di S. Pietro, cod. H. 42, fols. 25v, 26.

present in Corsica, as for example “Eleventh I was asked in the aforesaid island of Corsica, in which nobles do not pay tithes on account of custom...”¹³⁷ This treatise also demonstrates that Escobar was familiar with some of the particular problems of the Corsican churches, as for instance in discussing their custom of passing churches down from father to son, or of nobles being exempt from tithes according to local custom, as noted above.¹³⁸ However long his stay in Corsica, however, it appears that Escobar was unable to gain possession of his see.

Master Andreas de Escobar had returned to Rome by late spring of 1425, and there performed episcopal functions assigned by the curia. Although deprived of possession of his see, Escobar still possessed the office of a bishop and could therefore perform non-diocesan duties like consecrations, ordinations, and conferring holy orders. He was paid by the papal curia for consecrating bishops on sixteen occasions between 19 May and 17 December of 1425, eleven times between 14 April and 31 December 1426, twenty-three times from January to September of 1427, and three more times in February 1428.¹³⁹ It seems very unlikely that Escobar could have returned to Corsica during these years, since he was never absent from these curial records for more than four months at one time. Escobar's presence in Rome during late 1425 and early 1426 is also confirmed by manuscripts of *De decimis*. Although begun in Corsica, the treatise was finally completed and published in Rome: “And thus it is finished; this treatise was

¹³⁶ “Et compilatus est iste tractatus et finitus anno domini millesimo cccc. xxvi et in insula corsice inceptus.” Lambach, Stiftsbibliothek Lambach, MS Cod. Lambacensis Chartaceus 131, fol. 381va.

¹³⁷ “Undecimo fui interrogatus in dicta insula Corsice, in qua nobiles non solvunt decimas de consuetudine...” Andreas de Escobar, *De decimis*, ed. Francisco Ziletti (Venice, 1584), fol. 145b.

¹³⁸ Escobar, *De decimis*, fol. 146vb.

¹³⁹ AV Format. 1, fols. 7v, 8v, 11v, 12, 12v, 17, 17v, 18v, 19v, 20v, 21, 22, 22v, 23v, 25, 25v, 26v, 32. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 47-59, 61-70, 72-75, 77.

published in Rome, one thousand four hundred twenty-six, in January, in the Church of San Lorenzo in Damaso.”¹⁴⁰

What happened in Ajaccio to prevent Escobar from gaining possession of his see? Besides the previously cited references to a rival bishop named Marcus and some unnamed noble collaborators who were ordered to surrender the church in Ajaccio, we have only the information we can glean from a much later bull of Eugenius IV.¹⁴¹ In this apostolic letter dated 3 June 1437, Eugenius recounted that a certain Vicentellus, count of Cinarca in Corsica, had been found responsible for depriving the episcopal mensa of Ajaccio of its tithes and goods during Escobar's episcopacy. Vicentellus had been required to pay Escobar the equivalent of 700 florins in compensation, but was excommunicated for failing to do so. Thus we learn that when Escobar was attempting to gain possession of his see in Ajaccio, he had to contend not only with a rival bishop but also a powerful secular lord. Presumably this Vicentellus is among “those same barons, clerical or lay nobles, and whomsoever others” who were Marcus’ collaborators in seizing the goods and properties of Ajaccio, mentioned in Martin V’s 1423 letter cited above.¹⁴²

¹⁴⁰ “Et sic est finis; publicatus tractatus iste Rome, M.°cccc.°xxvi, ianuarii in ecclesia sancti Laurentii in Damaso.” Vienna, Österreichische Nationalbibliothek, MS CVP 3746, fol. 153va. Other MSS give somewhat varying dates of publication, but always during the first few months of 1425/6 and always in the Church of San Lorenzo in Damaso in Rome. Giordano Orsini had been cardinal-priest of San Lorenzo in Damaso, until his translation to Cardinal-Bishop of Albano in 1412, at which time Johannes Murilius, abbot of Montis Aragonum in the diocese of Huesca, assumed the title until his death in 1420. The title does not appear to have been conferred again until 1440. Eubel, *Hierarchia catholica 1198-1431*, 1:43; Konrad Eubel, *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1431 usque ad annum 1503 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*, 2nd ed., vol. 2 (Münster: Librariae Regensburgianae, 1914), 63.

¹⁴¹ Cf. Apostolic letter *Exhibita nobis*: AV Reg. Lat. 348, fols. 254-5. Sousa Costa, *André Dias de Escobar*. Appendix, Document 174.

¹⁴² AV Reg. Lat. 231, f. 127-127v.

Almost fifteen years after Escobar had been elected Bishop of Ajaccio, Martin V's successor was still unsuccessfully trying to recover the income that had been owed Escobar during his tenure. Clearly he had encountered powerful resistance in Corsica, and since Martin V was unable to enforce Escobar's claim, he was soon translated to yet another see.

Portuguese "Retirement"

The disappointed and aging Escobar seems by 1428 to have been hoping mainly for a comfortable retirement back in Portugal. As early as a 4 August 1426 letter to Gomes Eanes, abbot of the Florentine Badia, Escobar notes, "by the end of this month or before, I am going to Portugal."¹⁴³ As we have seen, his presence in Rome is almost continuously documented from 19 May 1425 to February 1428, so it seems unlikely that he did in fact visit Portugal in 1426. In this same letter, calling himself *pobre*, a poor man, Escobar expresses in rather bitter terms that he will be departing the papal curia without any benefice, and that he had received no reward for over twenty-eight years of service there.¹⁴⁴ In the preface to his 1429 *magnum opus* on confession, he wrote "This teaching called the *Light of Confessors*...was made in Rome when I wished to go to Iberian lands, sent to all my curial colleagues."¹⁴⁵ Although he bitterly refers to himself in this work as "an unfortunate and neglected, old and ancient curialist," he had by then received some significant benefices.¹⁴⁶ Perhaps Escobar had by now little faith that he would ever

¹⁴³ "...ca acabado este mes ou ante que sse acabe eu me vou a Portugal." Florence, BML, cod. Ashb. 1792, I, f. 66. Sousa Costa, *André Dias de Escobar*. Appendix, Document 60.

¹⁴⁴ Florence, BML, cod. Ashb. 1792, I, f. 66.

¹⁴⁵ Philadelphia, University of Pennsylvania Rare Book & Manuscript Library, MS Codex 1215, fol. 1ra.

get any benefit from the graces he received, but in fact he would enjoy peaceful possession of these new benefices for most of his remaining days.

Escobar was translated on 5 May 1428 to the titular see of Megara, in Greece. Escobar succeeded Bishop Laurentius both in the see of Megara and as commendatory of the Portuguese Benedictine house of S. João de Alpendurada, apparently a perquisite to provide support for the titular bishops of Megara, with an annual income of about 600 gold florins.¹⁴⁷ This was not so large an income as Escobar would have enjoyed from, say, Celanova, with annual revenues of about 800 livres tournois, but more than he would have received from Santa Maria Caridade, worth 400 florins. Although Escobar did not gain immediate possession of S. João de Alpendurada, Martin V must have felt confident that he would obtain it soon, since on 25 July 1428 he approved a petition to annul Escobar's commendatory grant of Santa Maria Caridade. As previously discussed, Martin V had expressly stated that Santa Maria Caridade was a temporary grant until Escobar gained possession of a bishopric. On 19 August 1428, Martin V also provided Escobar with a letter directing the bishops of Alet, Porto, and Lamego to secure the monastery for him against all other claimants.¹⁴⁸ Escobar obtained from Martin V on the same day another letter rescinding many concessions previous abbots had given to the monastery's detriment, some of which had even previously received papal confirmation.¹⁴⁹ In September 1428, Escobar promised to pay the common services due for his benefice, and in October formally renounced

¹⁴⁶ "...infelix et neglectus senex et antiquus cortesanus." Vienna, ÖNB, CVP 4212, f. 248b; CVP 4463, f. 2a; BAV Reg. lat. 442, f. 93v-94, etc. Transcribed in Sousa Costa, *André Dias de Escobar*, 145.

¹⁴⁷ AV Acta Miscellanea 1: Liber Provisionum, Sacri Collegii, f. 184v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 78.

¹⁴⁸ Apostolic letter *Iustis supplicum*: AV Reg. Lat. 283, f. 207-207v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 86.

his claims to S. Miguel de Soza.¹⁵⁰ However, we know that by 6 November 1428 Escobar still had not obtained his benefice. The procurator for the King of Portugal, João Rodrigues, resigned his portion in the church of S. Leonardo de Lourinhã on that date so that the pope could confer it upon “your devoted creature, Andreas, poor bishop of Megara, who at present receives nothing, so that he should have some means of support for his sustenance.”¹⁵¹ On 10 November Escobar obtained Martin V's help in appointing a commission to investigate the disposition of some goods in the possession of his predecessor, Laurentius, and have them properly returned to the episcopal mensa.¹⁵² By late November 1428, Escobar in further petitions simply refers to himself as commendatory and we hear no more about any difficulties with obtaining possession or receiving income thereafter.¹⁵³

It was probably during early 1429 that Escobar completed his *Lumen confessorum*. While Escobar states in the preface that the year is 1429, he give no more specific indication of when he began or finished the work.¹⁵⁴ Although Escobar indicates that he sent copies to all his fellow

¹⁴⁹ Apostolic letter *Humilibus et honestis*: AV Reg. Lat. 283, fols. 207v-208v. Sousa Costa, *André Dias de Escobar. Appendix*, Document 87.

¹⁵⁰ AV Obl. Et Sol. 64, f. 56. Sousa Costa, *André Dias de Escobar. Appendix*, Document 88. AV Reg. Suppl. 230, fols. 41v-41; AV Reg. Lat. 282, fols. 205-206v. Sousa Costa, *André Dias de Escobar. Appendix*, Documents 89-90.

¹⁵¹ “...devote creature vestre Andree pauperis, episcopi Megaren(sis), qui de presenti nullos fructus percipit, ut aliquale pro sua sustentatione suffragium habeat.” AV Reg. Suppl. 230, f. 263. Sousa Costa, *André Dias de Escobar. Appendix*, Document 91.

¹⁵² Apostolic letter *Exhibita nobis*; AV Reg. Lat. 284, f. 28-28v. Sousa Costa, *André Dias de Escobar. Appendix*, Document 92.

¹⁵³ AV Reg. Suppl. 233, f. 11-11v; AV Reg. Suppl. 233, f. 20-20v. Sousa Costa, *André Dias de Escobar. Appendix*, Documents 93-94.

¹⁵⁴ Philadelphia, University of Pennsylvania Rare Book & Manuscript Library, MS Codex 1215, fol. 1ra.

penitentiaries, the *Lumen confessorum* is offered “...principally to that most reverend in Christ father and lord Giordano Orsini, Cardinal-Bishop of Albano, most worthy major penitentiary of the Roman church.”¹⁵⁵ The historian Erich König, in his monograph on Giordano Orsini, argues that the *Lumen confessorum* was the inspiration for a decree Cardinal Orsini would later issue reforming the Apostolic Penitentiary, including such provisions as instituting a fixed salary for the penitentiaries.¹⁵⁶ We have noted Escobar’s numerous complaints of poverty, and he remarks upon his troubled career not only in the preface to *Lumen confessorum* but also in the colophon, where he refers to himself as “...unworthy minor penitentiary of the Roman curia, master of sacred theology Andreas Didaci, Iberian, of the Order of Saint Benedict, old and poor, onetime bishop of Ciudad Rodrigo, then Ajaccio but now of Megara, which church is in the province of the Greeks and the land of the Athenians, and commendatory of the monastery of S. João de Alpendurada, Order of St. Benedict, of Portugal...”¹⁵⁷ Certainly a fixed salary might have freed Escobar from the necessity of repeated papal petitions to secure benefices and pensions.

Escobar completed his preparations for return to Portugal in early 1429, having secured his benefice. In February, he resigned a servitorian benefice he had in Seville, no doubt one of those

¹⁵⁵ “...oblata prime Reverendissimo in christo patri et domino Jordano de Ursinis cardinali et Episcopo albanensi dignissimo maiori romane ecclesie penitencionario.” Philadelphia, University of Pennsylvania Rare Book & Manuscript Library, MS Codex 1215, fol. 1ra.

¹⁵⁶ König, *Kardinal Giordano Orsini*, 74–5.

¹⁵⁷ “...indignum penitentiarium minorem Romane curie sacre theologie magistrum andream didaci hispanum Ordinis sancti benedicti olim civitatensis et aiacensis nunc vero antiquum et pauperem episcopum megarensis que ecclesia fuit in provincia grecorum et terra atheniensium ac commendatarium monasterii sancti iohannis de ponderato, ordinis sancti benedicti portugalensis...” Philadelphia, University of Pennsylvania Rare Book & Manuscript Library, MS Codex 1215, fol. 46rb.

provided to Escobar in the previous years of his financial difficulties.¹⁵⁸ In April, Escobar obtained a papal privilege allowing him to obtain absolution for any sins whatsoever, including those normally reserved to the pope, from a confessor of his own choosing.¹⁵⁹ The wording of the petition implies that Escobar was retiring from the world to make his peace with God, stating that he “desires in his old age to repent of his former sins and to withdraw and remove himself, both body and then in soul, from sins and faults.”¹⁶⁰ Such letters granting the privilege of choosing one's confessor were quite common by Escobar's time, though ones including the power to remit sins normally reserved to papal jurisdiction are less common. Since the confessional letter was a standardized form of indulgence, the language is somewhat formulaic. We need not assume that Escobar was particularly sinful, therefore, but such a desirable privilege (sought by crowned heads of state and the highest prelates as well) may well have been a kind of retirement gift for his years of curial service.¹⁶¹ It would hardly be surprising that Escobar, now eighty years old, should seek retirement. On 1 August 1429, a new penitentiary was appointed to cover the kingdoms of Portugal and Castile, replacing Escobar.¹⁶² Presumably by this time,

¹⁵⁸ AV Reg. Suppl. 235, f. 284v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 97. A servitorian benefice is an honorary post as canon or chaplain that, rather than being purely a sinecure, required celebrating Mass or some similar duty. Presumably Escobar had secured a curate to perform whatever duties were required. John Henry Blunt, *Dictionary of Doctrinal and Historical Theology* (London: Rivingtons, 1872), s.v. benefice.

¹⁵⁹ AV Reg. Suppl. 240, fols. 249v-250. Sousa Costa, *André Dias de Escobar*. Appendix, Document 98.

¹⁶⁰ “...cupiat in sua senectute de peccatis preteritis penitere et corpus ac animam suam deinceps a peccatis et delictis amovere et sese quietare.” AV Reg. Suppl. 240, f. 249v.

¹⁶¹ Kubelbeck, “The Sacred Penitentiaria,” 32–3.

¹⁶² AV Reg. Suppl. 244, f. 96-96v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 100b.

Escobar had resigned his post and had left or soon would leave for Portugal. In December of 1429 and early February of 1430, Escobar was certainly present in Coimbra, Portugal, where he conferred holy orders during a vacancy in the bishopric of Coimbra.¹⁶³ He must have rested from his journeys in Coimbra for a time before continuing on to S. João de Alpendurada, another one hundred kilometers on.

Escobar finally reached the monastery in late February 1430, though he would in fact not remain there for long. Escobar's presence at S. João de Alpendurada from the end of February 1430 through July 1432 is attested by a large number of original documents or authenticated copies of documents pertaining to the monastery. Seven original entries in a record of transactions from S. João de Alpendurada bear Escobar's original signatures between April 1430 and April 1431.¹⁶⁴ According to the research of António Domingues de Sousa Costa, there are also in the archives from S. João de Alpendurada eight copies of documents signed by Escobar between 25 February 1430 and 6 July 1432.¹⁶⁵ Most of these documents are contracts of lease, setting the terms and payment due for certain farms, houses, and other properties from the lessee to the monastery. Escobar did not dwell continuously at S. João de Alpendurada during these two and a half years, however, appearing twice in records in the cathedral of Braga, some thirty miles distant. On 1 June 1430, he participated in a synod held at Braga, taking an active role in the

¹⁶³ Coimbra, Arquivo da Univ. de Coimbra, Armário dos pergaminhos, 3.^a Secção, Matrículas de Ordens. Transcribed in Sousa Costa, *André Dias de Escobar*, 152–3.

¹⁶⁴ Arquivo Distrital de Porto, *Most. de Alpendurada*, II, fols. 73v-74, 74v, 74-74v, 4v-75, 75v, 76. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 104-110.

¹⁶⁵ Sousa Costa, *André Dias de Escobar*, 154–57. These documents are to be found in Arquivo Distrital de Porto, *Most. de Alpendurada*, I, a volume which de Sousa Costa states contains the “published” versions of certain documents, as opposed to Arquivo Distrital de Porto, *Most. de Alpendurada*, II which contains original entries.

reading and publishing of the reformed constitutions.¹⁶⁶ On 6 May 1431, he was again in Braga to aid in consecrating a new bishop-elect of Coimbra.¹⁶⁷ After 6 July 1432, Escobar's signature does not appear in documents of S. João de Alpendurada, but rather that of his designated procurator and perpetual administrator, Vasco Anes, abbot of neighboring Ariz. Vasco Anes first appears as a co-signer, with the prior, for documents of S. João de Alpendurada on 10 July 1432 and in several later documents expressly calls himself “procurator of Master Andreas, bishop of Megara, and administrator of the said monastery” or “procurator of the said monastery for Dom Master Andreas, bishop of Megara, and perpetual administrator of the said monastery.”¹⁶⁸ Retirement to a quiet monastery was perhaps not altogether to the tastes of an active personality like Escobar's, despite his desire to gain spiritual solace.

Escobar returned during his retirement to the apostolate of the pulpit and founded a new religious confraternity as well. In the year 1432, perhaps after his signature last appeared at S. João de Alpendurada in July, Escobar was preaching in Lisbon during an outbreak of pestilence. According to a near-contemporary account, a text possibly written by Escobar himself called *Livro dos milagres do Bom Jesus de S. Domingos de Lisboa*, Escobar preached daily on the Holy Name of Jesus in order to avert this pestilence.¹⁶⁹ António de Sousa Costa suggests quite reasonably that having been in Italy in the 1420s, Escobar became acquainted there with popular

¹⁶⁶ Cf. Sousa Costa, *André Dias de Escobar*, 159.

¹⁶⁷ Arquivo Distrital de Braga, Coleção Cronológica, Caixa 23. Sousa Costa, *André Dias de Escobar*. Appendix, Document 111.

¹⁶⁸ “pro(curad)or de M(estr)e Andre bispo de Megara e ministrador do dicto M(osteir)o; procurador no dicto M(osteir)o por dom M(estr)e Andre bispo de Megara e mynistrador perpetuũ do dicto most(eir)o.” Arquivo Distrital de Porto, *Most. de Alpendurada*, II, f. 85v, 91v-92v. Transcribed in Sousa Costa, *André Dias de Escobar*, 157–8.

¹⁶⁹ Lisbon, BNP, cód. ilum. 61 f. 73. Transcribed in Sousa Costa, *André Dias de Escobar*, 42.

devotion to the Holy Name as fostered by the Franciscan Bernardino of Siena.¹⁷⁰ When the pestilence was in fact averted, Escobar persuaded many of his listeners to dedicate themselves to devotion to the Holy Name and founded the aforementioned confraternity for that purpose on 20 November 1432.¹⁷¹ The altar dedicated for the confraternity's use was located in the same church Escobar had preached in to avert the pestilence, which was the Dominican conventual church.¹⁷² Presumably, this was the same Dominican convent to which Escobar had been attached as a young man during his years as a Dominican and he apparently retained cordial relations with the house despite having transferred orders. Escobar may well have remained in Lisbon through most of 1433, for early in that year there was a great celebration at the confraternity's new altar and later on during that same year its statutes were written.¹⁷³ It would have been natural, as Sousa Costa notes, for the confraternity's founder to be present for these events, and Escobar's presence elsewhere is not documented until 1434. Another possibility for his whereabouts in 1433, however, also exists.

The Councils of Basel and Ferrara-Florence

The long-awaited Council of Basel officially opened in July 1431. Preparations had been underway long before, even before the death of Martin V and election of Gabriele Condulmer as Eugenius IV on 3 March 1431. Condulmer himself was a politically inept Venetian compromise

¹⁷⁰ Sousa Costa, *André Dias de Escobar*, 198–99.

¹⁷¹ Lisbon, BNP, cód. ilum. 61 f. 73v. Transcribed in Sousa Costa, *André Dias de Escobar*, 42.

¹⁷² Lisbon, BNP, cód. ilum. 61 f. 73v. Transcribed in Sousa Costa, *André Dias de Escobar*, 42.

¹⁷³ Frei Luís de Sousa, *Primeira parte da História de S. Domingos particular do reino de Portugal*, 3rd ed. (Lisbon, 1866), 387–88.

candidate chosen after the conclave was split evenly between the Colonna candidate, Cardinal Alfonso Carillo, and Cardinal Giordano Orsini.¹⁷⁴ The papal legate Cardinal Giuliani Cesarini, who was to preside on Eugenius' behalf, did not even arrive in Basel until 9 September, having been delayed in Bohemia by attempts to negotiate with Hussite leaders. The Council's main objectives were to reunite the Hussite heretics and the Greek schismatics with the Church, but it was initially ill-attended and the Greeks had already begun a second set of negotiations with Eugenius directly. For those and other reasons, in November 1431 Eugenius directed Cardinal Cesarini to dissolve the Council and call a new one almost two years hence in Bologna. Cesarini remonstrated with Eugenius, convinced of the necessity of proceeding at Basel, and the delegates already assembled at Basel were incensed with Eugenius IV. The Emperor-elect Sigismund, strongly motivated to resolve the Hussite problem and thus make good his claims in Bohemia, initially sided with the Council. Eugenius IV had meanwhile managed to alienate most of his cardinals, and found himself with few supporters in his bid to dissolve the Council. Furthermore, affairs in Italy were turning against him throughout 1432. In late 1432, the Council and Pope were in open conflict, and by February 1433 Eugenius IV had to issue a bull recognizing Basel's legitimacy in exchange for Sigismund's support. By May 1433, Portuguese delegates were beginning to be received into the Council, and King João I of Portugal issued a letter urging more prelates of his kingdom to attend or send delegates.¹⁷⁵ Escobar may well have planned to travel to Basel himself, although there is no evidence that he ever in fact attended the Council

¹⁷⁴ König, *Kardinal Giordano Orsini*, 59.

¹⁷⁵ António Domingues de Sousa Costa, *O Infante D. Henrique na expansão Portuguesa* (Braga: Editorial Franciscana, 1960), 37, n. 10; 140–143.

there. Certainly the fact that he appointed Vasco Anes as his perpetual administrator at S. João de Alpendurada, as we have seen, suggests that he contemplated a lengthy absence.

Escobar reappears almost two years after founding the confraternity of the Holy Name in Lisbon, now in the curia of Eugenius IV at Florence. He may have been on the way to Basel, or the curia could have been his intended destination all along, for a minor complication had arisen with his commendatory grant of S. João de Alpendurada. In August 1432, a month after Escobar last appeared at S. João de Alpendurada, he was reported as dead to Eugenius IV by an unknown informant.¹⁷⁶ While untrue, this would have seemed a plausible report since Escobar would have been at the time about eighty-four years old. Eugenius IV apparently did accept the report as truthful and consequently awarded the monastery of S. João de Alpendurada to Lucido, cardinal-deacon of Santa Maria in Cosmedin, on 7 August 1432.¹⁷⁷ Representatives of Escobar nevertheless paid the common and petty services due for the commendation on 16 December 1433 and these taxes were duly distributed on 18 December.¹⁷⁸ It does not appear that Cardinal Lucido made any significant attempt to pursue his claim to S. João de Alpendurada, but Escobar perhaps felt it best to disprove rumors of his death by appearing in person at the curia. He is next found in August 1434 giving consecrations and abbatial blessings on commission from Eugenius IV's curia in Florence, where the pope had fled in June 1434.¹⁷⁹ Escobar performed similar services in September and October 1434, and on 23 October 1434 obtained from Eugenius IV

¹⁷⁶ AV Reg. Suppl. 279, f. 35. Sousa Costa, *André Dias de Escobar*. Appendix, Document 113.

¹⁷⁷ AV Reg. Suppl. 279, f. 35.

¹⁷⁸ AV Obl. et Sol. 74, f. 30v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 116. AV Obl. et Sol. 65, f. 198v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 117.

¹⁷⁹ AV Arm. 29, t. 19, fols. 21v-22. Sousa Costa, *André Dias de Escobar*. Appendix, Document 128.

complete exemption of S. João de Alpendurada and all its possessions and dependents from the episcopal jurisdiction of the Bishop of Porto.¹⁸⁰ Escobar's services in performing consecrations, ordinations, and blessings are noted in curial records five more times in November and December 1434.¹⁸¹ After an interval of nearly six months when Escobar's whereabouts are not documented, he begins again to appear in curial records performing such services on 11 June 1435.¹⁸² Between June 1435 and June 1436, Escobar performed consecrations, ordinations and abbatial blessings on commission from the papal curia on at least thirty-five other occasions in Florence.¹⁸³ Several petitions and a letter to Abbot Gomes Eanes of the Florentine Badia also document Escobar's ongoing presence in Florence during this period.¹⁸⁴ These documents show Escobar continuing to protect his interests.

Escobar remained most concerned with S. João de Alpendurada as his source of financial security, though he never entirely relinquished claims on other benefices he had received decades before. On 22 September 1435, he received papal confirmation of a grant of revenues from a

¹⁸⁰ AV Arm. 29, t. 19, f. 29; AV Format. II, f. 5v; AV Reg. Vat. 365, fols. 27v-28. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 120-122.

¹⁸¹ AV Arm. 29, t. 19, f. 47; f. 60; f. 55v; AV Format. II, f. 5. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 122-127.

¹⁸² AV Format. II, f. 55v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 129.

¹⁸³ AV Format. II, fols. 6v, 13, 13v, 14, 14v, 15v, 16, 18, 20, 28, 28v, 29v, 55v. Sousa Costa, *André Dias de Escobar*. Documents 128-129, 133, 139, 142-144, 146-155. AV Arm., 29, t. 19, fols. 109, 124v, 132, 132v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 130, 138, 140-141. AV Format. I, f. 30v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 131-2.

¹⁸⁴ AV Reg. Suppl. 311, fols. 257v-258; AV Reg. Lat. 329, f. 147v; AV Reg. Suppl. 313, fols. 127v-128v; AV Reg. Suppl. 314, f. 97-97v; Florence, BML, cod. Ashb. 1792, I, f. 66. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 134-137, 145.

dependent chapel, S. Martinho de Lago, of the monastery of S. André de Rendufe.¹⁸⁵ This of course was the monastery of which Escobar had been deprived in 1414 by John XXIII, and the donation of revenues of its chapel had already been approved by the perpetual administrator of S. André de Rendufe, the Archbishop of Braga, at the time of Escobar's petition.¹⁸⁶ It is difficult to imagine why Rendufe's administrator should have made this donation unless Escobar was still claiming some right to the monastery. The petition and papal confirmation are both silent about any specific reason for the donation. On 30 September, Escobar also received the indulgences he requested for those making pilgrimage and contributing to the repairs of certain dependent chapels of S. João de Alpendurada.¹⁸⁷ On 31 October 1435, he requested special permission to appoint a conservator for S. João de Alpendurada for a term of fifteen years, which exceeded the maximum term normally set by the curia.¹⁸⁸ Escobar may have anticipated that he would be a long time away from Portugal, or simply wished to ensure that if his health or mind began to fail, S. João de Alpendurada would be in the charge of someone of his own choosing. He certainly had no intention of relinquishing his claims to the monastery, and was therefore understandably enraged when a rumor reached him, sometime in late 1436 or early 1437, that his countryman Gomes Eanes, reforming abbot of the Florentine Badia, had tried to wrest S. João de Alpendurada from his control in order to establish observant discipline there. Escobar wrote

¹⁸⁵ AV Reg. Suppl. 311, fols. 257v-258; AV Reg. Lat. 329, f. 147v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 134-5.

¹⁸⁶ AV Reg. Suppl. 311, fols. 257v-258; AV Reg. Lat. 329, f. 147v.

¹⁸⁷ AV Reg. Suppl. 313, fols. 127v-128v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 136.

¹⁸⁸ AV Reg. Suppl. 314, f. 97-97v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 137.

Abbot Gomes on 28 January 1436, reproaching him for obtaining a bull of deprivation and robbing an old and poor but learned man of his sole source of support.¹⁸⁹ Escobar even threatened to go to the Council of Basel if the pope proved unsympathetic. Either Abbot Gomes was persuaded against trying to get control of S. João de Alpendurada or the story was just a rumor, since no such bull of deprivation is known and Escobar retained his commendatory grant. Later events suggest that this angry letter, and the threat to make resort to the Council of Basel, may have been a serious mistake on Escobar's part.

Besides securing his financial position and carrying out curial commissions to perform ordinations and consecrations, Escobar also continued writing while in Florence. He completed his *Laudas e cantigas spirituaaes* and probably also *Gubernaculum conciliorum* before following the papal curia to Bologna in the middle of 1436. The full rubric of the first work states that Escobar translated the songs and hymns from the Florentine into the Portuguese tongue “in the very flourishing city of Florence, in the year fourteen hundred thirty-five.”¹⁹⁰ This work demonstrates Escobar's continued interest and involvement in the confraternity in Lisbon, since it was intended for their use and survives only in the manuscript they possessed. The date of the *Gubernaculum conciliorum*'s completion (and of the *Avisamenta* which forms an appendix to it in some copies) is more difficult to determine, but Escobar must have started writing it in 1434. Various manuscripts give 1434 as the current year in which the council is taking place,

¹⁸⁹ Florence, BML, cod. Ashb. 1792, I, f. 66. Sousa Costa, *André Dias de Escobar*. Appendix, Document 145.

¹⁹⁰ “...na çidade muyto floreçente de Florença, no anno de myl e quatroçentos, e triinta e çinquo.” Lisbon, BNP, cód. ilum. 61, f. 1a. Transcribed in Sousa Costa, *André Dias de Escobar*, 73, n. 179.

during parts I to III of the work.¹⁹¹ Other references in parts VIII and IX in manuscript copies give the year as 1435, and the manuscript used as the basis for the 1700 printing states that the work was sent to Cardinal Cesarini in the year 1435.¹⁹² Sousa Costa notes that both the *Gubernaculum conciliorum* and accompanying *Avisamenta* could certainly not have been completed prior to 9 June 1435, since both include references to conciliar decrees promulgated in the twenty-first session that occurred on that date.¹⁹³ Although the *Avisamenta* do not appear in all copies of the *Gubernaculum conciliorum*, it seems likely that Escobar wrote them at the same time as *Gubernaculum conciliorum* and always intended them to be part of that work. He appears to refer to them in the preface of *Gubernaculum conciliorum*, which begins, “For the perpetual recollection of the general councils and of the reforms to be effected by them, and of the constitutions and statutes to be ordained in these same, a few *Avisamenta* to be corrected, amplified, or condensed by you, Most Reverend Father, Lord Giuliani Cesarini...”¹⁹⁴ It may be,

¹⁹¹ Cf. Sousa Costa, *André Dias de Escobar*, 70, n. 166. Sousa Costa transcribes three passages in *Gubernaculum conciliorum* referring to the year as 1434. The first, in pars I, is found in London, BL, cod. Harl. 3767, f. 9v; Vienna, ÖNB, CVP 4148, f. 222; Vienna, Schottenkloster, cod. Schottenstift 30, f. 277. The second, from pars III, is in London, BL, cod. Harl. 3767, f. 17v; Vienna, ÖNB, CVP 4148, f. 227; Vienna, Schottenkloster, cod. Schottenstift 30, f. 284. The third, also from pars III, is found in London, BL, cod. Harl. 3767, f. 16v; Vienna, ÖNB, CVP 4148, f. 224v; Vienna, Schottenkloster, cod. Schottenstift 30, fols. 282v-283.

¹⁹² Cf. Sousa Costa, *André Dias de Escobar*, 71, n. 167. Sousa Costa transcribes one passage from pars VIII found in London, BL, cod. Harl. 3767, f. 45v; Vienna, ÖNB, CVP 4148, f. 246; Vienna, Schottenkloster, cod. Schottenstift 30, f. 309 and another from pars IX found in London, BL, cod. Harl. 3767, f. 64; Vienna, ÖNB, CVP 4148, f. 260; Vienna, Schottenkloster, cod. Schottenstift 30, f. 325v. Escobar, *Gubernaculum conciliorum*, col. 139.

¹⁹³ Sousa Costa, *André Dias de Escobar*, 72–3.

¹⁹⁴ “Ad perpetuam conciliorum generalium memoriam ac ipsorum reformationum fiendarum, ac constitutionum ac statutorum in eisdem ordinandorum, Avisamenta nonnulla, corrigenda, addenda, minuenda per Vos, Pater Reverendissime, domine Juliane de Cesarinis.” Escobar, *Gubernaculum conciliorum*, col. 139.

of course, that Escobar is here using *Avisamenta* in the general sense of “considerations” or “advice” to refer to the contents of *Gubernaculum conciliorum*, but it seems more likely that copyists sometimes simply treated the last section of the *Gubernaculum conciliorum*, titled *Avisamenta*, as a separate work. Escobar, then, began the *Gubernaculum conciliorum* in 1434 and completed it, including the *Avisamenta*, sometime between June and December of 1435, sending it to Cardinal Cesarini in Basel. This chronology lines up well with the fact that, by the beginning of 1436, relations between the Council and Eugenius IV had begun to sour again.

Representatives of the Byzantine emperor and church were in negotiations with both the Council of Basel and Pope Eugenius IV at the same time. The Byzantines contemplated the union of the two churches primarily as a means of securing aid for beleaguered Constantinople. The Pope and Council were thus competing for the prestige that would accord to whichever party managed to end the longstanding breach in the Christian church, a state of affairs which only intensified the bitterness of their rivalry. In the opening months of 1436, the Council of Basel failed to come to an agreement with the Greek delegates because the Council would not agree to hold negotiations in any city convenient for the Greeks to reach, nor did it have any way to pay for the travel of expenses of the Patriarch of Constantinople, the Emperor of the Greeks, and a large party of accompanying Greek theologians and prelates even if they could have agreed on an appropriate location. Eugenius IV, though in financial difficulties himself, was able to offer the Greeks a selection of convenient Italian cities as meeting sites, and the Italian candidate cities were largely eager to loan funds and provide facilities. In April 1436, Eugenius moved his curia to the papal city of Bologna, where he hoped to transfer the Council to facilitate negotiations with the Greeks. When the majority of the delegates at Basel remained opposed to cooperating

with the Eugenius IV in such a worthy project and refused to make any agreement that would commit them to conducting negotiations in an Italian city, Cardinal Cesarini at last gave up in disgust and on 10 November 1436 publicly dissented from the Council. The Council of Basel went on in January 1437 to issue a decree agreeing to meet with the Greek delegates in Avignon and requiring the Avignonese to bear the expense, but this was quite unacceptable to the Greeks and the Avignonese moreover failed to deliver the monies demanded. The Council soon degenerated into two hopelessly deadlocked factions over the Greek question and in June 1437 issued two conflicting decrees. The Council's seal, used to authenticate decrees, temporarily went missing under mysterious circumstances and the anti-papal party tried to detain the pro-papal party, but in July 1437 the Archbishop of Taranto escaped Basel with a sealed copy of the pro-papal decree and delivered it to Eugenius IV. This decree authorized transfer of the Council to Italy in order to conduct negotiations with the Greeks, and Eugenius IV naturally chose to accept it as legitimate and ratify it immediately. The pope then moved rapidly to finalize the arrangements on his own terms and Escobar, having accompanied the Curia to Bologna, made his own preparations for a council with the Greeks.

Escobar's presence in Bologna is again attested by many curial records, and it is there that he completed his *De Graecis errantibus* in late 1437. On 25 June 1436, he conferred the first tonsure upon a scholar in the church of San Petronio in Bologna.¹⁹⁵ On at least thirteen other occasions through the end of 1436, Escobar performed ordinations, consecrations or blessings on commission for the curia.¹⁹⁶ In October 1436, Escobar also presented petitions both on behalf of

¹⁹⁵ AV Format. II, f. 28v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 155.

¹⁹⁶ AV Format. II, fols. 24v, 29v, 30, 30v, 31v, 35; AV Miscellanea Arm. 29, t. 19, fols. 208, 225. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 155, 164, 156, 158-159, 167, 168, 166, 169, 160, 165.

the monastery of S. João de Alpendurada for further indulgences and on behalf of the prior and convent of S. Domingos of Lisbon for indulgences for the altar of the Holy Name.¹⁹⁷ Escobar was clearly maintaining his interest in the affairs of both S. João de Alpendurada and the confraternity he had founded. On nine more occasions through August of 1437, Escobar is recorded performing ordinations, consecrations, and blessings in Bologna.¹⁹⁸ He also continued to seek legal recourse in the case of some of the benefices he had previously been awarded but of which he never gained possession, obtaining a 2 June 1437 judgment for revenues he should have received from the diocese of Ajaccio and a 5 June 1437 judgment against the abbot of Celanova for back pension he was due.¹⁹⁹ As the momentum towards holding a council with the Greeks grew in later 1437, Escobar must also have been writing his treatise *De Graecis errantibus*, for he completed it “in the year of the Lord Jesus Christ one thousand four hundred thirty-seven, on the fifteenth day of the month of December, Bologna.”²⁰⁰ This was indeed timely, for despite the reciprocal condemnations of Pope and Council, the Greeks agreed to meet Eugenius IV in Ferrara and departed Constantinople in late November of 1437.

Escobar followed the papal curia from Bologna to Ferrara and was present there until the Council was translated to Florence in early 1439. The original official acts of the Council of Ferrara-Florence sadly do not survive, but one of the surviving sources does note *Andrea*

¹⁹⁷ AV Reg. Suppl. 329, fols. 286v-287. Sousa Costa, *André Dias de Escobar*. Appendix, Document 163.

¹⁹⁸ AV Format. II, fols. 25, 29v, 35v, 46v; AV Arm. 29, t. 19, f. 241v, 288, 288v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 176, 170, 172, 178, 171, 179.

¹⁹⁹ AV Reg. Lat. 348, fols. 254-255, 265-266v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 174-175.

²⁰⁰ “...anno Domini Ihesu Christi millesimo quadringentesimo tricesimo septimo, die quintadecima mensis decembris, Bononie.” Escobar, *Tractatus de Graecis errantibus*, 88.

Megarensi among the mitred present at a public session of 15 February 1438.²⁰¹ The Council was officially opened by a papal legate on 5 January 1438, Eugenius himself arrived 27 January 1438, and the Greeks finally arrived 4 March 1438. The Greeks however had insisted on a delay, during which only one discussion concerning purgatory was conducted, so that the princes of Europe could arrive. During this lull, Escobar on four occasions conferred holy orders for the curia in churches in Ferrara.²⁰² On 8 October, despite the failure of many princes to arrive, discussions finally commenced in earnest on the subject of the double procession of the Holy Spirit, probably the most serious theological obstacle to the union and also the main subject of Escobar's *De Graecis errantibus*. During October and November, however, the discussion was bogged down in arguments over whether the sixth-century addition of the *filioque* clause to the Creed by the Latin church was canonically permissible, apart from whether it was theologically correct.²⁰³ As well, plague seemed to threaten the city and Eugenius IV wished to remove the Council to Florence. Escobar was still there through the month of November, since he is recorded again performing ordinations on 23 and 30 November.²⁰⁴ He probably was not far behind when the Council was translated to Florence in January of the following year.

²⁰¹ Georg Hoffmann, *Fragmenta protocolli, diari privata, sermones*, vol. III, fasc. II, Concilium Florentinum, Documenta et Scriptorum, Series A (Rome: Pontificium Institutum Orientalium Studiorum, 1951), 22.

²⁰² AV Format. II, fols. 53v, 54, 55v. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 182-184, 188.

²⁰³ E. A. Livingstone, ed., *Oxford Concise Dictionary of the Christian Church*, 2nd rev. (Oxford: Oxford University Press, 2006), s.v. *filioque*.

²⁰⁴ AV Arm. 29, t. 20, f. 59; AV Format. II, f. 57. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 192-3.

Escobar was in Florence again from at least March 1439 until he signed the bull of union with the Greek Church later that summer. The last session of the Council in Ferrara took place on 10 January 1439, decreeing the transfer to Florence where sessions began again on 26 February. Discussions had by then got down to the actual theological disputes over the double procession, but stalemate continued until the Greeks themselves broke down into two opposed parties and eventually, in June, now that a compromise statement acceptable to the Latins had been worked out. Escobar may well have been attending the sessions of the Council or assisting with the seemingly interminable drafting and exchanging of position papers, but he is not mentioned in the surviving sources. He was certainly again performing consecrations and ordinations at the behest of the curia in Florence, on at least five occasions in March through May.²⁰⁵ Despite the additional drama of the death of the Patriarch of Constantinople on 10 June, having worked out an acceptable compromise statement on the double procession, the other issues such as papal supremacy were dealt with fairly quickly through the rest of June. Escobar's signature appears among the others, including Abbot Gomes Eanes of the Florentine Badia, who signed the bull of union, *Laetentur caeli*, on 6 July 1439: "I, Andreas the Iberian of Portugal, Bishop of Megara."²⁰⁶ The work of union with the Greek church had been accomplished (or so at least it appeared at the time), but the Council was not concluded. Delegates from other churches, the Armenians and Copts, had arrived and negotiations continued to bring them into union also. Sometime during these negotiations, Escobar fell afoul of the curia.

²⁰⁵ AV Format. II, fols. 63v, 69v, 71, 77. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 194-197.

²⁰⁶ "Ego Andreas hispanus portugalsis, episcopus Megaren(sis)." Fragment of the original bull of union with the Greek Church signed in Florence 6 July 1439, diploma in Florence, BML, photograph published in Escobar, *Tractatus de Graecis errantibus*, fig. I.

Exile and Death

Escobar's downfall occurred seemingly very abruptly in December 1439, and the story of what happened emerges only piecemeal in later documents. Regrettably, numerous Vatican registers of this period have been lost, though possibly relevant records lie still undiscovered in Dublin, Trinity College, MS 1223/2 and 1223/3, two registers of Eugenius IV from around this time which have never been indexed or published. On 9 December 1439, an extremely brief note appears in Vatican records to the effect that one thousand florins belonging to Andreas, bishop of Megara, were seized from bankers upon the order of the auditor of the papal camera.²⁰⁷ Curiously, the very next day Eugenius IV ordered the restoration of Escobar's goods, seized on the order of Bartholomeus de Bonitis, auditor-general of the papal camera.²⁰⁸ At this time, no further information is given about why Escobar's goods were confiscated or returned, and he effectively disappears from Vatican records. Then on 1 October 1441, Eugenius IV issued a bull charging Abbot Gomes Eanes, now prior of Santa Cruz in Coimbra and minister-general of the Camaldolese, to investigate a complaint made to him that Escobar had violated the terms of a sentence and should therefore forfeit S. João de Alpendurada.²⁰⁹ In this bull, Eugenius IV recounts in some detail that Bartholomeus de Bonitis, auditor-general of the papal camera, had cited Escobar, then residing in the curia, for being “as much a defender and scandalous supporter of notorious keepers of concubines and heretics as also guilty of and accomplice to the crime of

²⁰⁷ AV Introitus et Exitus 404, f. 47. Sousa Costa, *André Dias de Escobar*. Appendix, Document 199.

²⁰⁸ AV Arm. 29, t. 20, f. 112v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 200.

²⁰⁹ AV Reg. Vat. 367, f. 228v-229v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 250.

lèse-majesté.”²¹⁰ Escobar was consequently deprived of all his benefices with the exception of S. João de Alpendurada, where he was required to live in continual penance. He was to report to the monastery within three months of his sentencing, and if he should leave it without the permission of the Apostolic See, he would be declared “a pertinacious heretic and rebel against the said [apostolic] chair,” and would be deprived even of S. João de Alpendurada.²¹¹

These charges, and the severity of the penalty, seem remarkable in light of Escobar's age and career. He would have been about ninety-one years old at the time this sentence was pronounced against him, which might account for Eugenius IV's merciful act of restoring Escobar's goods. Other documents are no more enlightening about precisely what Escobar did to incur the wrath of Bartholomeus de Bonitis. The charge of being a supporter of notorious keepers of concubines appears quite inexplicable. The other charges, of being a scandalous defender and supporter of heretics and of being guilty of and conspiring at lèse-majesté, seem equally preposterous. Perhaps they refer to statements made in Escobar's *Gubernaculum conciliorum*, but others who had written or spoken in support of the Council of Basel, like Nicholas of Cusa and Cardinal Cesarini himself suffered no such consequences. A man with so long a career had plenty of opportunities to make enemies, especially since he was outspoken and forceful in style. The incautious 1436 letter to Gomes Eanes, threatening to appeal to the Council of Basel, has been mentioned. If Escobar ever had powerful allies in the curia or elsewhere, he had likely outlived them. His erstwhile superior in the Apostolic Penitentiary, Giordano Orsini, had for instance died

²¹⁰ “...tanquam notorium concubinarium, hereticorum defensorem ac fautorem scandalosum necnon lese maiestatis criminis reum et conscium.” AV Reg. Vat. 367, f. 228v-229.

²¹¹ “...pertinacem hereticum et dicte sedi rebellem...” AV Reg. Vat. 367, f. 229.

on 29 May 1439.²¹² Perhaps the most likely explanation is that Escobar's downfall was engineered by someone who hoped to gain from his loss, digging up just enough hint of scandal and heterodoxy to pressure him into withdrawing from the curia to avoid a trial. The documents do not provide enough substance to draw any firm conclusions, but the person who did in fact stand to gain the most from Escobar's disgrace, one Gil de Tavira, was a favorite of the Portuguese king.

Gil de Tavira had aggressively pursued permission to receive benefices including commendatory abbacies, and was the intended recipient of S. João de Alpendurada. A Franciscan serving King Duarte as an ambassador to the Council of Basel, Gil de Tavira, stopped in Ferrara in October 1436 to submit a petition allowing him to receive a doctorate in theology from the university at Toulouse, his studies having been disrupted due to political conditions.²¹³ Then in June 1438, he was back at the papal curia requesting a post as papal chaplain and permission to receive a number of benefices.²¹⁴ This was granted, though limited to parochial churches and the like, and three days later he also received the permission he had asked for two years previously, of receiving his doctorate at Toulouse.²¹⁵ On 2 July, he requested a more extensive permission to receive benefices, to include abbacies and similar dignities.²¹⁶ The pope approved him to receive

²¹² König, *Kardinal Giordano Orsini*, 77.

²¹³ AV Reg. Suppl. 327, f. 97-97v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 102.

²¹⁴ AV Reg. Suppl. 349, fols. 58v-59. Sousa Costa, *André Dias de Escobar*. Appendix, Document 185.

²¹⁵ AV Reg. Suppl. 349, fols. 39v-40. Sousa Costa, *André Dias de Escobar*. Appendix, Document 186.

²¹⁶ AV Reg. Suppl. 349, f. 161. Sousa Costa, *André Dias de Escobar*. Appendix, Document 187.

abbacies by election, and less than a week later, Gil de Tavira was back requesting to receive commendatory abbacies, which request was again granted.²¹⁷ In the 1442 bull of Eugenius IV ordering Abbot Gomes Eanes to investigate the Infante Pedro's reports that Escobar had indeed left S. João de Alpendurada, Abbot Gomes is also ordered to deliver the monastery to Gil de Tavira if he finds that the charges are true.²¹⁸ From Escobar's perspective, Gomes Eanes may have been an unfortunate choice of judge given the vituperative letter he had sent the abbot six years earlier. Abbot Gomes did indeed find Escobar guilty, though Gil de Tavira did not gain S. João de Alpendurada quite so easily as he had hoped.

Gil de Tavira did not actually gain possession of S. João de Alpendurada until sometime in 1444 despite Abbot Gomes Eanes' judgment. He paid the common services due quite promptly, in January 1443, suggesting that he expected to come into possession soon.²¹⁹ A February 1443 petition of Gil de Tavira however indicates that Escobar is still in possession of the monastery, and not until a 1451 confirmatory bull do we learn that Escobar had appealed the decision to Rome and that Gil de Tavira had to bring a counter-suit that imposed silence upon Escobar.²²⁰ S. João de Alpendurada's own documents finally attest to Gil de Tavira's control beginning in May

²¹⁷ AV Reg. Suppl. 349, fols. 234v-235; AV Reg. Lat. 311, fols. 184-185. Sousa Costa, *André Dias de Escobar*. Appendix, Documents 189-190.

²¹⁸ AV Reg. Vat. 367, f. 229. Sousa Costa, *André Dias de Escobar*. Appendix, Document 250.

²¹⁹ AV Obl. et Sol. 68, f. 109v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 209.

²²⁰ AV Reg. Suppl. 388, f. 113-113v. Sousa Costa, *André Dias de Escobar*. Appendix, Document 210. Cf. the bull of confirmation of 23 February 1451 in AV Reg. Lat. 464, fols. 10-11. Sousa Costa, *André Dias de Escobar*. Appendix, Document 216.

1444.²²¹ Brother Gil appears to have sought the 23 February 1451 bull shortly after Escobar's death, when there would no longer be any rival claimant to S. João de Alpendurada.²²²

It is likely that after Gil de Tavira gained control of the monastery in 1444, Escobar sought refuge at the Dominican convent of S. Domingos in Lisbon. Frei Luís de Sousa, the convent's historian, believed that Escobar was one of their own, noting "...before all others named, a place in this catalog is deserved by that most ancient bishop whom, in the course of the foregoing history, we found in the year 1432 founder of the confraternity of the Holy Name of Jesus, the aforesaid Dom Brother André Dias of Lisbon, Bishop of Megara, who was a native of Lisbon and, we have no doubt, a son of this convent [S. Domingos de Lisboa]."²²³ António de Sousa Costa believed that Brother Luís had made this error simply because it would seem self-evident that anyone founding a confraternity in a Dominican house would be a Dominican.²²⁴ It is all the more understandable because Escobar did end his days there, on 15 December 1448, recorded as

²²¹ Arquivo Distrital de Porto, *Most. de Alpendurada*, II, f. 115-115v, as cited in Sousa Costa, *André Dias de Escobar*, 186.

²²² "Cum autem, pater sancte, de declarationis, provisionis et assecutionis predictarum viribus dubitetur dictusque Andreas episcopus extra dictam curiam sit iam vita functus, ac per eius obitum dicta commenda cessasse et expirasse necnon monasterium prefatum vacare credatur, supplicat igitur S. V. dictus Egidius abbas quatinus declarationem, provisionem et assecutionem predictas et inde secuta et secutura apostolica auctoritate rata et grata habentes...confirmare, de persona dicti Egidii abbatis monasterio prefato [*sic*], etiam si per obitum dicti quondam Andree episcopi commenda...cessaverit et propterea...dictum monasterium vacaverit et vacet...de novo providere seu provideri mandare ipsumque illi in abbatem et pastorem preficere, curam, regimen et administrationem illius sibi in spiritualibus et temporalibus plenarie de novo comictendo." AV Reg. Lat. 464, fols. 10-11.

²²³ "...merece lugar neste catalogo e que seja antes de todos nomeado pelo que tem de mais antigo hum Bispo que o curso da Historia, que atras fica, nos foi descobrir no anno de 1432, principiador da confraria do Santo nome de Jesu, digo dom Frei André Dias de Lisboa, Bispo de Megara, que como era de Lisboa natural, não temos duvida em ser filho deste convento." Sousa, *Primeira parte da História de S. Domingos particular do reino de Portugal*, 425.

²²⁴ Sousa Costa, *André Dias de Escobar*, 42.

“...Reverend master Andreas, most excellent preacher and founder of the confraternity of the altar of Jesus.”²²⁵ Despite ending his career in disgrace and exile, Escobar was fondly remembered by his Dominican friends in Lisbon. There is no overt sign that it affected his later reputation or the respect accorded his works. We can only wonder how much more Escobar might have contributed in his century of life, if his circumstances had been more favorable.

²²⁵ “...Reverendus magister Andreas excelentissimus predicator et fundator confratrie Altaris ihesu.” António do Rosário, “Letrados dominicanos em Portugal nos séculos XIII-XV,” *Repertorio de historia de las ciencias eclesiásticas en España* 7 (1979): 544.

CHAPTER 2

THE TREATISES OF ANDREAS DE ESCOBAR

This chapter will focus on Escobar's polemical Latin works, which treat a variety of theological issues of his day. These works vary considerably in length and originality, but share a broadly similar structure and approach. Furthermore, they are united, with the arguable exception of the late conciliarist work *Gubernaculum conciliorum*, by Escobar's overriding concern for the unity of the Church. I will begin this chapter by analyzing Escobar's authorial identity and situating his polemical works in the context of his contemporaries. I will then discuss these polemical works in roughly chronological order. For each work, I will briefly survey the manuscript tradition and publication history (if any) of the work and explain the textual source or sources used for my analysis and present the evidence for ascribing each work to Escobar. This will be followed by a discussion of available evidence for the date, place, purpose, and audience of the work, and a survey of the major sources Escobar employed. I will then summarize the structure and overall argument of each work, followed by a deeper analysis of Escobar's rhetorical style, language, and theological ideas. Latin quotations in this chapter reflect the orthography of the cited manuscript or printed edition, except where ligatures, Tironian notes, suspensions, etc. have been silently expanded. Detailed discussion of the manuscript witnesses, transmission networks, and the influence and reception of these works will be treated in the subsequent chapter.

Escobar as Author

Escobar viewed his writing as a natural extension of his role as master of theology and bishop, rather than primarily as an author. Escobar invariably identifies himself in his treatises as a master of theology, member of the Order of St. Benedict, and present or former bishop of one diocese or another. Not once does he refer to himself as an *auctor*. Escobar eschews any claim to originality, stating that he is simply following the Fathers of the Church or presenting the opinions and arguments of others. In *Colles reflexi*, for instance, he claims that he is “including a few things of my own but in everything following the wisdom of the Fathers.”¹ Escobar refers to his work on tithes not only as a treatise, but also as *doctrina*, “teaching” or “instruction,” and states in the colophon that the work was “compiled” in 1425.² Indeed, Escobar most often refers to his activity as “compiling” or “collecting.” In his treatise on the heresies of the Talmud, he states that he has “collected” heretical things written in the Talmud and “notified” Christians of them.³ He likewise states that his *De Graecis errantibus* was “collected from the words of many

¹ “Pauperculus ego Andreas...pauca ex meis inserens, sed in omnibus Patrum sententias sequens, submittens me in omnibus dictis, et dicendis, correctioni, informationi, ac decimationi sanctissimi patri [*sic*] domini mei Apostolici Gregorii XII et aliorum dominorum et magistrorum, quorum interest tales corrigere, paratus enim sum, protestor nunc corrigere, revocare libenter, dum tamen à veritate fidei Catholicae non deviet, et tranquillitati ac paci totius status Ecclesiae sanctae Catholicae consonet.” Andreas de Escobar, “Colles reflexi,” in *Nemus unionis*, ed. Dietrich von Nieheim, vol. 4 (Strasbourg: L. Zetzneri, 1609), 352.

² “...intendo in praesenti doctrina tractare, et docere propter simplices plebanos, et rectores ac presbyteros, quibus ex parte Dei Iesu Christi nostri pastoris humilis, et pauper ego Aiacensis insulae Corsicae infortunatus episcopus Andreas Destabar Hispanus, supplico, quatenus diebus dominicis, et festiuis, et in plateis, ac locis publicis, hanc decimarum doctrinam, et primitiarum, ac oblationum Christianis quibuslibet debeant insinuare, alta, et intelligibili uoce proclametur, ne excusationem habent de peccato suo...” Andreas de Escobar, *De decimis*, ed. Francisco Ziletti (Venice, 1584), fol. 142vb. E.g., “Et Rome est compilatus iste tractatus Anno Domini nostri 1425.” Eichstätt, Eichstätt Universitätsbibliothek, MS Cod. St 470, fol. 271va.

³ “Ego...Andreas dydaci de Stobar hispanus...propter christianorum avisationem et judeorum correctionem ac conversionem et instructionem hoc opus fideliter de verbo ad verbum prout in

doctors of theology.”⁴ I do not even find any instances in which Escobar refers to another writer as an *auctor*; he instead uses the traditional term *auctoritates* to refer to citations from the doctors of previous centuries, especially the patristic writers. Escobar also uses *auctoritas* in the singular when speaking of the authority of the Church, or of a pope, or of the apostles. He is perhaps uncomfortable with the possible implications of a writer as *auctor*, someone who has authority over his writing by virtue of having written it, as opposed to a writer both receiving *auctoritas* from the Church and being subject to its ultimate *auctoritas* over his writing.

Escobar explicitly submits his own works to the authority of the Church and when he explains his reasons for writing, does so in terms of the responsibility the Church has conferred upon him. In his *Colles reflexi*, for instance, Escobar states that he submits all his words to “instruction, correction, and expurgation” by Pope Gregory XII, or by “whatever other lords and masters” were assigned to correct them.⁵ At the beginning of his first response in *De decimis*, Escobar similarly notes that he subjects himself in all things to the limits imposed by “the holy mother Church” and by Pope Martin V.⁶ Escobar even asserts in the preface to *De Graecis*

Talmut scribitur collegi et ex innaturabilibus heresibus et mendaciis ac abusionibus quae in Talmut scribuntur has paucos hereses et abusiones iudeorum christianis notificavi.” Erlangen, Universitätsbibliothek Erlangen-Nürnberg, MS Cod. 542, fol. 271r.

⁴ “Tractatus iste de Graecis errantibus, ad sciendum viris ecclesiasticis valde utilis et necessarius, completus fuit et recollectus ex multorum doctorum theologie sermonibus, anno domini...” Andreas de Escobar, *Tractatus polemico-theologicus de Graecis errantibus*, ed. Manuel Candal, Concilium Forentinum, Documenta et Scriptorum IV-1 (Rome-Madrid: Pontificium Institutum Orientalium Studiorum, 1952), 88.

⁵ “Pauperculus ego Andreas...submittens me in omnibus dictis, et dicendis, correctioni, informationi, ac decimationi sanctissimi patri [*sic*] domini mei Apostolici Gregorii XII et aliorum dominorum et magistrorum, quorum interest tales corrigere...” Escobar, “Colles reflexi,” 352.

⁶ “Cui interrogationi respondendo, et semper me determinationi matris sanctae ecclesiae, et domini nostri Papae Martini quinti subiucendo, et si quid demum a iure diuino, uel canonico dixero reuocando, dixi, et dico quod...” Escobar, *De decimis*, fol. 142vb.

errantibus (having stated that he submits everything in it to the pope's "correction, approval, or condemnation") that once Pope Eugenius IV approves the work, anyone who contradicts it will be considered a heretic!⁷ Apart from such disclaimers, Escobar betrays little concern to justify his writing. As Daniel Hobbins notes, presenting one's self as a mere "compiler," as Escobar does, is a common topos late-medieval authors used to justify their authorial activities.⁸ However, Escobar's works, especially the treatise on the errors of the Greeks, are indeed heavily dependent on his authorities. Only his first treatise, the *Colles reflexi*, opens with an extended explanation that, because he is a "teacher of the peoples," he is obligated to answer the question he has been asked.⁹ In support of this modest proposition, he cites Terence, Pythagoras, three passages from the Christian scriptures, and Chrysostom via the *Decretum*.¹⁰ Even given that his topic, Gregory XII's obligation to resign the papacy, was sensitive and extremely contentious, Escobar seems very anxious here to excuse himself for writing. The *Colles reflexi* is Escobar's earliest work, the

⁷ "...Eugenii pape quarti; cuius sanctitati presentem tractatum de Grecis errantibus corrigendum, approbandum, vel improbandum transmitto et humiliter offero... Cuius tractatus dicta et conclusiones si sanctitatis sua et 'confessio sui apostolatus approbaverint, et me in posterum aliquis inculpare voluerit, non sese talis catholicum sed hereticum comprobabit,' ut sonant..." Escobar, *Tractatus de Graecis errantibus*, 7.

⁸ Daniel Hobbins, *Authorship and Publicity Before Print: Jean Gerson and the Transformation of Late Medieval Learning* (Philadelphia: University of Pennsylvania Press, 2009), 51–2.

⁹ "Ad quaestionem ergo veniendo, et pro zelo domus Dei, veritati insistendo, cum timore tamen et tremore, quia positus sum doctor gentium in fide et veritate, eam amplectendo..." Escobar, "Colles reflexi," 352.

¹⁰ "...licet secundum Terentium, Veritas odium pariat. Veritatem ergo dicam, quae mihi videtur rationi esse consona, et totus mundus exclamat doctor [*sic*] gentium I Timoth. 2 illius dulcis Christi Jesu sanctae Ecclesiae pastoris unicus authoritati intendendo. Lucae duodecimo, et Matthaei decimo: Nolite timere eos qui occidunt corpus, animas autem occidere non possunt. Super quo Chrysostomus transsumptivè in Canone II. Quaest. 3 dicit... quia secundum Pythagoram de suis praeceptis: Post Deum veritas est colenda quae sola homines Deo proximos facit." Escobar, "Colles reflexi," 352.

only one written before he was elevated to the episcopate, and his only work to directly respond to a specific author, the archbishop of Ragusa (probably Giovanni Dominici). It is therefore difficult to evaluate whether his evident lack of confidence arises from the controversial subject matter, his relative inexperience as a writer, or the fact that he is contradicting an author with episcopal dignity that he himself lacks. The prefaces of *De publicatione haeresum contentarum in libro Talmut*, *De decimis*, and *De Graecis errantibus* instead focus on the issues or problems being addressed, matters external to Escobar, rather than Escobar's own justification for writing them. There is no sense of defensiveness in these works, but because these and all his other works were written after he received his first episcopal see, it is very difficult to separate his magisterial authority from his episcopal authority.

Escobar is very much in step with the tenor of the times in writing exclusively for a non-academic audience. His treatises were written not for other university-trained theologians, but for clerics from cardinals to parish priests. Works like Escobar's *Colles reflexi* and treatise on the errors of the Greeks were probably aimed at a curial audience, for instance, but his *De decimis* is addressed to "simple curates, rectors, and priests."¹¹ It may not seem terribly innovative to modern observers for a theologian to write short books in Latin for priests, but Daniel Hobbins argues that this was indeed a comparatively new phenomenon for early-fifteenth-century theologians.¹² None of Escobar's known works are in traditional Scholastic genres like the quodlibet or disputed question. His commentary on the *Sentences*, the capstone of academic training in theology, has not survived. Very few of Escobar's peers envisioned any but a Latinate

¹¹ "...intendo in praesenti doctrina tractare, et docere propter simplices plebanos, et rectores ac presbyteros..." Escobar, *De decimis*, fol. 142vb.

¹² Hobbins, *Authorship and Publicity Before Print*, 139, 136.

reading public, and vernacular treatises like Jean Gerson's were on the very cutting edge.¹³ Although all Escobar's treatises were composed and transmitted only in Latin, it is noteworthy that he did produce two other works in Portuguese, a volume of hymns and a collection of miracle stories for members of the confraternity of the Holy Name in Lisbon. While he did not envision a broad vernacular lay readership, Escobar did intend the laity, via his immediate clerical readers, to be the ultimate beneficiaries of many of his works. The most widely circulated of his treatises, *De decimis*, exhorts its clerical readers to use it both for taking confession and for preaching “to all Christians whatsoever on Sundays and feast days, on the streets and in public places.”¹⁴ As we saw in the previous chapter, his confessional works aimed at pastoral care of the laity were even more popular than *De decimis*. Furthermore, even his most technical works like *De Graecis errantibus* are almost entirely free of the professional jargon of a Scholastic theologian.

It certainly must be conceded that Escobar did not fully grasp the potential of the treatise form. Hobbins draws a loose distinction between short tracts staking out the author's position on a single specific case in an area of contemporary concern, and what he refers to as the “systematic treatise” which offered an “impersonal overview of the subject,” while conceding that these are ideal types with considerable overlap in practice.¹⁵ All Escobar's treatises fall somewhere in the middle ground of this overlap. *Colles reflexi* most nearly approaches the

¹³ Hobbins, *Authorship and Publicity Before Print*, 140, 144.

¹⁴ “...quaedam interrogatoria facta mihi super decimis et decimarum solutione...ad minus vnum de istis interrogatoriis quolibet festo et ad interrogandum in confessionibus, et poenitentis impendendis.” “...supplico, quatenus diebus dominicis, et festiuis, et in plateis, ac locis publicis, hanc decimarum doctrinam, et primitiarum, ac oblationum Christianis quibuslibet debeant insinuare...” Escobar, *De decimis*, fol. 147va, 142 vb.

¹⁵ Hobbins, *Authorship and Publicity Before Print*, 144.

definition of a tract, but even that work is quite lengthy and only the final and shortest section directly addresses the “case” of whether the pope is obligated to resign. The *De decimis* is not a systematic overview of the subject of tithing, but rather prescribes what Escobar considers to be both orthodoxy and orthopraxy with respect to a series of disparate cases or questions on the subject. *De publicatione...in Talmut*, *De Graecis errantibus*, and *Gubernaculum conciliorum* attempt to be comprehensive overviews of a topic, but only the latter of the three makes any pretense of neutrality. This ostensible neutrality is in the end simply a rhetorical device and, in any case, Escobar may not even be its author. All three of these treatises are indeed very topical, but they are also so long as to raise serious questions about whether they should be classified as treatises at all. Part of Escobar's adherence to more lengthy, elaborately reasoned works may relate to his continued reliance on rather traditional modes of publication and transmission, as I will discuss further in the following chapter. It may also relate to his fundamental attitude about the proper method of theological writing.

All Escobar's works in this chapter rest on the three legs of reason, scripture, and authorities. In the *De Graecis errantibus*, for instance, Escobar announces that he will refute the errors of the Greeks “by means of sacred theology and divine scripture and by means of the authorities of the holy doctors” and “also with reason and argument.”¹⁶ If he knew of Gerson's arguments that theologians should not rely so much on authorities but rather on personal experience, or that one should examine individual cases rather than applying general principles, Escobar would surely

¹⁶ “Ideo contra ipsos, primo, intendo arguere per sacram theologia et scripturam divinam et per auctoritates doctorum sanctorum...Et non solum armis doctorum Grecorum extirpabo et vincam errores predictos, verum eciam rationibus et argumentis.” Escobar, *Tractatus de Graecis errantibus*, 20–21.

have disagreed.¹⁷ For Escobar, any question or problem must be examined in the light of natural law, scriptural law, and the law of grace. He derives this scheme from Ambrose's definition of sin as that which is contrary to the law of nature, grace, and scripture, as Escobar states in *Colles reflexi*. These three laws yield generally applicable principles that Escobar applies to specific cases. Where all three laws harmonize, we find the highest Christian truth. Whoever willfully violates all three is guilty of "mortal sin and worthy of eternal punishment."¹⁸ Escobar's method of analysis, although no longer in any real sense Scholastic, nevertheless takes time to unfold. His use of reason is methodical, but not abstruse. Like many of his contemporaries, Escobar has abandoned the strict adherence to syllogistic reasoning that characterized theological writing for the academic milieu. He uses the term "reason" straightforwardly to denote the process of arriving at conclusions that are justified by the evidence presented, or that follow logically from axioms or conclusions already proven. The evidence he employs comes largely from scripture and from authorities, mostly patristic writers. Escobar not only relies heavily on these authorities, he is quite content to extract them from the *Decretum* or from florilegia. For Greek philosophical works, he relied on Latin intermediaries. Giles of Rome's *De regimine principum*, for example, is his proximal source for most citations from Aristotle's *Politics*. He does employ these authorities and scriptural citations logically and effectively rather than simply stringing them together as a substitute for actual argumentation. Nonetheless, his use of authorities is very traditional and shows little evidence of more humanistic trends.

¹⁷ Hobbins, *Authorship and Publicity Before Print*, 53, 68.

¹⁸ "...praesuppono cum Ambrosio, quod peccatum est praevaricatio legis, inobedientia mandatorum Dei et loquitur de peccato actuali, mortali videlicet, cum triplex sit lex naturae, lex scripturae, et lex gratiae, sequitur quod praevaricatio hujusmodi legis tripliciter sit accipienda, voluntaria est mortalis culpa et digna poena aeterna." Escobar, "Colles reflexi," 367–8.

Escobar generally demonstrates very little interest in engaging with the works or ideas of other writers on their own terms, with one notable exception. Only in the *Colles reflexi*, a work that narrowly escaped oblivion, does he directly engage the opinions or statements of an identifiable contemporary, Giovanni Dominici. The *Gubernaculum conciliorum* does respond to other contemporary authors, identifying “three opinions” on the various topics addressed. However, it does not actually specify any particular persons or works advancing those opinions. Escobar rarely even cites any authors later than the Fathers, and those exceptions are almost all towering figures such as Bernard of Clairvaux, Thomas Aquinas, and Giles of Rome. Escobar is content to offer citations from these authors as and when they support his argument rather than out of any sense of engaging with their works. The latest writer I find quoted in any of Escobar's works (unless one counts the entire text of the 1415 papal bull apparently copied verbatim into *De publicatione haeresum contentarum in libro Talmut*) is Francesco Petrarca (d. 1374), whose *Liber sine nomine* is quoted twice. Even this citation is evidence less of humanistic influence, however, than of attention to rhetorical style.

The two manuscripts we know Escobar owned reinforce the impression of disinterest in contemporary writers and evidence Escobar's interest in preaching. An inscription in Berlin, Staatsbibliothek Preußischer Kulturbesitz, MS theol. Lat. qu. 227 records the ownership “of D. Andreas the Iberian, poor bishop of Ajaccio.”¹⁹ The manuscript comprises a collection of sermons *de sanctis* by the Silesian Dominican Peregrinus of Oppeln (ca. 1260-1330), the Golden Legend (ca. 1265) of the Dominican Jacobus de Voragine, and several other sermons *de sanctis*

¹⁹ “Legende sanctorum maiorum tocius anni. D. Andree Hispani pauperis Aiacensis episcopi.” Gerard Achten, *Die theologischen lateinischen Handschriften in Quarto der Staatsbibliothek Preussischer Kulturbesitz Berlin*, vol. 1 (Wiesbaden: Harrassowitz, 1979), 150.

of unknown authorship.²⁰ The manuscript itself dates from the fourteenth century, according to its cataloger, so Escobar likely acquired it second-hand if he did not own it until receiving his bishopric in Corsica.²¹ Escobar also owned another fourteenth-century manuscript bearing his inscription as bishop of Megara.²² This manuscript contains just one work, the *Distinctiones exemplorum Novi et Veteris Testamenti* by an Augustinian hermit and master of theology, Bindus Guerri of Siena (d. 1390).²³ By Escobar's time, Biblical distinctions, tables of the different meanings of scriptural words according to the four senses of scripture, had long been used primarily as an aid to composing sermons.²⁴ In Florence in 1435, Escobar supplemented Guerri's distinctions, which already included an alphabetical index, with a table arranging the words according to the church year.²⁵ While we cannot infer too much from an absence of evidence, Escobar's choice of these particular texts reinforces the impression that he was not very

²⁰ Achten, *Die theologischen lateinischen Handschriften in Quarto der Staatsbibliothek Preussischer Kulturbesitz Berlin*, 1:150–151; Hervé Martin, “Le prédicateur polonais Pérégrin d’Opole (vers 1260-vers 1330) évoque la figure de saint Adalbert,” *Revue du Nord* 356–57, no. 3 (2004): 709–717; Alain Boureau, “Golden Legend,” ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

²¹ Achten, *Die theologischen lateinischen Handschriften in Quarto der Staatsbibliothek Preussischer Kulturbesitz Berlin*, 1:150.

²² Augustus Pelzer, *Bibliothecae Apostolicae Vaticanae Codices manuscripti recensiti. Codices Vaticani Latini*, vol. II, pars prior (Vatican, 1931), 528–9.

²³ Josephus Lanteri, *Postrema sex saecula Religionis Augustiniana: in quibus breviter recensentur illustriores visi Augustinenses qui sanctitate et doctrina floruerunt post magnam Ordinis unionem peractam a 1256 ad haec tempora* (Tolentino: ex typ. Guido, 1858), 262–3.

²⁴ Louis Jacques Bataillon, “Distinctions, Biblical,” ed. André Vauchez, *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002).

²⁵ “1435 scribo florentie secundum ordinationem istius libri qualiter predicabis faciliter ad populum per totum annum per bibiam sed indiges habere tecum istum librum et bibiam ego in theologia magister andreas ulixbonensis episcopus pauper megarensis.” Pelzer, *BAV Codices Vaticani Latini*, II, pars prior:528–9.

interested in the work of his contemporaries. He clearly considered the works in both manuscripts to be preaching aids, and the additional table in Escobar's own hand, meant to make the distinctions even more useful for preaching during the liturgical year, is yet more evidence of his self-understanding as not only master of theology, but preacher.

Escobar's early Dominican training and experience as a preacher are also evident in the rhetorical style of his works. Hortatory passages are found throughout his works and he very frequently writes in the first person as well. Although they are certainly not sermons, Escobar frames both *De publicatione haeresum contentarum in libro Talmut* and *De Graecis errantibus* rhetorically with a controlling *thema* from scripture, just as one would structure a sermon.²⁶ Although emphasizing substance more than style, Escobar structures that substance to have the maximum argumentative effectiveness. Escobar's method of reasoning, from the general to the specific, does not necessarily preclude opening with one's conclusion and then outlining the process used to derive it. However, Escobar often instead defers all discussion of his conclusion until after presenting the whole chain of reasoning. This is a sound rhetorical strategy because if the reader encounters an unpalatable conclusion first, he is liable to be more resistant to the arguments that follow. Escobar avoids this by leading the reader through his arguments before presenting his conclusion. He uses this technique both in *Colles reflexi* and, to some extent, in *De Graecis errantibus*. Escobar also uses outrageous arguments to make merely extreme arguments seem more reasonable. In *De publicatione...in Talmut*, for instance, he first states that all Jews whatsoever should be simply expelled from Christian territories altogether if they refuse

²⁶ E.g. "Et potissima ratio est in Themate praeassumpto 'Quia non est in ore eorum veritas cor eorum vanum est.'" Erlangen, UBEN, Cod. 542, fol. 99v. "'Quare ergo detraxistis sermonibus veritatis,' vos, domini Graeci? Quod fuit primum verbum thematis huius tractatus..." Escobar, *Tractatus de Graecis errantibus*, 87.

to convert. Escobar follows this almost immediately with the somewhat less extreme argument that, if Jews are not expelled, they should be completely excluded from Christian society—even from commercial activity—and then presents arguments not for expulsion, but for exclusion.²⁷ The expulsion proposal is thus revealed to be an argumentative feint, whereas the position he actually argues is exclusion. While he is very willing to increase the effectiveness of his arguments, however, the place of intellect remains unchallenged in Escobar's moral theology.

The theme that runs throughout the works surveyed in this chapter is the unity of the Church, which for Escobar was also the source and guarantor of orthodoxy and orthopraxy. Our starting place for understanding how these concepts interrelate is *De decimis*, because this work is about things the faithful must do to avoid endangering their salvation. Interestingly, and rather surprisingly for a preacher, Escobar's assumption in *De decimis* is that if the faithful do not do as they should, it is largely because they do not know what they are supposed to do.²⁸ All the priest must do to correct this situation is to properly instruct the faithful, through sermons and the counsel of the confessional. Church discipline might also be applied to persuade the recalcitrant, should it be necessary. To properly instruct the faithful, the priests must themselves be instructed correctly. In sum, the assumption of *De decimis* is that orthodoxy, aided as necessary by church discipline, will result in orthopraxy. At no point does Escobar suggest that the emotions or affect

²⁷ E.g., “Sequitur quod ipsi iudei acerrime debent puniri. et a christianorum terris expelli si non convertantur ad christum Vel saltem participatio et communio christianorum cum eis in emendo et vendendo debet evitari.” Erlangen, UBEN, Cod. 542, fol. 84v.

²⁸ “...supplico...hanc decimarum doctrinam, et primitiarum, ac oblationum Christianis quibuslibet debeant insinuare, alta, et intelligibili uoce proclametur, ne excusationem habent [*sic*] de peccato suo, et ne uos domini mei presbyteri continuo arguendo, obsecrando, increpando non soluentes decimas Deo rationem reddatis de tam maximo peccato furti, et rapinae in die iudicii, quia licet nunc tale peccatum non reputetur peccatum propter consuetudinem pestiferam esse magnum, tamen superat crudelitatem omnium praedonum...” Escobar, *De decimis*, fol. 142vb.

have any significant role in this process, despite his own forceful rhetorical style. For some of Escobar's contemporaries like Gerson, rhetoric was a means not merely to enhance the effectiveness of one's fundamentally intellectual arguments, but to appeal directly to the passions and elicit affective responses as a means of encouraging correct moral behavior.²⁹ Escobar's moral theology in these works has no real place for emotions or affect. Orthodoxy, the source of orthopraxy, itself flows from the unity of the universal church because, as Escobar notes in *Colles reflexi*, the Holy Spirit “never vivifies or illumines the members of the Church unless they have been united in peace.”³⁰ Because the Holy Spirit's illumination is the guarantor of doctrinal inerrancy, only a unified Church could guarantee orthodoxy.³¹ Furthermore, as Escobar also argues in the *Colles reflexi*, only a unified Church can effectively enforce church discipline, and thereby ensure orthopraxy. Both the *De publicatione haeresum contentarum in libro Talmut* and *De Graecis errantibus* demonstrate Escobar's deep concern with orthodoxy and its converse, heresy. And of course, *De Graecis errantibus* also argues forcefully the evils and dangers of disunity, stating that the perilous situation of the Greeks is a direct result of their decision to abandon unity with the Roman Church.³² It is only in light of this interrelationship of unity,

²⁹ Hobbins, *Authorship and Publicity Before Print*, 118.

³⁰ “In principio igitur hujus quaestionis, Spiritus sancti auxilio invocato, ut dignetur ignem sui amoris in me ascendere, et lucis suae radio illustrare, quoniam secundum Augustinum 3. de Civitate Dei, nunquam vivificat, nec illustrat Ecclesiae membra, nisi fuerint in pace unita,” Escobar, “Colles reflexi,” 353.

³¹ See discussion of Holy Spirit as guarantor of inerrancy in Jaroslav Jan Pelikan, *Reformation of Church and Dogma (1300-1700)*, vol. 4, *The Christian Tradition: A History of the Development of Doctrine* (Chicago: University Of Chicago Press, 1985), chap. 2.

³² “Qui erraverunt et errant a fide christiana; et errant ideo continue, quia recesserunt ab obedientia Romane ecclesie. Et ‘propterea tradidit eos deus in ignominiam,’ et confusionem ac tyrannorum turcorum infidelium subieccionem...” Escobar, *Tractatus de Graecis errantibus*, 87.

orthodoxy, and orthopraxy that Escobar's authorship of *Gubernaculum conciliorum* can be satisfactorily explained, since its uncompromising claim of conciliar supremacy and unrestrained criticism of the papacy is very difficult to reconcile with his other works. This interpretation of Escobar's moral theology is also fully consistent with his self-understanding as a writer whose works are both authorized by and subject to Church authority, rather than any inherent quality of authorship.

Colles reflexi (1408)

Escobar's earliest known work is the treatise *Colles reflexi*, which survives only in Dietrich of Nieheim's collection *Nemus unionis*, itself known only through printed editions. The strongly conciliarist Dietrich compiled a number of treatises by different authors on questions related to the Western Schism into a single work, supplemented with his own commentary, in anticipation of the 1409 Council of Pisa. No manuscript copies of *Colles reflexi* are known to exist independently of *Nemus unionis*. Simon Schard stated in his 1566 first printed edition of *Nemus unionis* that he found Nieheim's work in a manuscript furnished by a friend, but neither Schard's copy, nor any others that might once have existed, are now extant.³³ This is most regrettable since Schard did not print the complete text of the work.³⁴ The fact that our only source for *Colles reflexi* is a printing of Schard's sixteenth-century transcription of Dietrich's edition of Escobar's text, with no independent witnesses for any stage of this transmission, counsels caution in any analysis.

³³ Georg Erler, *Dietrich von Nieheim: sein Leben und sein Schriften* (Leipzig: Dürr, 1887), 279.

³⁴ Erler, *Dietrich von Nieheim*, 279.

There is substantive evidence that Schard's version of *Colles reflexi* is textually defective, though by whom and to what extent the text was corrupted is now impossible to determine. The problem of the treatise's puzzling title, *Colles reflexi*, is a representative case. The title rubric stating that the treatise "is called or entitled *Colles reflexi*" appears to have been supplied by Dietrich rather than Escobar, since it also notes that the work is "lengthy and tedious, though true and useful."³⁵ Moreover, this title phrase appears nowhere in the body of the treatise. Dietrich may have devised a scheme of allegorical titles assigned to the various treatises compiled in the work.³⁶ It is difficult to construe a sensible meaning for the phrase *colles reflexi*, however, and one wonders what Schard made of it. Although *colles* is easily recognized as "hills," the verb from which *reflexi* is formed means "to bend back or turn around." In 1904, Johann Baptist Sägmüller suggested that the title word should be not *colles*, but *calles*, which means "rocky paths or mountain passes."³⁷ Not only would *calles* make better sense with *reflexi* than *colles*, but Sägmüller also proposed that the title was an allusion to a poem of Paulus Diaconus (d. ca. 799), *Ut queant laxis resonare fibris*, which includes the lines: *Asperum planans iter et reflexos / Dirige calles*.³⁸ This hymn became part of the offices for the Nativity of St. John the Baptist on

³⁵ "Hic incipit tractatus qui dicitur aut intitulatur Colles Reflexi; sunt enim hic dicta contra suprâ scriptas conclusiones Archiepiscopi, longa et taediosa, vera tamen et utilis." Dietrich von Nieheim, *Nemus unionis*, ed. Simon Schard, vol. 4 (Strasbourg: L. Zetzneri, 1609), 351.

³⁶ Erler, *Dietrich von Nieheim*, 280.

³⁷ Johann Baptist Sägmüller, "Dietrich von Niem hat den fünften Traktat seines 'Nemus unionis' nicht 'Colles reflexi', sondern 'Calles reflexi' betitelt," *Historisches Jahrbuch* 25, no. 4 (1904): 531–35.

³⁸ Sägmüller, "Dietrich von Niem hat den fünften Traktat 'Calles reflexi' betitelt," 534. The few instances of *callis/calles* in the Vulgate (cf. Judg. 5.6, Prov. 2.20, Isa. 26.7, Joel 2.8) are not paired with any version of *reflexus* and thus are unlikely to be Dietrich's proximal source.

24 June, and the lines quoted are found in the office of Lauds for that feast.³⁹ The section of the hymn in Lauds implores God to “rend asunder our stony breasts, make plain the rugged way and make the diverging path straight,” that is, to help the supplicants correct their sins and errors.⁴⁰ If the title was indeed *Calles reflexi*, “Diverging Paths,” in an allusion to this office, it would have been quite appropriate to a treatise on reuniting the divergent papal obediences. Sägmüller's argument is therefore persuasive, but at what stage might such an error have arisen? With Escobar, or a copyist of his text, or with Dietrich of Nieheim, or a copyist of *Nemus unionis*, or with Simon Schard? In any case, Sägmüller's suggestion was not taken up by later scholars and the treatise is still known as *Colles reflexi*.

It is also likely that either Dietrich of Nieheim or Simon Schard abbreviated *Colles reflexi* to some extent. A number of passages break off abruptly mid-sentence, ending simply with “et cetera.” The tenth of Escobar's initial premises, for example, concludes “And therefore there is no reason that would permit a schism to have existed for so long in the church of God for mere personal gain: Therefore, etc.”⁴¹ The text then resumes with the eleventh premise, suggesting that perhaps some text was omitted at this point. Similarly, the end of the twelfth of his initial premises ends abruptly, “Therefore the supposition, et cetera,” moving on to the thirteenth premise.⁴² Later on, a section explaining his eighth conclusion breaks off with “Therefore this

³⁹ Société de Saint Jean L'Évangéliste, ed., *Paroissien Romain contenant la messe et l'office pour les Dimanches et les fêtes* (Tournai, Belg.: Desclée & Cie, 1934), 1498.

⁴⁰ Société de Saint Jean L'Évangéliste, *Paroissien Romain*, 1498.

⁴¹ “Et ergo ratio nulla permittit, ut propter propria commoda, tamdiu sustineatur schisma in ecclesia Dei: Ergo, etc.” Escobar, “Colles reflexi,” 358.

⁴² “Ergo suppositio, etc.” Escobar, “Colles reflexi,” 359.

conclusion [is] true, et cetera,” before continuing to the ninth conclusion.⁴³ These apparent abbreviations do not impair the sense of the work and it is possible that they are authorial. It is of course also possible that Dietrich, or indeed Schard, may have had an imperfect copy. Dietrich of Nieheim does however express a low opinion of Escobar's style (while valuing *Colles reflexi* for the accuracy and usefulness of its arguments), stating that Escobar's words are “lengthy and tedious.”⁴⁴ The most likely explanation is that Dietrich omitted some of the material he considered more prolix and repetitive. Without any independent witnesses, however, we cannot know certainly if Escobar's text was abbreviated, how much, or by whom.

The *Colles reflexi* is attributed to Escobar on the basis of his self-identification in the work's introduction. Dietrich of Nieheim merely states that the author is an abbot and “professor of sacred theology.”⁴⁵ Partway through the introduction, however, Andreas names himself in a clause submitting the work to the correction of his superiors. Here he states, “I, poor Andreas, abbot of the monastery of Randuphe of the Order of St. Benedict, of the diocese of Braga, *sacrae theologiae professor*...submitting myself...to the most holy father, my apostolic lord Gregory XII...am prepared to,” he goes on to say, retract or amend anything in the work as necessary in accordance with catholic truth and the peace of the Church.⁴⁶ Both the clause submitting his work for the correction and approval of superiors and this style of identifying himself as author are characteristics of almost all Escobar's other works.

⁴³ “Ergo conclusio vera, etc.” Escobar, “Colles reflexi,” 366.

⁴⁴ Dietrich von Nieheim, *Nemus unionis*, 4:351.

⁴⁵ Dietrich von Nieheim, *Nemus unionis*, 4:352.

⁴⁶ Escobar, “Colles reflexi,” 352–3.

Escobar most likely completed *Colles reflexi* in the first quarter of 1408, but the place of composition can only be inferred from known biographical data. Dietrich of Nieheim finished the compilation of *Nemus unionis* on 25 July 1408, according to his colophon.⁴⁷ Escobar's *Colles reflexi* itself is a response to another treatise by the archbishop of Ragusa, *Inaquosa*, according to both Dietrich in his editorial comments and to Escobar in the text.⁴⁸ *Inaquosa*'s colophon states that it was completed on 15 November 1407.⁴⁹ This archbishop of Ragusa who wrote the *Inaquosa* is never identified by name either by Dietrich or Escobar. Nicolas Sacchis, O.P. was appointed to that see in 1402 by Boniface IX and died 13 January 1408, but it is far more likely that the author is Giovanni Dominici, O.P. (ca. 1355/6-1419) who succeeded Nicolas Sacchis on 26 March 1408.⁵⁰ Dominici was, at that time, a leading apologist for Gregory XII, and Cardinal Giordano Orsini, no conciliarist himself, later refuted another of Dominici's treatises.⁵¹ Although

⁴⁷ Dietrich von Nieheim, *Nemus unionis*, 4:534.

⁴⁸ This title, which means “desert places,” seems likely also to be Dietrich's rather than the archbishop's. The word is not a common one, but is found in an anti-heretical treatise by Tertullian, the *De baptismo*. There, he states, “And in fact a certain female viper from the Cainite sect, who recently spent some time here, carried off a good number with her exceptionally pestilential doctrine, making a particular point of demolishing baptism. Evidently in this according to nature: for vipers and asps as a rule, and even basilisks, frequent dry and waterless places.” (*atque, adeo nuper conversata istic quaedam de caina haeresi vipera venenatissima doctrina sua plerosque rapuit, imprimis baptismum destruens. plane secundum naturam: nam fere viperae et aspides ipsique reguli serpentes arida et inaquosa sectantur.*) Tertullian, *Tertullian's Homily on Baptism*, ed. and trans. Ernest Evans (London: S.P.C.K., 1964), 4, 5.

⁴⁹ Dietrich von Nieheim, *Nemus unionis*, 4:351.

⁵⁰ Konrad Eubel, *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1198 usque ad annum 1431 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*, 2nd ed., vol. 1 (Münster: Librariae Regensburgianae, 1913), 411–412.

⁵¹ Rosa Maria Dessì, “John Dominici,” *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002); Erich König, *Kardinal Giordano Orsini (†1438): ein Lebensbild aus der Zeit der grossen Konzilien und des Humanismus* (Freiburg im Breisgau: Herder, 1906), 36.

Dominici was not actually consecrated archbishop until March of 1408, Nieheim's version of *Inaquosa* also references the author as archbishop of Ragusa. Nieheim must have edited both texts to reflect Dominici's position at the time he compiled the work in July of that year.

Therefore, we should not assume that *Colles reflexi* was written after 24 March. However, Escobar's argument, as we shall see, is that Gregory XII was obligated to resign the papacy as he had promised, but Gregory XII openly rejected abdication in May 1408. Since Escobar continued to be welcome in Gregory XII's curia, he most likely completed *Colles reflexi* before Gregory XII openly repudiated his vow to resign. There is no textual evidence for the place of composition, and documentary evidence for this phase of Escobar's life is scanty. It appears that he remained attached to the curia of Gregory XII throughout 1408, however, so it is likely that *Colles reflexi* was composed in Lucca, where the Roman curia moved in January of that year.

Escobar states that the purpose of *Colles reflexi* is to answer a question in fulfillment of his duty as a teacher of theology, though later in the work it also becomes clear that he is responding to the treatise *Inaquosa*. In the introduction, Escobar simply states that he is writing the treatise in response to a question, but never explicitly states what that question is. Escobar's opening sentence explains that, "having come therefore to this question," he is obligated to answer it as best he can.⁵² Several times later in the treatise, Escobar refers to the "title question," so perhaps the question originally formed part of the treatise's title. It is also possible that *Colles reflexi* was only ever circulated as a response appended to the text of *Inaquosa*, so the question seemed self-evident. The question is explicitly stated in *Inaquosa*: "Whether the promised and declared peace and reform of the holy union of the apostolate of the Church, to be brought about by virtue of

⁵² "Ad quaestionem ergo veniendo, et pro zelo domus Dei, veritati insistendo, cum timore tamen et tremore, quia positus sum doctor gentium in fide et veritate, eam amplectendo..." Escobar, "Colles reflexi," 352.

renunciation, may at this time be set aside without the loss and destruction of eternal life.”⁵³

Gregory XII had promised, upon his election as pope in the Roman obedience, that he would resign the papacy if and when requested to do so by the College of Cardinals. The *Inaquosa's* answer is affirmative, Dominici arguing that disastrous consequences would befall the Church should Gregory resign.⁵⁴ Escobar states that he is obligated to respond to this question because he has been made a “teacher of the people,” and so for him, it would be just as much a sin to remain silent out of fear of the consequences of speaking as it would be to tell a lie.⁵⁵ Not until the fourth and final section of the work, wherein he directly addresses the archbishop's arguments, does Escobar give any hint that he is responding to the *Inaquosa*. Escobar may have deliberately avoided any overt reference to the *Inaquosa* earlier in the work as a rhetorical strategy, or it may simply be that Escobar did not need to refer to the original treatise until he was addressing its specific arguments, especially if *Colles reflexi* only circulated together with the *Inaquosa*.

Escobar never addresses himself to any person or specific group in the *Colles reflexi*, but there were very few people whose opinions on the subject really mattered. *Colles reflexi* is fundamentally a polemical work but, as we shall see, it also seems rather like an expert brief,

⁵³ “Utrum pax et reformatio jurata et firmata sanctae unionis ecclesiae Apostolatus fienda renunciationis virtute hac vice praeteriti valeat absque dispendio et interitu salutis aeternae.” Archbishop of Ragusa [Giovanni Dominici?], “Inaquosa,” in *Nemus unionis*, ed. Dietrich of Nieheim, vol. 4 (Strasbourg: L. Zetzneri, 1609), 314.

⁵⁴ Archbishop of Ragusa [Giovanni Dominici?], “Inaquosa,” 343–4.

⁵⁵ “...quia positus sum doctor gentium in fide et veritate, eam amplectendo, licet secundum Terentium, Veritas odium pariat.... Ex his, inquit, verbis ostenditur, quod non solum ille est proditor veritatis, qui transgrediens veritatem, palàm pro veritate mendacium loquitur, sed etiam ille, qui non liberè pronunciat veritatem, quem liberè pronunciare debet, aut non liberè veritatem defendit, quam liberè defendere convenit, proditor est veritatis.” Escobar, “Colles reflexi,” 352. Since Escobar was not yet a bishop at that time, his reference to being a *doctor gentium* must refer to his qualification as a master of theology.

with its careful presentation of both a theoretical framework and specific arguments. While Escobar is at times scathing in his criticisms of the abuses within the Church, he never names any specific perpetrators. Escobar must surely have intended his primary audience to be Gregory XII, who until May 1408 seemed still to be considering the possibility of abdication. It is even plausible that Gregory, or more likely one of his cardinals or ministers, solicited Escobar's opinion on the question. This might explain why Escobar speaks of writing the treatise under obligation, and also his seeming reluctance to single out specific individuals for criticism. As we shall see, Escobar even carefully distances himself from his own conclusions. If the *Colles reflexi* was indeed written for Gregory XII or his cardinals rather than some wider audience, it might also explain why it nearly disappeared from the historical record.

Escobar most often cites the scriptures to defend his propositions in the *Colles reflexi*, as befits a theologian, but he also appeals to a variety of Christian and classical authorities. I was able to identify forty quotations or paraphrases from the Christian scriptures, mostly from the epistles, and twenty-five from the Old Testament. An additional fifty-eight citations came from Christian authors and fifty from classical works. Escobar's citations are drawn from more than thirty distinct works, but at least six citations, and probably many more, actually came from a florilegium or similar work. In these citations, Escobar's wording more closely follows extracts compiled in the fourteenth-century *Manipulus florum* of Thomas of Hibernia than it does available critical editions of these works. In many cases, Escobar also cites Greek authorities through classical or Christian Latin intermediaries, especially Aristotle's *Politics*. As we shall see, the *Politics* is one of Escobar's most important sources; he cites it no fewer than fourteen times. In six references, Escobar notes that *De regimine principum* of Giles of Rome (d. 1316)

was his proximal source for the *Politics*, but most of the time he simply refers to book and chapter as though he were citing it directly. In at least one case, Escobar seems to have quoted not Giles, but Thomas Aquinas' commentary on the *Politics*. As there is no evidence that Escobar was familiar with Greek, it is reasonable to assume that all his references to Aristotle and other Greek philosophers were gleaned from Latin intermediaries. Aside from the *Politics*, the classical works upon which Escobar most relied were Cicero's *De officiis*, Seneca's *Moral Epistles*, and historical works by Valerius Maximus and Sallust. Of the Christian works, Escobar most often cites Augustine, especially *City of God*, the *Decretum*, and Gregory the Great's *Regula pastoralis*. Mainly patristic works are quoted, quite likely via florilegia, with a few references to Bernard of Clairvaux and Thomas Aquinas as well. At least one citation Escobar attributes to *City of God* is actually from a discussion of that work in John of Wales' (d. 1285) *Communiloquium*. The most recent work Escobar references is the *Liber sine nomine* of Francesco Petrarca (d. 1374). The range of authorities Escobar invokes, then, is generally quite traditional and, as we shall see, his interest in classical sources is directly related to the rhetorical strategy he employs.

Escobar organized the *Colles reflexi* into four main sections of roughly equal length following a brief introduction, totaling over nine thousand words in the printed version of *Nemus unionis*. Although the text as we find it there begins with the rubric *Caput I*, in fact there are no chapters or other internal divisions explicitly marked in the work. Rather, Escobar signals the transitions by briefly explaining the purpose of the next section. Nowhere does he describe his overall plan in structuring the treatise, as he does in his later works. After a largely formulaic introduction, Escobar first establishes the basic framework of his argument by proposing a series

of fourteen premises, which he terms *suppositive conclusiones*, *suppositiones*, or simply *conclusiones*. These premises must be established, he says, since they form the logical bases for arguments made in subsequent sections. Escobar supports each of these fourteen preliminary conclusions with an abundance of authorities, both sacred and secular. Next, Escobar proposes another ten conclusions specifically related to harmony and discord, which he identifies as the crux of the problem of union. Escobar then proceeds to four central arguments about the necessity of achieving union, supporting these arguments with both authorities and the premises and conclusions proved in the preceding two sections. Lastly, Escobar directly refutes the seventeen propositions made by the archbishop of Ragusa in *Inaquosa*. There is no conclusion to the treatise; Escobar merely ends with the observation that the archbishop's arguments are without merit. Within these four sections, the organization is often confusing and seems a bit haphazard. In the first section, for instance, a number of the suppositions treat such similar subject matter that it is difficult to understand why they stand as separate headings at all. In other cases, the authorities he cites in the discussion of a conclusion or supposition are not very relevant or well-chosen. This impression of somewhat disorganized or hasty composition also characterizes most of Escobar's other treatises, as we will see. The treatise's overall structure is nonetheless logical and, by concluding with a thunderous refutation of *Inaquosa*'s arguments, rhetorically forceful.

The introduction is brief and largely formulaic, except for an invocation to the Holy Spirit that signals the central importance of the Holy Spirit in the ecclesiology of both Escobar and many of his contemporaries. Escobar paraphrases a liturgical prayer, requesting the aid of the Holy Spirit because it "never vivifies or illumines the members of the Church unless they have

been united in peace.”⁵⁶ While Escobar may simply be asking the Holy Spirit’s aid in achieving union of the divided Church, he may also be implying that while it is divided, the Church (and by extension, the papacy) does not enjoy the Holy Spirit’s protection against doctrinal errors. Competing claims to Christian concord and thus to doctrinal inerrancy would soon characterize the conciliar era, and especially the Council of Basel.⁵⁷ The transition to the body of the treatise is marked only by the concluding sentence of the introduction, in which Escobar states that he will expand upon the title question by fortifying himself with a *conclusiva suppositione*, a conclusive supposition.

Escobar's fourteen “conclusions” in the first section apply classical political philosophy to the Church in order to establish that the Church is a commonwealth and that therefore its good should be placed before any personal or private good. Escobar first defines a *populus*, people, with reference to Cicero’s *De re publica*, then argues that the universal Church fits Cicero’s definition of a *populus*. For Escobar, it logically follows that the Church is therefore a *res communis et publica*, a commonwealth and republic, and that any such body is supposed to be ruled with justice, equity and *moderamine*, “by statecraft.”⁵⁸ Escobar further observes, crucially to his argument, that when there is no peace, a commonwealth cannot be ruled with justice and

⁵⁶ “...nunquam vivificat, nec illustrat Ecclesiae membra, nisi fuerint in pace unita.” Escobar, “Colles reflexi,” 353.

⁵⁷ See discussion in Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300-1870* (New York: Oxford University Press, 2003) chapter 2; Antony Black, *Council and Commune: The Conciliar Movement and the Council of Basle* (London: Burns & Oates Ltd, 1979) chapter 3; Jaroslav Jan Pelikan, *The Christian Tradition: A History of the Development of Doctrine, Volume 4: Reformation of Church and Dogma (1300-1700)* (*The Christian Tradition: A History of the Development of Christian Doctrine*) (Chicago: University Of Chicago Press, 1985) chapter 2.

⁵⁸ Escobar, “Colles reflexi,” 353.

equity. Escobar's remaining propositions in this first section all examine the nature of the common good and the duty to place it before private or personal good. He employs arguments from history, classical moral theology, natural law, and scripture to support his propositions, assuming throughout that any reference to a commonwealth in classical writers is fully applicable to the Church. His propositions are phrased in global terms as philosophical truths, but it is often quite easy to see how they apply to the specific problems obstructing union. For instance, Escobar argues that because the true wealth of a commonwealth is the common benefit which results from peace, no one should be afraid of being poor due to working for the peace of the Church. Presumably Escobar is referring to the fear of losing benefices and other perquisites of papal favor that might result from achieving union. He also proposes that no oath made in the interest of union, a common good, ought to be set aside out of personal loyalties or friendships, a private good. This proposition clearly refers to the oaths that were by now routinely exacted by the competing colleges of cardinals from candidates for the papacy.

The next section consists of ten further propositions about harmony and discord. Stating that “these suppositions or conclusions [i.e. of the first section] having therefore been presupposed” for proving the truth of the entire (unstated) question, the “supports of the question” ought next to be considered.⁵⁹ Escobar considers that the entire question turns on the harmony of the Church and that by drawing harmony and discord into direct contrast, he will illuminate both. Resting his arguments on the three legs of philosophy, scripture, and natural law, with particular emphasis on classical political philosophy, Escobar states that peace is the most important virtue for the security of state, kingdom, or commonwealth, all of which terms for secular societies he assumes

⁵⁹ “Istis ergo praesuppositis suppositionibus seu conclusionibus pro totius quaestionis verificatione: videndum est de suppositis in quaestione.” Escobar, “Colles reflexi,” 360.

to be directly equivalent to the commonwealth of the Church. For instance, when he argues that peace in the Church can best be achieved by having “only one Apostolic or vicar of Christ” on earth, Escobar proves this by citing political theorists who hold that the peace of the citizens is best safeguarded by having a single ruler.⁶⁰ From scripture, Escobar argues that Christ's willingness to accept death proves Christians should be willing to do no less to achieve peace, and that disturbing the peace of the Church is a sin because peace and unity are forms of charity. From natural law, Escobar argues that, since all humans are considered to be of one body, it is both unnatural for the members of a single body to be in disharmony and also a sin against the natural order to fail to bring the members back into harmony. Here Escobar uses a corporal metaphor that, as we shall see, was widely employed by both pro-papal and pro-conciliar theorists. Turning to the opposite of harmony, Escobar considers discord both the immediate cause and chief consequence of schism. Escobar equates schism with rebellion in the terms of secular political theory, arguing that it arose from “desire to rule, gain, ambition, rapacity, and avarice.”⁶¹ Three times Escobar opposes *libido* or *cupido dominandi*, “desire to rule,” to love of Christ and the faith. Here, Escobar echoes Simon of Cramaud's 1397 *De subtractione obedientie*, which argued that the cause of the schism was *libido dominandi*.⁶² Escobar believes both that sin caused the schism, and that the schism in turn has caused all the sins and corruption of the Church and of churchmen. He cites the classical historian Sallust's claim that when Roman leaders abandoned duty in favor of greed for money and power, Roman moral character decayed,

⁶⁰ Escobar, “Colles reflexi,” 360.

⁶¹ “...libido dominandi, lucrum, ambitio, rapacitas et avaritia.” Escobar, “Colles reflexi,” 364.

⁶² R. N. Swanson, *Universities, Academics and the Great Schism*, Cambridge Studies in Medieval Life and Thought: Third Series 12 (Cambridge: Cambridge University Press, 1979), 131.

the Republic collapsed, and then the ordinary Roman people gave themselves over to all the vices their leaders had embraced.

Escobar argues in the third section that failure to uphold the unity and peace of the Church is a mortal sin and, consequently, failing to honor an oath to that end is likewise a mortal sin. He begins by defining sin, with recourse to Ambrose and Augustine, as transgression of the triple law: *lex naturae, lex scripturae, et lex gratiae* “natural law, scriptural law, and the law of grace.”⁶³ Escobar then demonstrates how neglecting the union of the Church violates each of these three laws, relying in almost equal measure upon classical, scriptural, and patristic authorities. Neglecting union of the Church is a sin according to natural law, Escobar argues, because it constitutes a neglect of the common good in favor of personal good. Escobar reiterates that the Church is a *res communis, res populi, res publica*, “a commonwealth, a community, a republic” and quotes authorities that it is a “natural sin” to neglect that which is in common.⁶⁴ Interestingly, Escobar links the classical notion of the commonwealth and common good with Christian common life and community of goods, citing for instance the *Decretum*, C. 12 q. 1 c. 2, which holds that all things ought to be held in common and only sin necessitated dividing things up and assigning them to particular ownership or possession. Escobar argues that “because ecclesiastical dignity ought to be in common,” when it is treated as personal property, “schism and discord are introduced and there has been sin according to nature.”⁶⁵ Escobar actually goes so far as to deny any basis in natural law for private property, citing Cicero: “Nothing is naturally

⁶³ Escobar, “Colles reflexi,” 368.

⁶⁴ “...secundum Senecae proverbium: Naturale est vitium negligi, quod commune est, sequitur quòd hujusmodi unionis negligentia est vitium naturale.” Escobar, “Colles reflexi,” 368. Although Escobar attributes this quotation to Seneca, his proximal source was probably a gloss on the *Liber Extra*, lib. II, tit. 13, cap. 9. Cf. Charles-Rene Billuart, *Summa S. Thomae hodiernis Academicarum moribus accommodata*, vol. 11 (Liege, 1769), 151.

private.”⁶⁶ Because peace is the highest of all natural goods, Escobar argues, to seek it is in accordance with natural law, while to despise it is deeply unnatural. Turning to scriptural law, Escobar states flatly that men of the Church are indeed to live up to the example of, if not Christ himself, certainly the apostles and that to do less than this is to sin. He demonstrates how the life and teachings of Christ in particular and the scriptures generally enjoin believers to live in peace and brotherly love. Since peace is most highly recommended in the entire scriptures, Escobar concludes, one cannot neglect it without sin. Neglect of the union of the Church is, finally, a sin against the law of grace, Escobar argues, because it is a sin to oppose the peace of the Church and someone who does so therefore cannot at the same time be in a state of grace. Escobar specifically singles out those who have taken an oath to uphold the peace of the Church, though not by name. He argues from scripture and patristic authors that without peace, no other sacrifice is pleasing to God, and therefore God may not answer the prayers of those prelates who fail to seek peace. Equating peace with charity, Escobar states that the diminishing of charity (i.e. the discord of schism) leads directly to all manner of evils such as simony, squandering of the Church’s patrimony, loss of the laity’s confidence in the Church, and violence and warfare in Christendom as a whole. Having now firmly established that hindering the union of the Church constitutes a mortal sin, Escobar argues solely on the basis of scriptural authority that oaths must be upheld. His arguments are four: first, scripture states that once any oath has been taken, it must be fulfilled; second, to swear an oath and not keep it is to take the name of the Lord in vain; third, one who takes an oath falsely is a “forger” of the name of God and *ipso facto*

⁶⁵ “Cùm ergo dignitas ecclesiastica communis esse debet propter bonum et pacem subditorum, si appropriatur tanquam propria, introducit schisma et discordia, et peccatur in natura.” Escobar, “Colles reflexi,” 368.

⁶⁶ “Sunt nulla privata natura.” Escobar, “Colles reflexi,” 369.

excommunicate; and fourth, failure to uphold an oath provokes the wrath of God not only upon the guilty party but upon the entire Church by extension. However, Escobar at the last moment steps back, stating, “But the extent to which those vows and oaths might be lawful, honest, and voluntary, and entirely unalterable in effect, I leave to the discussion and judgment of my masters, the doctors and sages of the civil and canon laws, asking them all and individually to show forbearance for my ignorance, and to manfully join their efforts to mine for the unity and concord of the holy mother Church...”⁶⁷

Escobar presents the fourth and final section of the treatise, in which he answers the *Inaquosa*, with little explanation. The *Inaquosa* is a rather long treatise and *Colles reflexi* is a response to just the fourth of its nine chapters, enumerating seventeen reasons why Gregory XII may, without incurring loss of eternal life, set aside his oath to abdicate. Escobar states that he will refute the archbishop of Ragusa’s reasons for the “affirmative part of the question,” with the assistance of reason and doctors.⁶⁸ In his responses to the archbishop’s seventeen propositions, however, Escobar actually relies a great deal more on reason than on doctors, employing few authorities and instead referring back to the conclusions of the previous three sections of *Colles reflexi* to support his arguments. Escobar also assumes that the reader is familiar with the chapter to which he is responding, never actually stating the archbishop’s arguments. This again suggests that *Colles reflexi* was never meant to circulate without the *Inaquosa*. The chapter of *Inaquosa*

⁶⁷ “Qualiter autem illa vota et juramenta sint licita, et honesta, et voluntaria, et omnino immutabilia quo ad effectum, relinquo disputandum ac determinandum dominis meis, Juris Civilis et Canonici doctoribus ac sapientibus, ipsos rogando omnes et singulos, ut meae velint parcere imperitiae, ut pro unitate et concordia viriliter sanctae matri Ecclesiae valeant mecum assistere...” Escobar, “Colles reflexi,” 375.

⁶⁸ “Ad rationes ergo factas per Ragusiensem magistrum pro parte quaestionis affirmativae, cum omni fundamento rationis, et doctorum clarè respondetur.” Escobar, “Colles reflexi,” 375.

containing these seventeen arguments is quite brief, just a little over two pages in the printed edition, and the archbishop briefly asserts each argument in a single sentence.⁶⁹ The archbishop's arguments demonstrate considerable prejudice towards and mistrust of the Avignonese party, while Escobar takes a much more generous line and reprimands the archbishop for sowing further dissension. For instance, responding to claims that if a pope should be elected from the Avignonese obedience, his adherents would despoil the goods of the church through simony, Escobar retorts that such an argument profits nothing and was written to no purpose, “because knowledge, power, conscience, and honesty and discipline of life thrive just as well in the Ultramontanes as in the Italians, and perhaps better in most, and the Catholic Church is equally well ruled by them.”⁷⁰ Escobar seems particularly annoyed by the archbishop's habitual use of “Italians” to designate those of the Roman obedience, asking, “And if after this resignation there is not an Italian pope but another foreigner, so what, provided that he is good, just and pious? Surely Peter and other holy vicars of Christ were not all Italians? Certainly not.”⁷¹ Responding to a claim that such a “foreign pope” would persecute those of the Roman obedience, Escobar observes sarcastically that the archbishop “is not one of those of whom it is said, Blessed are they who suffer persecution for the sake of justice” because it is actually “the French or Ultramontanes” who have earnestly sought the peace of the Church while the archbishop himself

⁶⁹ Archbishop of Ragusa [Giovanni Dominici?], “Inaquosa,” 314–16.

⁷⁰ “Nam revera ut non prosunt verba, ita nec faciunt ad propositum, cùm aequè bene scientia, potentia, conscientia, honestas vitae ac disciplina vigeat in Ultramontanis, sicut in Italicis, et forsàn in majori copia, et per eos aequè bene valeat regi Ecclesia Catholica.” Escobar, “Colles reflexi,” 378.

⁷¹ “Etsi post hujusmodi renunciationem non fiet Papa Italicus, sed alius extraneus, quid mirum? dum modò sit bonus justus et pius. Nunquid Petrus et alii sancti Christi vicarii fuerunt omnes Italici? certè non.” Escobar, “Colles reflexi,” 379.

offers no constructive suggestion.⁷² After reiterating his argument that a pope cannot dispense anyone from an oath taken for the defense of the church, Escobar closes by baldly stating that the arguments of the archbishop of Ragusa are simply disturbing the peace of the Church and have no merit.

The dominant metaphor Escobar employs for the Church is the body of Christ, but unlike many other writers he is more interested in the members than in the head. The metaphor of the Church as the body of Christ derives primarily from the Christian scriptures.⁷³ The terms *corpus mysticum*, *corpus Christi*, or *corpus mysticum Christi* to describe the Church were used by popes, canonists, and theologians, including Walafrid Strabo in the ninth century and Hugh of St. Victor in the twelfth.⁷⁴ The political theorist John of Salisbury even translated them into secular terms, applying them to the *res publica* in his 1159 *Policraticus*, a transferral Escobar seems to mirror by applying *res publica* to the Church.⁷⁵ Use of these various terms for the body of Christ evolved over time, sometimes describing the consecrated Host rather than the Church, but by the fourteenth century the term *corpus mysticum* had generally come to designate the Church as opposed to the *corpus verum* for the Host.⁷⁶ Early fourteenth-century pro-papal writers like Alvarus Pelagius had used this metaphor to liken the pope, as “head” of the Body of Christ, to an

⁷² “Ad decimam septimam dicitur, quòd iste Magister non est de illis, de quibus dicitur, Beati qui persecutionem patiuntur propter justitiam: quam persecutionem non est verisimile posse pati Italicos à Gallicis seu Ultramontanis, qui pacem procurant, seu quaerunt Ecclesiae, ut panditur evidenter, nec aliam utiliorum et securiorem invenire potuerunt viam unionis, quàm viam cessionis, ut patet, ita quòd copulata Ecclesia cum unico sponso omnibus reddatur pulchra, et sine peccati et ambitionis macula, et vivat pacifica.” Escobar, “Colles reflexi,” 380.

⁷³ Cf. I Cor. 12.12-27.

⁷⁴ Georges Duby, *The Three Orders: Feudal Society Imagined*, trans. Arthur Goldhammer (Chicago: University of Chicago Press, 1982), 246–7.

⁷⁵ Duby, *The Three Orders: Feudal Society Imagined*, 264.

emperor.⁷⁷ While papal monarchists considered the pope to be the head of this *corpus mysticum*, however, Escobar never calls Gregory XII or any other pope *caput*, “head,” in the *Colles reflexi*. Instead, resorting to other metaphors, he calls the pope the single pastor of a single sheepfold, or the only *sponsa*, “spouse,” of the Church, or the vicar of Christ. When he speaks, as he does much more frequently, of the Church as *unum corpus*, one body, Escobar never specifies who is the head of that body. While this elision can permit a reader to assume that the pope, and specifically Pope Gregory XII, is the head of this corpus, it also reminds the reader that the true head of the *corpus mysticum* is Christ himself. Escobar repeatedly emphasizes that the Church is *unum corpus*, united by the sacrament of baptism, ordained by Christ himself. It is precisely the belief that this *corpus mysticum Christi* is ontological reality, not mere metaphor, that makes its chaotic and fractured state so disturbing and unnatural.

The frequency with which Escobar likens the Church to secular political institutions, and especially those of a republican character, is also striking. While he is comfortable applying terms to the Church like *regnum*, which normally designates a kingdom ruled by a monarch, or *societas*, “fellowship, association, society,” which was very general in its meaning, far more often he speaks of it as a commonwealth or republic. Very early in the treatise, he defines the Church as a *res communis et publica*, and he continually reinforces and repeats this language throughout. He even enlists the classical idea of *amor patriae*, “love of country,” as applying most properly to the Church. For Escobar, the idea of the Church as a kind of collective polity, as

⁷⁶ Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, N.J.: Princeton University Press, 1957), 206. For a detailed discussion of the theological tradition surrounding the pope as *vicarius Christi* and of various interpretations of the *corpus mysticum*, “members,” and plenitude of power, see also Agostino Paravicini-Bagliani, *The Pope's Body*, trans. David S. Peterson (Chicago: University of Chicago Press, 2000).

⁷⁷ Kantorowicz, *King's Two Bodies*, 204.

opposed to a monarchy, follows logically from the Christian scriptures. He states that, at Christ's institution, "the communion of the saints consists of all the peoples of the Greeks, Latins, and barbarians...and out of the various members there is one body, its constituents having been merged."⁷⁸ Escobar bases this description upon citations from the epistles, most significantly "For in one Spirit were we all baptized into one body."⁷⁹ The fact that it is baptism that confers membership in the body of Christ means that both laity and churchmen are part of the *res publica ecclesiae*. In this, he differs from theorists like Isaac of Stella, who regarded Christ as the head of the Church, but considered the members to be archbishops, bishops, and other churchmen.⁸⁰ Rather than claiming a privileged status for churchmen in the collective polity of the Church, Escobar instead holds them to a higher standard of behavior. This is particularly the case with regard to Christian concord.

Concord is the quality that holds together the *res publica ecclesiae* and gives evidence of the inspiration of the Holy Spirit. Previous political theorists who also applied a collective model to the Church, that of the ecclesiastical corporation, argued that a head was necessary to integrate the corporation into an organic whole because corporations have no natural existence.⁸¹ Escobar does not reject the necessity of having a head, but he does not accept that a community has no real existence without one. In the second section of the treatise, for instance, he notes, "For we

⁷⁸ "Ecclesia Catholica est coetus multitudinis, à Christo institutus, unius consensu et utilitatis communiione sociatus: patet, quia ex omni gente Grecis, Latinis, et Barbaris, sanctorum consistit communiio per Christum instituta, ex membris variis unum corpus constituentibus consolidata." Escobar, "Colles reflexi," 353.

⁷⁹ I Cor. 12.13 Douay-Rheims

⁸⁰ Kantorowicz, *King's Two Bodies*, 200.

⁸¹ Antony Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (London: Burns & Oates, 1979), chap. 10.

see that communities that are not under one ruler have many wars and conflicts among themselves. Thus for preserving the peace in the rule of the church, a prince, guide, and corrector has been given to us, who is like a head to discordant members.”⁸² This is as close as Escobar comes to calling the pope the head of the Church, but it should be noted that he clearly marks his language here as simile (“*like* a head”) in ways he otherwise does not when speaking of the Church as the *unum corpus*. His point here is not that a society would not exist without a head, but that the purpose of the head is to ensure the peace of the members. It is that very peace which he considers necessary to the body's existence, for later in the same section he argues that while “the commonwealth of the catholic church will be perpetually secure if it is joined with a single bond of peace,” if that Christian charity is lacking “a gap will be opened in the ranks by the evil of discord, through which the host may penetrate to reach us, we who will soon be slain.”⁸³ We also recall Escobar's assertion in the introduction that “...the Holy Spirit never vivifies or illumines the members of the Church unless they have been united in peace...” because the Holy Spirit’s operation is “to bring peace to us all and unite us through the presence of the body, made uniform together through the heart of the Lord, united and unified in the seat of the Church...”⁸⁴

⁸² “Vidimus enim civitates non existentes sub uno rege, plures guerras et discordias habere ad invicem. Sic ergo ad servandam pacem in principatu ecclesiae datus est nobis princeps, rector, et censor, qui ut caput membra dissonantia...” Escobar, “Colles reflexi,” 361.

⁸³ “Ideo Egidius de Regimine principum lib. 3, par. 2, c. 19 dicit, Quòd pax, virtus, et scientia sunt tria maxima bona in regno, ex quibus videtur Rempublicam ecclesiae catholicae salvari perpetuò, si uno connectamur pacis vinculo...Dicit igitur contra malignos spiritus aciem semper per charitatem muniri, et nunquam per discordiam interrumpi, quia si quaelibet in nobis bona fuerint, charitas si defuerint, per malum discordiae locus aperitur in acie, unde ad nos feriendos valeat hostis intrare.” Escobar, “Colles reflexi,” 362.

⁸⁴ “Spiritus sancti auxilio invocato...quoniam...nunquam vivificat, nec illustrat Ecclesiae membra, nisi fuerint in pace unita...dignetur ergo meipsum, et caeteros Christi fideles regere, ac pacificare nos omnes, et unire per praesentiam corporalem, uniformes pariter propter cor Domini, unitatem et unionem loco Ecclesiae...” Escobar, “Colles reflexi,” 353.

Escobar's emphasis on and genuine commitment to Christian concord is clearly demonstrated by his fair-minded treatment of the Avignonese obedience in the fourth part of *Colles reflexi*.

The *Colles reflexi*, despite Escobar's emphasis on the members of the *unum corpus* at (arguably) the expense of the head, is in no sense a conciliarist treatise. There is no evidence that Escobar envisions a council to end the Schism, and the treatise is a straightforward defense of the already much-discussed *via cessionis* advocated by contemporaries like Jean Gerson. The word "council" does not even appear in the treatise, though we must remember that we may not possess Escobar's full text. His ecclesiology could certainly be compatible with conciliar views, perhaps more than with papal monarchism, but the narrow escape of *Colles reflexi* from oblivion suggests that its circulation was very limited. Although an important source for understanding the development of Escobar's own thought, the treatise may well have been unknown to conciliarist thinkers apart from Nieheim.

De publicatione haeresum contentarum in libro Talmut (ca. 1417)

Numerous copies of Escobar's lengthy treatise on the heresies of the Talmud survive, but it is his only significant work to remain unpublished. There are at least eight copies of the full text and two partial or abridged copies of *De publicatione haeresum contentarum in libro Talmut* (hereafter *De publicatione...in Talmut*). It is quite likely that other copies exist but are not cataloged under his name because Escobar does not identify himself as author at the beginning of the treatise. No author is listed in catalog entries for copies of the work in Karlsruhe, Prague, and Tübingen, for example, but the text can nevertheless be identified by its distinctive incipit drawn

from Psalm 5, *Quoniam non est in ore eorum veritas*.⁸⁵ More copies will therefore no doubt come to light as digital cataloging efforts continue. Despite some missing passages in some copies, all witnesses of the full text I examined clearly represent the same textual tradition and provide identical readings for key passages. No one manuscript invariably provides the best reading, so while I have used Erlangen (the most legible of those at my disposal) for transcriptions of the text, I have also compared it against at least three other copies for all important readings.

Escobar does, in fact, name himself as the author of *De publicatione haeresum contentarum in libro Talmut*, consistent with his practice in almost all other works attributed to him. Unlike his other works, however, it is not until well into the body of the text that Escobar finally refers to himself, as “I, a poor bishop having no revenues, so-called bishop of Ciudad Rodrigo, professor of theology, master Andreas Dydaci de Escobar, Iberian from the most noble city of Lisbon, of the Order of Saint Benedict, and minor penitentiary...”⁸⁶ It is noteworthy that Escobar identifies himself not as bishop of Ajaccio or of Megara, but only as being “called” bishop of Ciudad Rodrigo. We may infer therefore that he began writing the treatise while he was still only an unsuccessful claimant to the see of Ciudad Rodrigo and before his 1422 translation to Ajaccio.

⁸⁵ Alfred Holder, *Die Reichenauer Handschriften, zweiter Band: Die Papierhandschriften, Fragmenta, Nachträge*, vol. IV, Die Handschriften der Badischen Landesbibliothek in Karlsruhe (Wiesbaden: Harrassowitz, 1971); Antonín Podlaha, *Soupis rukopisů knihovny metropolitní kapituly pražské*, vol. 1 (Prague: Nákladem české akademie Císare Františka Josefa pro Vědy, slovesnost a umění, 1910); Hedwig Röckelein, *Handschriftenkataloge der Universitätsbibliothek Tübingen*, vol. 1:1 (Wiesbaden: Harrassowitz, 1991).

⁸⁶ “Ego pauper episcopus nullus habens redditus dictus Civitatis episcopus sacre Theologie professor magister Andreas dydaci de Stobar hispanus de nobilissima civitate ulixbonensi oriundus ordinis sancti Benedicti et in Romana Curia minor penitentiarius...” Bamberg, Staatsbibliothek Bamberg, MS Msc. theol. 107, fol. 271ra; Einsiedeln, Stiftsbibliothek des Klosters Einsiedeln, MS cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101v; Nuremberg, Stadtbibliothek Nürnberg, MS Inc. 469 fol., fol. 11r.

All internal references in *De publicatione...in Talmut* confirm that Escobar at least began, and likely finished, the work in 1417. As we shall see, Escobar discusses events that occurred in Aragon in 1415 and Savoy in 1416-1417 in some detail. In the same passage where Escobar identifies himself as the author, for instance, he also refers to the Duke of Savoy “who, when I was present, in one day accomplished the seizure of all the books of the Jews in his dominion.”⁸⁷ Escobar continues with an account of the burning of Jewish books and imprisonment of Jews in Chambéry in 1417. He also in several places refers to 1417 as the present year. In one passage, he chides the Jews for believing that the Messiah has yet to come, when in fact it has already been one thousand four hundred seventeen years since he came to liberate them.⁸⁸ In another passage, Escobar explains that according to the Hebrews, five thousand three hundred and sixty-nine years have passed from the creation of the world until “this year in which the sacred Council of Constance is celebrated...among us the year of Christ the true messiah one thousand four hundred seventeen.”⁸⁹ The only possible conflict with a 1417 dating is a passage in which

⁸⁷ “...et propter excellens exemplum omnibus regibus et principibus secularibus christianis illius catholici et illustrissimi principis et domini nostri ac ducis Subaudie qui me praesente in una die per totum suum dominium libros iudeorum fecit capi...” Bamberg, SBB, Msc. theol. 107, fol. 270vb; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v–11r. Escobar never names the Duke of Savoy in 1417, Amadeus VIII, later anti-pope Felix V. In 1416, Sigismund raised Amadeus VIII's status from count to duke in recognition of the latter's assistance in resolving the schism. Duke Amadeus, having withdrawn to contemplative life after the death of his wife, was elected pope by the Council of Basel in October 1439. He accepted the election in February 1440, apparently with some reluctance, taking the name Felix V, but in 1449 resigned his claim to the papacy and was made a cardinal by Nicholas V. See Johann Peter Kirsch, “Felix V,” *The Catholic Encyclopedia* (New York: Robert Appleton, 1909); Michael J. Walsh, ed., “Felix V,” in *A Dictionary of Popes*, third (Oxford: Oxford University Press, 2015).

⁸⁸ Bamberg, SBB, Msc. theol. 107; Einsiedeln, SBKE, Cod. 224, fol. 51r; Erlangen, UBEN, Cod. 542, fol. 103v.

⁸⁹ “...a creacione mundi usque ad hunc annum quo celebratur hoc sacrum Constanciense concilium secundum hebreos Annos quinque Millesimo trecentos et sexaginta nonem et nos

Escobar refers to “the glory of that selfsame most Christian prince, restorer of the union of the church, unconquered Caesar of the Romans and King of the Hungarians, the most illustrious lord Sigismund...and to the honor of of our natural lord the most illustrious Infante Duarte, future king of the kingdoms of Portugal and the Algarve.”⁹⁰ Sigismund was not crowned Holy Roman Emperor until May 1433. Either an early copyist emended Sigismund's title, since all five copies I have examined include this exact wording, or more likely Escobar here recognizes Sigismund as “Caesar of the Romans” because of his 1414 coronation as King of the Romans.⁹¹

Furthermore, Escobar's laudatory reference to the Infante Duarte was likely prompted by Duarte's leading role in the 1415 conquest of Muslim Ceuta in North Africa.⁹²

De publicatione in Talmut bears no specific dedication but Escobar's intended audience can be inferred from the text. This task is, however, complicated by the work's peculiar organization, or perhaps disorganization. *De publicatione in Talmut* does not open with a conventional preface, where we might expect to find a dedicatee or at least some clear indication of the audience.

Instead, Escobar opens with what appears to be an address to secular Christian princes: “You

sumus anno christi veri messye Millesimo quadringentesimo xvii.” Bamberg, SBB, Msc. theol. 107, fol. 287rb; Einsiedeln, SBKE, Cod. 224, fol. 73r; Erlangen, UBEN, Cod. 542, fol. 128v; Nuremberg, SBN, Inc. 469 fol., fol. 26v.

⁹⁰ “Insuper ad gloriam ipsius christianissimi principis recuperatoris unionis Ecclesie invicitissimi Cesaris Romanorum et ungarorum Regis illustrissimi domini Sigismundi id est sancti et mundi et ad honorem domini nostri naturalis illustrissimi odoardi primogeniti Regnorum portugalie et Algarbii Regis futuri...” Bamberg, SBB, Msc. theol. 107, fol. 270rb; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v.

⁹¹ “Si(e)gmund, 3. Böhmen und das Reich,” *Lexikon des Mittelalters* (Stuttgart: Verlag J.B. Metzler, 1999).

⁹² “Eduard (Duarte), Kg. v. Portugal,” *Lexikon des Mittelalters* (Stuttgart: Verlag J.B. Metzler, 1999).

know, o Christian princes and lords who maintain Jews in your lands and offices...that you sin mortally and act against the divine law God has taught you.”⁹³ However, as the treatise progresses it seems that Escobar is speaking also to princes of the Church, addressing his readers for example as “Reverend fathers and lords” in one place, and in another “I wish to advise you lords and our Christian fathers...”⁹⁴ In a passage that has most of the characteristics of a preface despite appearing almost one-fourth of the way through the work, Escobar addresses churchmen specifically. Escobar reminds them of their responsibilities towards Christ's faithful and thus their obligation to prevent Jews from holding any offices or practicing usury.⁹⁵ It is in this same passage that Escobar commends the Holy Roman Emperor Sigismund, the Infante Duarte, and the Duke of Savoy “who strive even more for the extirpation of infidels and enemies of the cross than do our ambitious prelates of the Church.”⁹⁶ Escobar no doubt hoped that prelates would use their influence with secular princes to have Jews expelled, his preferred option, but part of his

⁹³ “Scitis o christiani principes et domini qui iudeos in vestris terris et locis tenetis. et eorum usuris dampnis quibus christianos ledunt. ac iniuriis uituperiis et blasphemiiis quibus christum dominum nostrum et nostram matrem sanctam ecclesiam offendunt consentitis et mortaliter peccatis et contra legem divinam facitis...” Bamberg, SBB, Msc. theol. 107, fol. 261ra; Einsiedeln, SBKE, Cod. 224, fol. 34r; Erlangen, UBEN, Cod. 542, fol. 84r; Nuremberg, SBN, Inc. 469 fol., fol. 1r.

⁹⁴ “Reverendi patres et domini...” Bamberg, SBB, Msc. theol. 107, fol. 269vb; Einsiedeln, SBKE, Cod. 224, fol. 47r; Erlangen, UBEN, Cod. 542, fol. 99v; Nuremberg, SBN, Inc. 469 fol., fol. 9v. “...volo vos avisare dominos et patres nostros christianos...” Bamberg, SBB, Msc. theol. 107, fol. 270va; Einsiedeln, SBKE, Cod. 224, fol. 48v; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v.

⁹⁵ Bamberg, SBB, Msc. theol. 107, fol. 270vb; Einsiedeln, SBKE, Cod. 224, fol. 48v; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v–11r.

⁹⁶ “Propter reverentiam tantorum principum secularium qui amplius nituntur infideles et crucis inimicos exstirpare quam faciunt nostri ambitiosi prelati ecclesie...” Bamberg, SBB, Msc. theol. 107, fol. 271ra; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101v; Nuremberg, SBN, Inc. 469 fol., fol. 11r.

intended audience was also “Christians wishing to prove the Jews wrong by means of the books of the Talmud.”⁹⁷ Much the largest part of the work constitutes a sort of manual or detailed instruction for just this purpose, to be used by “certain Christians who are steadfast and firm in faith.”⁹⁸ While Escobar generally refers to the entire work as a *tractatus*, in various places he refers to one or another sub-part of the work as a *sermo* (“sermon” or “speech”), a *lectio* (“reading” aloud or “lesson”), or even a *disputacio* (“debate”) which indicates he truly did intend for it to be used in public disputations against Jews. Historically, of course, it was Dominican friars who engaged in public disputations with Jews, almost without exception. Although he does not say so specifically, it is likely that Escobar has in mind his former confrères in the Dominican Order.

Escobar's *De publicatione in Talmut* is emblematic of the complex nexus of increased conversion efforts and increased anti-Jewish sentiment in the early fifteenth century. A dramatic increase in Jewish conversion in the decades on either side of the turn of the fifteenth century is sometimes attributed to a 1391 wave of popular anti-Jewish violence that swept the Iberian peninsula.⁹⁹ However, some scholars believe that conversions were already increasing before this

⁹⁷ “Modus ergo et cautela quam debent tenere christiani convincere volentes iudeos per libros Talmut...” Bamberg, SBB, Msc. theol. 107, fol. 271rb; Einsiedeln, SBKE, Cod. 224, fol. 49v; Erlangen, UBEN, Cod. 542, fol. 102r; Nuremberg, SBN, Inc. 469 fol., fol. 11r.

⁹⁸ “...certe in illo causa sine peccato tales in fide firmisissimi possunt cum judeis conversari. eis loqui. et quantum potuerit verbis et muneribus exemplis et miraculis ad fidem christi trahere.” Bamberg, SBB, Msc. theol. 107, fol. 262rb–va; Einsiedeln, SBKE, Cod. 224, fol. 36r; Erlangen, UBEN, Cod. 542, fol. 86v; Nuremberg, SBN, Inc. 469 fol., fol. 2v.

⁹⁹ M. D. Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, Jews, Christians, and Muslims from the Ancient to the Modern World (Princeton, N.J.: Princeton University Press, 2004), 24–5; Hyam Maccoby, *Judaism on Trial: Jewish-Christian Disputations in the Middle Ages*, Littman Library of Jewish Civilization (Rutherford, N.J.: Fairleigh Dickinson University Press, 1982), 83.

incident, and it is certainly the case that greater missionizing efforts began well before 1391.¹⁰⁰ For instance, two public Jewish-Christian debates took place in 1375 in Castile and Navarre, although such debates had virtually ceased since the 1263 Barcelona disputation.¹⁰¹ The Christian disputant at the latter was Cardinal Pedro de Luna, later Avignonese Pope Benedict XIII. As we shall see, passages from the Talmud had been employed since the mid-thirteenth century in such public disputations, aimed at converting Jews. Whether due to public preaching and disputation or to fear of violence, these late-fourteenth and early-fifteenth century conversions resulted in a significant influx of *conversos* into Iberian Christian society.

It is only after this increase in the *converso* population that we find evidence of a significant chill in royal and papal policy towards the Jews. During the 1391 anti-Jewish violence, Iberian rulers repeatedly issued edicts forbidding violence against and forced conversion of Jews and took action to protect them.¹⁰² Not until 1408 do Iberian rulers begin promulgating new anti-Jewish decrees, beginning with a Castilian decree prohibiting Jews from holding any public office with authority over Christians.¹⁰³ In 1412 more Castilian ordinances followed, *inter alia* limiting Jewish freedom of movement and prohibiting them from selling food or drink to

¹⁰⁰ Norman Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain* (Madison, Wis.: University of Wisconsin Press, 1995), chap. 2. For Jewish-Christian relations in the first half of the fourteenth century, see David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, N.J.: Princeton University Press, 1996).

¹⁰¹ Hanne Trautner-Kromann, *Shield and Sword: Jewish Polemics Against Christianity and the Christians in France and Spain from 1100-1500*, Texts and Studies in Medieval and Early Modern Judaism 8 (Tübingen: J.C.B. Mohr 1993), 149–52.

¹⁰² Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 24–5; Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 33–4, 43.

¹⁰³ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 48.

Christians.¹⁰⁴ The actual degree to which this royal legislation was enforced is a matter of scholarly debate.¹⁰⁵ Yet, in 1413 the last great public Jewish-Christian debate of the Middle Ages began in Tortosa, followed in 1415 by the Avignonese Benedict XIII's anti-Jewish bull "*Etsi doctoribus gentium*," the most severe of its kind yet seen.¹⁰⁶ As Escobar states, King Fernando of Aragon also issued harsh anti-Jewish legislation in 1415.¹⁰⁷ Concurrent with these events were continued Dominican conversionary preaching tours, most famously that of Vicente Ferrer from 1399-1419.¹⁰⁸ Contemporary Jewish accounts attribute as many as 200,000 conversions to Ferrer alone just in 1412 which, even allowing for considerable inflation, indicates that very large numbers of mostly voluntary *conversos* were entering Christian society.¹⁰⁹ Popular anti-Jewish violence frequently erupted in the wake of these preaching tours, despite the fact that they were ostensibly aimed at voluntary conversion.¹¹⁰ In such circumstances, it is difficult to judge just how voluntary these conversions were, a fact that no doubt figured into Christian suspicion. Anti-

¹⁰⁴ Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 59; Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 49; Michael Hatch, "Vicente Ferrer and the Kings' Jews: Reassessing the Modern Image of a Medieval Dominican" (Emory University, 2011), 12.

¹⁰⁵ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 49.

¹⁰⁶ Max Simonsohn, *Die kirchliche Judengesetzgebung im Zeitalter der Reformkonzilien von Konstanz und Basel* (Breslau: S. Lilienfeld, 1912), chap. 1; Kenneth R. Stow, "The Burning of the Talmud in 1553, in the Light of Sixteenth Century Catholic Attitudes Toward the Talmud," *Bibliothèque d'humanisme et renaissance; travaux et documents* 34, no. 3 (1972): 436.

¹⁰⁷ Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 59.

¹⁰⁸ Hatch, "Vicente Ferrer and the Kings' Jews: Reassessing the Modern Image of a Medieval Dominican," 23.

¹⁰⁹ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 50.

¹¹⁰ Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 59; Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 17.

Jewish legislation also often followed in Ferrer's wake; it was shortly after Ferrer's sojourn in Savoy, as we have seen, that Amadeus VIII in 1403 issued new anti-Jewish statutes.¹¹¹

The significant increase in conversion and the increase in anti-Jewish sentiment were thus interrelated, but in complex and sometimes contradictory ways. Legislation requiring more strict exclusion of Jews from Christian social and economic life was driven at least in part by the concern that *conversos* who associated too closely with Jews might apostasize, or at least adopt Judaizing practices like eating meat on Friday.¹¹² Anti-Jewish regulations often included compulsory attendance of (usually Dominican) missionary sermons on specified days.¹¹³ Some *conversos* were among those most actively critical of their former co-religionists, as evidenced by the *converso* physician Geronimo de Santa Fé's instigation of the Disputation of Tortosa, to take just one example.¹¹⁴ The participation of converts from Judaism was essential to the 1416-1417 seizure and examination of rabbinical literature, under the supervision of two Franciscan inquisitors.¹¹⁵ Norman Roth argues that there was a longstanding medieval tradition of attributing Christian heresy to Jews, a connection that would have acquired new urgency in the fifteenth

¹¹¹ Philip Daileader, *Saint Vincent Ferrer, His World and Life: Religion and Society in Late Medieval Europe*, The New Middle Ages (New York: Palgrave Macmillan, 2016), 52. For a recent discussion of Ferrer's preaching and its relationship to anti-Jewish violence and anti-Jewish legislation, see Katherine Lindeman, "Fighting Words: Vengeance, Jews, and Saint Vincent Ferrer in Late-Medieval Valencia," *Speculum* 91, no. 3 (2016): 690–723.

¹¹² Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 66, 70, 80–81.

¹¹³ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 67; Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 63.

¹¹⁴ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 80–81; Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 59.

¹¹⁵ Thomas Bardelle, *Juden in einem Transit- und Brückenland: Studien zur Geschichte der Juden in Savoyen-Piemont bis zum Ende der Herrschaft Amadeus VIII*, *Forschungen zur Geschichte der Juden*, Abteilung A: Abhandlungen 5 (Hannover: Hahnsche, 1998), 267-277.

century with Christendom under threat from the Hussite heretics.¹¹⁶ Christian authorities probably also concluded that, with so many Jews having been converted, those who still resisted missionary efforts were stubborn, willfully blind, and merited increasingly severe sanctions either as punishment or to increase pressure towards “voluntary” conversion.

Some scholars have argued that Christian attitudes toward the Talmud became more sympathetic and nuanced over time as their understanding of it improved, but Escobar exhibits no such tendency. While Christians had long known of the existence of the Talmud, they were largely ignorant of its contents until a rabbinical dispute over the works of Maimonides broke out in the early thirteenth century. In 1232, one side enlisted the aid of the Franciscan inquisitors in Montpellier, resulting in the first recorded instance of Christian authorities putting Jewish rabbinical (though not Talmudic) literature to the torch.¹¹⁷ Soon afterward, in 1236, a Jewish convert to Christianity named Nicholas Donin addressed a lengthy attack on rabbinical Judaism (including, though not limited to, the Talmud) to Pope Gregory IX.¹¹⁸ Gregory IX subsequently issued a 1239 anti-Talmudic bull, whose language Escobar follows closely in *De publicatione in Talmut*: “If what is said about the Jews of France and of other lands is true, no punishment would be...sufficiently worthy of their crime. For they...are not content with the Old Law which God gave to Moses in writing: they even ignore it completely and affirm that God gave another Law which is called ‘Talmud’...”¹¹⁹ The first “Talmud Trial” followed in Paris in 1240, and many

¹¹⁶ Roth, *Conversos, Inquisition and the Expulsion of the Jews from Spain*, 20.

¹¹⁷ Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca, N.Y.: Cornell University Press, 1982), 53–55.

¹¹⁸ Cohen, *The Friars and the Jews*, 60; Maccoby, *Judaism on Trial*, 21–22.

¹¹⁹ Gregory IX, “Archiepiscopis per Regnum Francie Constitutis,” ed. Solomon Grayzel, *The Church and the Jews in the XIIIth Century*, June 9, 1239, 240–241.

copies of the Talmud were publicly burned in 1242.¹²⁰ The two primary accusations made against the Talmud in 1240 were that it had effectively superseded, and thus undermined the authority of, scripture in Jewish life, and that it contained blasphemies against the Christian religion.¹²¹ As we have seen, these themes figure prominently in Escobar's arguments.

Other scholars posit that use of the Talmud for missionizing represents a new phase in Christian attitudes toward rabbinical literature. In 1982, Jeremy Cohen advanced the thesis that, by the time of another 1263 public disputation in Barcelona, Christian thinkers such as Ramon of Peñaforte had come to believe that the Talmud contained many passages that actually supported the truth of Christian doctrine, but that Jews simply denied or concealed this truth.¹²² The Talmud, then, ought to be effective in converting the Jews, since it could be used to prove that their own writings demonstrated Christian truth. At almost the same time, Hyam Maccoby also argued that 1263 did indeed mark a new respectful, missionizing use of the Talmud to prove Christian truths, rather than outright condemnation of it as heresy.¹²³ In 1992, Robert Chazan challenged the argument that this use by missionaries implied greater respect for the Talmud. He emphasized that this new strategy using the Talmud was crafted both to avoid any direct debate of the truth of Christian doctrines, being limited solely to the question of whether those doctrines found support in the Talmud, and to elicit Jewish rebuttals in order to further refine Christian arguments based on the Talmud.¹²⁴ In the next few decades, anti-Talmudic papal declarations and confiscations and expurgations of the Talmud continued, suggesting that Christian respect was, at

¹²⁰ Cohen, *The Friars and the Jews*, 63; Maccoby, *Judaism on Trial*, 24.

¹²¹ Maccoby, *Judaism on Trial*, 24.

¹²² Cohen, *The Friars and the Jews*, 124.

¹²³ Maccoby, *Judaism on Trial*, 41.

best, limited.¹²⁵ It is true that after John XXII's 1320 seizures and expurgations of rabbinical books, there is a significant period without anti-Talmudic papal decrees.¹²⁶ The Avignonese Pope Benedict XIII's 1415 anti-Talmudic bull was the first such decree in nearly a century, but was preceded, as we have seen, by intensified missionary activity beginning about 1375. Robert Chazan cautions against the assumption that missional use of the Talmud implied either respect or acceptance: "There is no inherent contradiction between condemnation of talmudic materials and exploitation of rabbinic teachings [for missionizing purposes], nor need the two tendencies represent distinct phases in the Church's developing awareness of post-biblical Judaism."¹²⁷ *De publicatione haeresum contentarum in libro Talmut*, in which the Talmud is both condemned as heretical and used for missionizing purposes, certainly demonstrates that Escobar saw no contradiction between these tendencies. Indeed, they are united by his conviction that Jews *qua* Jews have no legitimate place in a unified Christian society.

Escobar's sources for *De publicatione in Talmut* are unusually diverse. In addition to abundant references to biblical and canon law texts, Escobar includes evidence probably derived from documents at his disposal, as well as from the corpus of anti-Judaic Christian apologetics. He simply reproduces the greater part of an anti-Judaic bull promulgated in 1415 by Benedict

¹²⁴ Robert Chazan, *Barcelona and beyond: The Disputation of 1263 and Its Aftermath* (Berkeley, Calif.: University of California Press, 1992), 49, 55.

¹²⁵ Cohen, *The Friars and the Jews*, 91–93; Edward A. Synan, *The Popes and the Jews in the Middle Ages* (New York: Macmillan, 1965), 131; Stow, "The Burning of the Talmud in 1553, in the Light of Sixteenth Century Catholic Attitudes Toward the Talmud," 437.

¹²⁶ Synan, *The Popes and the Jews in the Middle Ages*, 131–35.

¹²⁷ Chazan, *Barcelona and beyond*, 88.

XIII, an event Escobar also witnessed according to his account.¹²⁸ He likewise gives a lengthy summary of the Inquisitorial confession extracted from Rabbi Shimshon during a 1417 persecution in Savoy. Escobar appears to state that he was present during this persecution, for in the same passage where he invokes the examples of Sigismund and Duarte, he refers also to the Duke of Savoy and his seizure of Jewish books.¹²⁹ Escobar continues with an account of the burning of these Jewish books and of the imprisonment of Jews in Chambéry in 1417. Scant reference to this incident is found in secondary works, and it appears that Escobar's is the sole surviving historical account.¹³⁰ Escobar must also have drawn upon the extensive body of anti-Judaic and anti-Talmudic writings by then available, though only once does he identify one of his proximal sources.¹³¹ The whole text is liberally supplied with specific references to Talmudic literature by book, chapter, and even incipit, as well as with various Hebrew terms translated into Latin. While it is not impossible that the Dominican-trained Escobar could have learned Hebrew, we have no positive evidence suggesting that he did, nor does he ever state or imply that he gleaned his information from the Talmud directly. The commonly-accepted medieval exegetical

¹²⁸ Bamberg, SBB, Msc. theol. 107, fol. 269ra–269va; Einsiedeln, SBKE, Cod. 224, fol. 46r–47v; Erlangen, UBEN, Cod. 542, fol. 98r–99r; Nuremberg, SBN, Inc. 469 fol., fol. 9r–9v.

¹²⁹ Bamberg, SBB, Msc. theol. 107, fol. 270vb; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v–11r.

¹³⁰ Israel Jacob Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages*, trans. Barbara Harshav and Jonathan Chipman, An S. Mark Taper Foundation Book in Jewish Studies (Berkeley, Calif. University of California Press, 2008), pp. 132–133. Chenmelech Merchavia, “A Spanish Latin MS Concerning the Opposition to the Talmud at the Beginning of the Fifteenth Century [Hebrew],” *Ḳiryat Sefer*, no. 45 (1970): 271–86; 590–606. I am deeply indebted to Dr. David Shyovitz of Northwestern University for assisting me with Merchavia's Hebrew-language article on *De publicatione in Talmut*.

¹³¹ For a general introduction to anti-Jewish polemic and its function in European history, see David Nirenberg, *Anti-Judaism: The Western Tradition* (New York: W. W. Norton, 2013).

interpretation of Psalm 5 was that it referred generically to enemies of the Church, so Escobar's application of it to Jews was not especially original.¹³² Just once, Escobar cites the early-twelfth-century *Dialogi* of Peter Alphonse, but this cannot have been Escobar's only source because Alphonse does not give the Hebrew names of the Talmudic books and treatises he cites.¹³³ It is possible that Escobar possessed a copy of *Dialogi* that some later owner had glossed with Hebrew names, but the contents and structure of *Dialogi* and *De publicatione in Talmut* are quite different, so any dependence of Escobar upon Alphonse was slight. In any case, while Alphonse is recognized as the earliest apologist to make extensive use of Talmudic literature, he was far from the last. Escobar could well have gleaned his citations from Raymund Martini's *Pugio fidei*, the works of Raymund Lull, or even the two anti-Judaic treatises written by Geronimo de Santa Fé before he served as principal Christian disputant at the 1413-14 Disputation of Tortosa, to name only a few of Escobar's fellow Iberians.¹³⁴ Chenmelech Merchavia believed that the Disputation of Tortosa itself was an important source for Escobar, and specifically Andreas Bertran, then bishop of Braga and a participant in the Disputation. Merchavia hypothesized that Escobar actually compiled large portions of *De publicatione in Talmut* from an unidentified work of Bertran.¹³⁵ Certainly there is some considerable overlap between the sources, content, and arguments of the Disputation of Tortosa (as found in the Latin protocol) and of *De publicatione*

¹³² Martin Morard, "Psalm 5 Interpretation," June 27, 2015.

¹³³ Peter Alphonse, *Dialogi*, ed. J-P Migne, PL 47, cols. 533-672.

¹³⁴ A range of the more significant apologetic writings are surveyed in, *inter alia*, Cohen, *The Friars and the Jews.*, A. Lukyn Williams, *Adversus Judaeos: A Bird's-Eye View of Christian Apologiae until the Renaissance* (Cambridge: Cambridge University Press, 1935).

¹³⁵ Merchavia, "A Spanish Latin MS Concerning the Opposition to the Talmud at the Beginning of the Fifteenth Century [Hebrew]," pp. 275-6.

in Talmut.¹³⁶ Definitive identification of Escobar's proximal source or sources for his Talmudic citations is, given the number and complexity of the possibilities, outside the scope of the present study.

The text of *De publicatione in Talmut* as we have it bears strong evidence that Escobar revised or rearranged it significantly at least once. In all his works except this one, Escobar opens with a preface that includes some combination of his self-identification as author, a dedication, an indication of the work's purpose, a brief discussion of its planned structure, and a clause stating that anything in the treatise is subject to the correction of superior authority (usually the pope). With the possible exception of Escobar's identification of himself as author, most of these elements are present in every preface. There is a section with these elements in the *De publicatione in Talmut*, but it is not at the beginning of the work as we find it in the manuscripts. Escobar gives few explicit indications of his planned structure there or anywhere else, but the text does not appear to follow the ordering he does indicate, as we shall see. The work's outline is actually obscured rather than illuminated by the copyists' schemes of capitals and rubrics, which even when they agree with one another, usually do not correspond very well to those logical divisions of the text that can be discerned. It appears that Escobar intended to mark major text divisions by citing the scriptural theme he adopted for the work, from Psalm 5: "For there is no truth in their mouth, their heart is vain."¹³⁷ Sustained development of a single passage from

¹³⁶ Antonio Pacios Lopez, ed., *La Disputa de Tortosa, 2: Actas* (Madrid: Instituto Arias Montano, 1957).

¹³⁷ Ps. 5.10 (Douay-Rheims). "Quoniam non est in ore eorum veritas cor eorum vanum est." Bamberg, SBB, Msc. theol. 107, fol. 261ra; Einsiedeln, SBKE, Cod. 224, fol. 34r; Erlangen, UBEN, Cod. 542, fol. 84r; Nuremberg, SBN, Inc. 469 fol., fol. 1r.

scripture, a *thema*, is a rhetorical method used in late-medieval sermons, a method explicated by Robert of Basevorn in his fourteenth-century *Artes praedicandi*.¹³⁸ While Escobar does not strictly follow the usual structure of a thematic sermon in his treatise, he does use the *thema* here and in his later *De Graecis errantibus* to unify the work. In *De Graecis errantibus*, restatements of the theme often mark transitions between the subdivisions of the work, and it appears that Escobar has used the same technique in *De publicatione in Talmut*. Here, he frequently joins the passage from Psalm 5 to an explicit indication of the ending of one section and beginning of another, as we shall see. Taking the Psalm 5 theme as the marker of important divisions of the text yields a much more logical structure than any of the scribal attempts at organization. The structure of the early sections of the treatise, however, is somewhat confusing because it appears either that part of it is missing or that an intended revision was not completed. Once the second and larger part of the treatise begins, the organization is more logical, structured mostly around a series of questions to be asked of a hypothetical Jewish opponent and the appropriate arguments to be used in refuting his answers. Furthermore, this second part of the treatise begins with a passage containing almost all the characteristics found in the prefaces of Escobar's other works. If we accept that Escobar's invocations of Psalm 5 mark the important divisions in the text, we have a structure consisting of four preliminary sections (two of which appear to be transposed, as we shall see), a preface, and six disputations organized by a series of questions. Because no printed edition of this important work (or indeed any description in English) exists, I will describe its contents in detail.

¹³⁸ F. Wagner, "Robert of Basevorn," *Lexikon des Mittelalters* (Stuttgart: Verlag J.B. Metzler, 1999).

Escobar opens *De publicatione in Talmut* with his scriptural theme and a lengthy argument that Jews have no place in Christian society. He cites Christian grievances against Jews popularly aired throughout the Middle Ages, such as their practice of usury and alleged blasphemies against Christ.¹³⁹ He also asserts from the outset that the Jews actually violate the laws of Moses, a charge that had been leveled against Jews at least since a 1239 letter of Gregory IX.¹⁴⁰ Truth and falsehood are the categories to which Escobar turns again and again: Jews seduce Christians away from the true faith, they conceal the truth from Christians in their business dealings, and they do not possess the true law. Escobar is certainly concerned about Jews harming Christians through usury and other business practices, but he says a great deal more about the danger they pose to Christian faith. For example, he remarks that Christians are harmed and impoverished by usury, but also that when they see how prosperous Jews are, Christians will believe Jews to be acting rightly.¹⁴¹ Presumably this might lead Christians to doubt the Church's teachings on the sinfulness of usury. Escobar does acknowledge that contact with Jews solely for the purpose of converting them is indeed licit, despite arguing forcefully for their expulsion from Christian territories.

¹³⁹ The condemnation of usury may bear some relationship to contemporary historical circumstances in Savoy. As in many other parts of Europe, Savoyard Jews had been excluded from so many other economic activities by the fourteenth century, that the practice of medicine, various forms of loan and pawn, and the sale of pawned property were their main economic endeavors. However, these circumstances were scarcely unique to Savoy. See Oliver Ramirez, "Les Juifs et le crédit en Savoie au XIVE siècle," *Publication du Centre européen d'études bourguignonnes (XIVE-XVIE s.)* 39 (1999): 53–66.

¹⁴⁰ Gregory IX, "Archiepiscopis per Regnum Francie Constitutis."

¹⁴¹ Bamberg, SBB, Msc. theol. 107, fol. 262ra; Einsiedeln, SBKE, Cod. 224, fol. 35v; Erlangen, UBEN, Cod. 542, fol. 86r; Nuremberg, SBN, Inc. 469 fol., fol. 2r.

The next section, which Escobar calls the first division of the theme, outlines a crucial piece of his argument: Jews do not follow God's law. He posits two reasons why Jews must be strictly excluded from Christian society, the main argument of the first section. The first reason is that their words “have neither divine nor human truth” and the second reason is because of the errors and heresies against Christian faith in the Talmud.¹⁴² In this first division of the theme, Escobar supports the first reason by carefully developing an argument in which he explains that Jews possess the truth neither of the evangelical law, nor of divine law, nor even of Mosaic law. After outlining the various dispensations of law in salvation history (natural law, Mosaic law, and finally evangelical law), Escobar explains how the evangelical law achieves most fully all those good ends that any law properly seeks to obtain. Having rejected evangelical law, Escobar argues, the Jews do not possess divine law either, because they deny the true nature of God by, for example, attributing human characteristics like emotions to God. Finally, Escobar reaches the key part of his argument, that Jews do not possess even the Mosaic law. This he proves by adducing examples of how the Jews interpret literally scriptures that should be interpreted figuratively and, most damning, by arguing that they have substituted another law for the Mosaic law. This substitute law to which Escobar here refers is, of course, the Talmud. Escobar explicitly marks the end of a section here, concluding “And these are the things from the first part or preaching of these treatises that ought to be heeded, spoken, and preached against the Jews by every Christian.”¹⁴³

¹⁴² “Primum est quia in verbo ipsorum iudeorum et in ore ipsorum nulla est veritas divina nec humana. Secundum est quia in facto ipsorum iudeorum et in lege Talmut ipsorum credunt et asserunt contra christum multa haeretica falsa et vana.” Bamberg, SBB, Msc. theol. 107, fol. 262va–vb; Einsiedeln, SBKE, Cod. 224, fol. 36v; Erlangen, UBEN, Cod. 542, fol. 87r; Nuremberg, SBN, Inc. 469 fol., fol. 2v.

There is a discontinuity in the text here after the first part or division of the theme, due either to incomplete revision or some other error in the ordering of the text. Escobar does not include his scriptural theme here as he normally does in important divisions of the text. He had previously stated that there were two reasons for excluding Jews from Christian society, but having explained the first (that Jews do not have the truth), he does not now proceed to the second, the alleged errors and heresies of the Talmud. Because the first reason was the subject of what he calls “the first part of the theme,” we should now have a discussion of the second reason as the second part of the theme. But we do not find any second part of the theme here, and no discussion of the alleged heresies at this point. He instead begins, “I said in the second division of the theme that in the decree of the Jews themselves and in their law of the Talmut, they believe, preach, and assert many heretical, false and vain things against Christ.”¹⁴⁴ We could take this as simply a restatement of his argument, except that Escobar proceeds as though he has proved something he never actually discussed. He simply states that because the Jews thus impugn Christ, three things are to be accomplished “in this *sermo*” (“speech” or “sermon”).¹⁴⁵ Those things are to give the names of the books of the Talmud and survey their contents and origin, to explain how a Christian ought to proceed in disputing with a Jew, and to expose the

¹⁴³ “Et hoc de prima parte huius Tractatus sive praedicatione quae ab omni christiano debent observari dici et praedicari contra iudeos.” Bamberg, SBB, Msc. theol. 107, fol. 265vb; Einsiedeln, SBKE, Cod. 224, fol. 41v; Erlangen, UBEN, Cod. 542, fol. 93r; Nuremberg, SBN, Inc. 469 fol., fol. 6r.

¹⁴⁴ “Dixi secundo in divisione thematis quod in sancto ipsorum iudeorum et in lege Talmut ipsorum credunt praedicant et asserunt multa contra christum heretica falsa et vana.” Bamberg, SBB, Msc. theol. 107, fol. 265vb; Einsiedeln, SBKE, Cod. 224, fol. 41v; Erlangen, UBEN, Cod. 542, fol. 93r; Nuremberg, SBN, Inc. 469 fol., fol. 6r.

¹⁴⁵ “Unde in hoc sermone sunt tria facienda...” Bamberg, SBB, Msc. theol. 107, fol. 265vb; Einsiedeln, SBKE, Cod. 224, fol. 41v; Erlangen, UBEN, Cod. 542, fol. 93r; Nuremberg, SBN, Inc. 469 fol., fol. 6r.

Planned structure as Escobar indicates:

1. Two reasons Jews should be excluded from society:
 - a. Jews do not possess the truth (first division of the theme)
 - b. Jews promulgate heresies against Christian faith in the Talmud (second division)
2. Because Jews promulgate heresies (1b), three things should be explained in this work:
 - a. The structure and contents of the Talmud
 - b. How a Christian should dispute with Jews
 - c. The heresies and absurdities of the Talmud

Actual order in manuscripts:

1. Two reasons Jews should be excluded from society
 - a. Jews do not possess the truth (first division of the theme)
2. Because Jews promulgate heresies, three things should be explained in this work:
 - a. The structure and contents of the Talmud
 - b. [1b?] Jews promulgate heresies against Christian faith in the Talmud
 - c. How a Christian should dispute with Jews
 - d. The heresies and absurdities of the Talmud

Table 1: Summary of planned and actual structure of first and second divisions of the theme in *De publicatione in Talmut*.

many purported heresies and absurdities of the Talmud. It may be helpful at this point to summarize what Escobar's planned structure seemed to be, and the actual ordering of the contents of this part of the manuscript, as seen in Table 1.

Escobar next describes the origin and contents of the Talmud, in accordance with this plan. He relates the rabbinic belief that two laws were given to Moses, one written and one oral. The oral law was committed to writing only after the destruction of the Second Temple, he says, and consists of six divisions which, together, exceed the length of the scriptures themselves. Escobar lists the six divisions, which he generally calls *ordinationes*, and then gives the names and topics

of all sixty of the tractates within them, which he terms *libri*. He states that some rabbis believe the entire Talmud to be from the mouth of God, while others do not. Escobar then lists three types of works, the Mishnah (earliest recension of the “oral Torah”), the “Barayca” or “Barraica” which apparently refers to the Tosefta (an early addition to the Mishnah) since he states it was compiled by “Rabi Hya and Esaia,” and the Talmud. Other than the fact that these categories of works represent three successive chronological elaborations of the Jewish law, attributed to different rabbis, Escobar appears to have little comprehension of the distinctions among them. Later he also says that the Talmud includes “halakot,” characterizing them as “stories of the law” that deal with topics like creation and the coming of the Messiah, but that the rabbis disregard any given “halatha” when it seems to support the Christian faith.¹⁴⁶ Although his term is no doubt derived from *halakha*, the Hebrew term for the Jewish law proper (as opposed to non-legal parts of the Talmud), Escobar in fact seems to be referring to the exegetical and homiletic literature known as the Midrash, which could treat either legal (halakhic) or non-legal (aggadic) material.¹⁴⁷ The Talmud contains some midrashic material, but much midrashic literature exists apart from it as well. Later in the work, Escobar also refers to certain “glosses” of the Jews as something distinct from the Talmud, and though he does not call them “halakot,” they must surely also be midrashic literature. The relationships between these types of literature are complex, but in general the medieval rabbinic consensus was that halakhic material was more

¹⁴⁶ “Tertia materia tractat hystorias legis sicut creacionis redemptionis et adventus messie resurrectionis mortuorum et vocatur in singulari halatha id est annuntiatio et in plurali halakot id est annuntiationes et istam tacent iudei Rabini quando legunt et docent alios Quia per suum Talmut manifeste monstratur christum ihesum filium virginis fuisse illum verum messiam et mundi salvatorem promissum per prophetas in scripturis sanctis.” Bamberg, SBB, Msc. theol. 107, fol. 268ra; Einsiedeln, SBKE, Cod. 224, fol. 44v; Erlangen, UBEN, Cod. 542, fol. 96v; Nuremberg, SBN, Inc. 469 fol., fol. 8r.

¹⁴⁷ Maccoby, *Judaism on Trial*, 42.

authoritative than aggadic material and that *midrashim*, being the often speculative interpretations of individual teachers, frequently conflicted with one another and were not in any sense mandatory articles of faith.¹⁴⁸ It is not clear whether Christian polemicists (often themselves converts from Judaism) simply failed to understand the distinctions rabbis perceived in their own literature, or whether it served their rhetorical and conversionary purposes better to disregard them. At the 1263 Barcelona Disputation, Rabbi Nahmanides had famously rejected the authority of an *aggadah* that seemed to support Christ's messiah-ship on the grounds that it was not authoritative.¹⁴⁹ His opponent, the convert Pablo Christiani, exploited this statement to make it seem that Nahmanides had shed doubt on the authority of all Talmudic literature, and later apologists like Raymund Martini also exploited some of the more fanciful *aggadot* to suggest that Jews accepted all manner of absurd fables as the word of God.¹⁵⁰ Intentionally or unintentionally, Escobar thus follows previous apologists in treating all rabbinic literature as an undifferentiated whole.

We would expect that Escobar would now proceed to his next stated aim of explaining how to conduct a disputation, but instead the next section of the work returns to the subject of purported Jewish perfidy. This passage is most likely the “second division” of the theme to which Escobar previously referred, in which he would explain the second reason why Jews should be excluded from Christian society. This section interrupts the logical structure of the three goals of the treatise Escobar outlined above, and Escobar's previous description of the second division of the theme—proving that “they [Jews] believe, preach, and assert many

¹⁴⁸ Maccoby, *Judaism on Trial*, 42–44.

¹⁴⁹ Cohen, *The Friars and the Jews.*, pp. 118-19.

¹⁵⁰ Cohen, *The Friars and the Jews*, 149.

heretical, false and vain things against Christ” in the Talmud—is a reasonable description of the contents of this part of the text.¹⁵¹ Escobar repeats the claim that Jews blaspheme against Christians daily, reiterates that they should be excluded from Christian society, and outlines five ways in which the Jews may be said to be blind. They are blind, he says, in that they have lost the spirit of prophecy and a proper understanding of the law, they have failed to recognize Christ, they consort with Muslims and live in their cities, and they blaspheme against Christians in their prayers.¹⁵² He adduces a few specific examples of these blasphemies.¹⁵³ This section both opens and closes with Escobar's theme from Psalm 5, a citation that we expected but did not find between Escobar's “first part” and “second division” as previously noted. This, together with the fact that Escobar does proceed next to his explanation of how to conduct a disputation, reinforces the impression that this passage is probably the missing “second division.”

A passage having all the principal features we find in Escobar's other prefaces now precedes this discussion of how to conduct a disputation. He opens with the statement, “Because from the outset I planned to draw out and lay open the heresies and abuses that the Jews say and claim to be true, contained in their Talmud, therefore I wish first to advise you, our Christian lords and fathers, how we ought to overcome these selfsame enemies of the cross, the Jews, through the authorities of the Talmud.”¹⁵⁴ First, however, Escobar reminds his readers that churchmen who assist or promote Jews in any way will be damned to hell together with those same Jews. He then

¹⁵¹ Bamberg, SBB, Msc. theol. 107, fol. 265vb; Einsiedeln, SBKE, Cod. 224, fol. 41v; Erlangen, UBEN, Cod. 542, fol. 93r; Nuremberg, SBN, Inc. 469 fol., fol. 6r.

¹⁵² Bamberg, SBB, Msc. theol. 107, fol. 269vb; Einsiedeln, SBKE, Cod. 224, fol. 48r; Erlangen, UBEN, Cod. 542, fol. 100v; Nuremberg, SBN, Inc. 469 fol., fol. 10r–v.

¹⁵³ For a recent exploration of the significance of Vicente Ferrer's emphasis on alleged anti-Christian insults, see Lindeman, “Fighting Words: Vengeance, Jews, and Saint Vicent Ferrer in Late-Medieval Valencia.”

extols the example of Holy Roman Emperor Sigismund, the Infante Duarte and, especially, the Duke of Savoy for exceeding the zeal of prelates in extirpating the Jews.¹⁵⁵ As in all other treatises except the *Gubernaculum conciliorum*, Escobar introduces himself by name and titles as the author of the present work “for the advising of Christians and the correction, conversion, and instruction of the Jews.”¹⁵⁶ Escobar also requests prayers of both Christians and Jews (!) to that end.¹⁵⁷ It is difficult to imagine that Escobar could truly have envisioned a Jewish readership for the work, so I regard this as a rhetorical flourish of the kind Escobar later uses in *De Graecis errantibus*. Thus Escobar outlines his audience and purpose of the work, states his authorship, and requests prayers, all features that one would normally expect in a preface. Only an explicit dedication and a clause submitting the work to the authority of the Church are absent.

Escobar now begins to explain how to dispute with Jews by means of the Talmud, for which, he states, three things are necessary. The first is an understanding of the names of the books of the Talmud, which he has already provided. The next is an understanding of the meanings of

¹⁵⁴ “Et quia deinceps intendo tractare et revelare hereses et abusiones quas dicunt et asserunt judei esse veras in sua Talmut contentas Ideo prius volo vos avisare dominos et patres nostros christianos qualiter per auctoritates Talmut debeamus convincere ipsos inimicos crucis judeos.” Bamberg, SBB, Msc. theol. 107, fol. 270va; Einsiedeln, SBKE, Cod. 224, fol. 48v; Erlangen, UBEN, Cod. 542, fol. 101r; Nuremberg, SBN, Inc. 469 fol., fol. 10v.

¹⁵⁵ Bamberg, SBB, Msc. theol. 107, fol. 271ra; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101v; Nuremberg, SBN, Inc. 469 fol., fol. 11r.

¹⁵⁶ “...propter christianorum avisatationem et judeorum correctationem ac conversionem et instructionem hoc opus...” Bamberg, SBB, Msc. theol. 107, fol. 271ra; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 101v; Nuremberg, SBN, Inc. 469 fol., fol. 11r.

¹⁵⁷ Orate ergo pro me christiani qui vos avisavi Orate pro me iudei qui vestra secreta heretica revelavi et vos ad fidem rectam ihesu christi perducere laboravi ut salvi sitis in die iudicii...” Bamberg, SBB, Msc. theol. 107, fol. 271ra; Einsiedeln, SBKE, Cod. 224, fol. 49r; Erlangen, UBEN, Cod. 542, fol. 102r; Nuremberg, SBN, Inc. 469 fol., fol. 11r.

certain commonly used Hebrew words, which, Escobar says, he will provide below. The third thing necessary is to ask carefully two questions: first, whether every word of the Talmud and its glosses comes from the mouth of God (who cannot lie) and second, whether those words have any spiritual or figurative interpretation apart from their literal sense. If the Jew answers the first question in the affirmative, the disputant should proceed by adducing those things from the Talmud that are false, heretical, or impossible, to be supplied in a later section of the treatise. If, however, “the Jew says that they are false and not to be believed, then the Christian should lay before him the authorities of the Talmud.”¹⁵⁸ That is to say, the Christian should demonstrate by citations from the Talmud itself that the Talmud makes absolute claims to truth. On its face, this seems to be a strange manner of proceeding. If a Jew were to admit that the Talmud is not true, why would any further discussion be necessary? Escobar does not explain this point, but we can infer that because sometimes Jewish disputants appeared to reject some things in the Talmud but accept others, apparently according to whether they supported the Jewish position, it is necessary to box in one's Jewish opponent by forcing him to accept as authoritative either all or nothing of its contents. Indeed, the convert Geronimo de Santa Fé, chief Christian disputant at Tortosa a few years before, argued that the pope should consider any Jew who denied the authority of any *aggada* to be a heretic!¹⁵⁹ Only if the Jewish opponent acknowledged the Talmud (in which, we remember, Christians included all midrashic literature) as authoritative in full could the Christian disputant effectively use it as a weapon. Escobar therefore proceeds to offer a plethora of

¹⁵⁸ “Si autem iudeus dicat ea esse falsa et non credenda Tunc christianus alleget contra eum auctoritates Talmut et dicat...” Bamberg, SBB, Msc. theol. 107, fol. 271rb; Einsiedeln, SBKE, Cod. 224, fol. 49v; Erlangen, UBEN, Cod. 542, fol. 102r; Nuremberg, SBN, Inc. 469 fol., fol. 11v.

¹⁵⁹ Pacios Lopez, *La Disputa de Tortosa, 2: Actas*; Maccoby, *Judaism on Trial*, 210–211.

citations from the Talmud demonstrating such points as that the study of the Talmud is considered more meritorious than study of the Bible itself, that one was required to honor one's Talmudic teacher above even one's own parents, and so on. Unlike Santa Fé, however, Escobar concludes this section of the disputation by stating that anyone who pertinaciously holds such teachings to be true deserves to be burned along with the Talmud.

Escobar's second disputation turns to the second question, whether any of those things in the Talmud might have some other interpretation than their literal sense. He initially appears to be prescribing the Christian disputant's response should a Jewish opponent answer the first question (whether everything in the Talmud comes from the mouth of God) affirmatively. In that case, the Jewish disputant is to be informed that he is now subject to the jurisdiction of inquisitors because by so answering, he has *ipso facto* endorsed such heresies as that God is corporeal, God may sin, the earth has always existed, and so on. However, Escobar apparently introduces this threat merely as a preliminary to asking the second question about interpretation of the Talmud. Should the Jewish opponent attempt to escape by responding that parts of the Talmud are indeed to be interpreted spiritually or figuratively, he is to be informed that such a claim does nothing to help his case, for numerous reasons outlined in the following discussion. It is absurd, Escobar says, that words from the mouth of God would require such elaborate explanation, and even more absurd that (as he claims to be the case) the exegetical glosses are far harder to understand than the passages they ostensibly explicate. Furthermore, he says, some of the glosses actually explicate the scripture in a manner so literal or legalistic as to be contrary to the spirit of the scripture, such as when it is said to be licit for a man to have intercourse with the wife of a boy under twelve since she is therefore not the wife of another man, strictly speaking. Likewise,

Escobar argues, the Jews have long been criticized for interpreting the scriptures literally, so why would they interpret the Talmud spiritually or figuratively? And why would it have been taught for a thousand years as literally true if it were really figurative? Escobar also argues here that, much as Jews seem to deny parts of the Talmud as authoritative only when questioned by Christians, likewise Jews only offer figurative interpretations of the Talmud in order to evade Christian criticism. As we should by now expect, this entire line of argument is really a mere feint designed once again to force the Jewish opponent into the position of defending the literal reading of the Talmud and midrash as a whole.

Once he has closed off all other avenues, Escobar turns to a third disputation—the first of four disputations denying that the Talmud as a whole is from the mouth of God. He reviews the arguments established so far by the previous two sections, that Jews are obligated to accept the whole of the Talmud and that they may not interpret any part of it in any sense other than as written. Escobar also reiterates that the Talmud is heretical and anyone who believes its contents is likewise heretical and deserves to be turned over to inquisitors. He now prescribes just one question to be asked of the Jewish disputant: do you believe everything that is written in the Bible? Naturally, Escobar states that anyone answering in the negative should be turned over to inquisitors under suspicion of heresy. Assuming an affirmative answer, Escobar instructs the Christian disputant to present arguments demonstrating that the Talmud contradicts scripture. Much of the rest of the treatise is a catalog of the purportedly heretical propositions in the Talmud and its glosses. Escobar groups these propositions logically into four disputations, beginning with this one on twenty-one anti-scriptural propositions from Talmudic literature concerning the nature of God the father. These propositions contend, among other things, that

God may lie, that God is not omnipotent, that God does not possess perfect wisdom, etc. In many cases, they are not explicitly stated in Escobar's citations from the Talmud, but rather inferred from them. For instance, Escobar cites Talmudic passages stating that God studies the Talmud to argue that, since a perfectly wise God would not need to study anything, the Talmud denies God's perfect wisdom as demonstrated in scripture. This section concerning errors about God the father is also the longest of the four, and presumably Escobar gave these arguments greatest emphasis because he expected them to be the most persuasive.

Escobar's next disputation turns to Talmudic heresies against God the son. Naturally, reliance on the Christian scriptures would not be very convincing to a Jewish interlocutor, so Escobar instead employs Talmudic literature and the Hebrew scriptures (via the Vulgate Old Testament) in developing arguments against these purported heresies against Christ. For instance, to refute the Jewish belief that the messiah had not yet come, Escobar demonstrates that Jesus has already fulfilled the various conditions and predictions laid down about the messiah in the prophetic books of the Old Testament. Escobar does not even bother to refute some of the heresies he cites, apparently relaying them only for their shock value and to place the Jewish disputant in the embarrassing position of, for example, defending the Talmud's references to Mary as a prostitute and adulterer, or to Jesus performing his miracles by means of a species of dubious magic.

The fifth disputation of *De publicatione in Talmut* outlines heresies against Christians and Christian faith. In this section, Escobar abandons any pretense of actually disproving the adduced Talmudic conclusions. He cites proofs that Jews hold to certain beliefs or practices deeply offensive to Christians, but apparently assumes that the offensiveness itself (and probably the

difficulty any Jewish disputant would find in explaining or excusing them) precludes any need for explicit refutation. Escobar notes that the Jews interpret scriptural references to idolaters as applying to Christians, thus prohibiting Jews from having any peaceful relations with Christians. In fact, at the very first public disputation on the Talmud in Paris in 1240, Rabbi Yehiel had explicitly denied that Talmudic passages about idolaters applied to Christians, an opinion that later Jewish disputants would repeat.¹⁶⁰ Escobar ignores this, arguing that Christians should apply to Jews (being the true idolaters) the same mandates of exclusion and pollution that Jews secretly promulgate against Christians. In some cases, Escobar seems to suggest that the Jews engage in willfully dishonest interpretation of the scriptures themselves in order to justify maltreatment and slander of Christians. For example, he argues that Jews claim Christians have no souls and are therefore like brute animals. Because they are not truly people, they cannot enter into any true marriage. Likewise, not being truly persons, they cannot be said to be neighbors. Therefore the scriptural injunctions against adultery do not apply to intercourse with a Christian woman, because she can neither be the wife of a neighbor, nor indeed truly the wife of anyone. Doubtless to a Christian, such a line of reasoning would be so clearly a malicious perversion of the intent of the scriptures that no further refutation would seem necessary. In other cases, Escobar simply relates rabbinic injunctions that Christians would find particularly offensive, such as that Christians are so notoriously lustful, Jews should not even permit their animals to be quartered in Christian households. Having already been forced to endorse the entire Talmud as the literal truth, Escobar's Jewish interlocutor has no means left of explaining away such statements. Anticipating perhaps that he might take the only remaining alternative, simply denying that the Talmud even says these things, Escobar lists all twenty-five articles of Rabbi Shimshon's 1417

¹⁶⁰ Maccoby, *Judaism on Trial*, 30–32.

confession to inquisitors in Savoy. Most of these items are more or less insulting to Christians, and many of them corroborate Escobar's claims. He closes this disputation with lengthy citations from Jewish liturgical texts to prove that Jews pray regularly for the destruction of Christians and Christian kingdoms.

The final disputation is not as clearly unified as the previous three, containing a miscellany of matters mainly related to the nature of the created world, of angels, and of demons. Escobar states that “in the present disputation or reading, it is proved against you Jews that you err pertinaciously, asserting many heretical conclusions against nature and against the creation and institution of nature and very many other things both impossible, vain, and heretical.”¹⁶¹ Escobar advances a few extra-scriptural propositions from the Talmud, such as that certain things were created before the world, and that God created other worlds which he regularly visits. Then he turns to two long passages about angels and demons, in which much of the material consists of various stories related to them, as opposed to explicit teachings about them. Escobar offers, for instance, the story of the city of Luz (which he calls “Uliva”) where the angel of death may not enter, and another long story concerning a skeptical rabbinical student who, after contradicting his master's teaching on the subject, encounters an angel cutting stones for the rebuilding of the earthly Jerusalem. Escobar recounts the tale that Adam and Eve procreated with demons for 130 years after the death of Abel, and the fable that demons visit heaven to study the Talmud. Like previous anti-Judaic apologists, Escobar suggests that it is in fact demonic influence that has led the Jews to reject the Mosaic law in favor of the Talmud.

¹⁶¹ “In presenti disputacione sive lectione probatur vobis iudeis quod erratis pertinaciter asseritis [*sic*] multas hereticas conclusiones contra naturam contra nature creacionem et institutionem et alia plura multa et impossibilia vana et heretica.” Bamberg, SBB, Msc. theol. 107, fol. 297va; Einsiedeln, SBKE, Cod. 224, fol. 89r; Erlangen, UBEN, Cod. 542, fol. 147r; Nuremberg, SBN, Inc. 469 fol., fol. 34v.

Escobar does not explicitly mark any conclusion to the *De publicatione in Talmud* as a whole, though he does seem to have completed all or most of his stated aims. He certainly does elucidate the errors and heresies of the Talmud, his third stated goal for the treatise, but he does not do so in a distinct section of the work as he did for the first two objectives of outlining the contents of the Talmud and explaining how to conduct a disputation. Escobar might well have intended to end the body of the treatise with the sixth disputation. The concluding remarks following the sixth disputation reiterate points made throughout the preceding disputations, such as that the Talmud prohibits Jews from having social contact or business dealings with Christians (being idolaters) and that Christians should deal with Jews just as the Talmud instructs Jews to deal with Christians. Escobar does further elaborate this latter point by stating that not only should Jews be excluded from Christian society, but Christians should conduct no business with them and provide them no sustenance so that they will be forced to labor in fields or vineyards for their daily bread. Escobar frames this concluding section in language appropriate to an oral disputation: “I bring action against you, o Jews, because...”¹⁶² The treatise ends abruptly after Escobar (or his imagined anti-Judaic disputant) exhorts the Jews to accept baptism and burn the Talmud. In two of the four copies I examined, Escobar's name and titles are appended, but these were simply copied verbatim from the preface to the disputations. Conventional elements of a conclusion, such as prayers for the author, are absent. There is no reiteration of the theme from Psalms. It seems, then, that this passage is merely a conclusion to the sixth disputation or, at most, to the second section of the treatise, rather than a conclusion to the treatise as a whole. As

¹⁶² “Ego o iudei convenio vos quia propter supra dicta que contra christianos dicitis et opiniones vestras hereticas et falsas nullam possunt habere christiani sufficientem et condignam penam.” Bamberg, SBB, Msc. theol. 107, fol. 302ra; Einsiedeln, SBKE, Cod. 224, fol. 94v; Erlangen, UBEN, Cod. 542, fol. 154r; Nuremberg, SBN, Inc. 469 fol., fol. 38v.

we have seen, there is no clause (which is present in virtually all his works) submitting its contents to the authority of the pope, curia, or council. The omission of these expected elements and the defective organization of the text might suggest that Escobar planned or began a revision that was never completed, but might also simply indicate that he completed the work in some haste so as to distribute it before the Council of Constance closed.

De decimis (1426)

About 105 manuscript copies of Escobar's treatise on tithes are held in libraries from Graz to Cardiff, making this the most popular and widely distributed of his treatises. Of all his works, only copies of *Lumen confessorum* are more numerous and widely dispersed. The *De decimis* was later included in a massive compilation of canon law texts printed by Francisco Ziletti from 1584-86 in Venice called the *Tractatus universi iuris*. The manuscript used as the basis for printing in the *Tractatus* is not identified, and the editor's only contribution was to add a numbered list of rubrics summarizing the contents of the sections. Ziletti either possessed a particularly poor exemplar, however, or himself transposed two sections of the text, for the sequence of numbered questions in the printed edition is different from all manuscripts I have examined. The Ziletti edition remains the only printed source for the work and is the primary textual source used for my analysis, supplemented and modified by readings of original manuscripts, especially an exceptionally legible 1503 copy held in Munich, Bayerische Staatsbibliothek, MS Clm 17510.

Textual evidence for Escobar's authorship of *De decimis* is overwhelming. Andreas identifies himself in the introduction to the treatise as "I, humble and poor, unfortunate bishop of

Ajaccio in the island of Corsica, Andreas de [Es]cobar the Iberian.”¹⁶³ Of the sixty-seven copies I examined personally, not one omits Andreas' identification of himself as author in the introduction. Furthermore, in most manuscripts he requests prayers for himself in a colophon: “...and say an Our Father for me, poor bishop of Ajaccio, an Iberian, of the Order of St. Benedict.”¹⁶⁴ Though not identifying himself by name in this colophon, the details he does give clearly fit Escobar. Although less reliable evidence than references internal to the text, a preponderance of scribal rubrics for *De decimis* also name the author as Andreas *hispanus*, master of theology, Order of St. Benedict, sometimes including his present or former bishopric.¹⁶⁵ The abundance of copies and their varying colophons and scribal rubrics are actually an important source for corroborating various biographical details for Escobar, and also offer detailed information about the place and date of composition not available for most of Escobar's works.

Escobar began work on *De decimis* while in Corsica and published it in January 1426 after his return to Rome. Twenty-seven of the sixty-seven copies I examined include a colophon listing the date completed, the place begun or completed, or both. Many of the colophons also offer more specific information. Seventeen state that it was finished or published in Rome, and fourteen additionally specify that it was published, read, or given to the pope in the church of

¹⁶³ “...humilis et pauper Ego aiacensis insule corsice infortunatus episcopus andreas de cobar hispanus...” Melk, Stiftsbibliothek, MS Codex Mellicensis 824, fol. 77rb.

¹⁶⁴ “Et pro me paupere episcopo Ayacensi hispani ordinis sancti benedicti dicat pater noster ut post huius vite terminum una cum parrochianis et subditis meis requiem sempiternam adipisci mereamur in seculo secularum. Amen.” Munich, Bayerische Staatsbibliothek, MS Clm 23978, fol. 17rb.

¹⁶⁵ E.g. “Compilatus in insula maris Corsice per in theologia magistrum Andream hispanum ordinis sancti benedicti pauperem hominem olym Civitatis...” Munich, Bayerische Staatsbibliothek, MS Clm 19539, fol. 259ra.

San Lorenzo in Damaso. Five colophons, as well as the title rubric of the printed edition, state that Escobar began *De decimis* in Corsica, while another colophon states only that it was compiled in Corsica and does not mention Rome at all. Two colophons state that it was completed, published, or given in 1426, three specify January 1426, and fifteen give the date as 1425. Another poorly legible colophon says either January 1425 or January 1426. The seeming discrepancies can be easily explained by the fact that, after the election of Martin V in 1417, the papal curia used Annunciation dating, which means that the new year did not begin until 25 March. Thus an event dated in Rome as January 1425 would be January 1426 according to calendars beginning on 1 January or 25 December, as was the practice in many other places in Europe at the time. Taken together, then, the manuscript evidence suggests that Escobar began *De decimis* in Corsica before his return to Rome in May 1425, and finally published and presented it to the pope in January 1426 in the basilica of San Lorenzo in Damaso in Rome.

Escobar states in the work's introduction that he wrote *De decimis* to ensure that parishioners are properly instructed regarding their duty to give tithes, first fruits, and other offerings. Payment of tithes can hardly have been popular anywhere, but Escobar claims that this requirement was considered particularly detestable in the "province of Italy and the island of Corsica," where people who did not wish to pay asked him many questions about it.¹⁶⁶ Several times in the treatise, Escobar discusses the problems of customs specific to Corsica, or states that he was asked certain questions by the inhabitants of the island. Local customs in Corsica sometimes conflicted with canon law, and Escobar observes, quoting Isidore of Seville, that

¹⁶⁶ "...personae eas non uolentes soluere, maxime in prouincia Italiae, et insulae Corsicae detestante [*sic*], multas mihi interrogationes solebant facere." Escobar, *De decimis*, fol. 142vb.

“when sins pass into custom, they are thought to be no sins at all, or else minor sins.”¹⁶⁷ For example, some parish churches receive none of the tithe at all, whereas others receive half, “which is thought to be unique in the whole world.”¹⁶⁸ He also condemns other local customs such as not paying tithe on the portion of grain reserved for seed, and even of benefices (together with their tithes) being passed from father to son as personal property for three or four generations.¹⁶⁹ Escobar urges priests and bishops to use *De decimis* to preach on Sundays and feast days about the duty to tithe, as well as to question those giving confession, who otherwise “die in mortal sin or descend alive into the inferno and are purified by sempiternal fire.”¹⁷⁰ Escobar also says that this instruction about tithing should be given “to all Christians whatsoever,” so he did not write it solely for Corsican priests or parishioners.¹⁷¹ Indeed, Escobar devotes much of the treatise to comprehensive explanations of and justifications for the

¹⁶⁷ “Quia ut testatur Isidorus Hispalensis peccata cum in consuetudinem ueniunt, aut nulla, aut parua esse putantur, sicut fit de praesenti in decimis, quae non soluuntur...” Escobar, *De decimis*, fol. 142vb.

¹⁶⁸ “Decimoquinto fui interrogatus per illos insulares Corsicae qualiter inter ecclesias decimae possunt uel debent diuidi, quia uidemus in locis et consuetudine, quod ecclesia parochialis, quae confert sacramenta nihil recipit de decimis suis parochialibus, qui colunt terras in illa parochiali ecclesia, etiam aliquando uidemus, quod medietas datur in ecclesia quae reputatur per totum mundum unica, ut patet 24 quaestio 2 capitulo *loquitur*.” Escobar, *De decimis*, fol. 147rb.

¹⁶⁹ Escobar, *De decimis*, fol. 147ra. “Et sicut istis sunt supradicta deneganda, ita filiis praesbyterorum qui in corsica de quadam peruersa consuetudine sine Papae licentia succedunt suis progenitoribus in eisdem beneficiis et dignitatibus usque in tertiam et quartam generationem...” Escobar, *De decimis*, fol. 146vb.

¹⁷⁰ “...moriuntur in peccato mortali, ac descendunt in infernum uiuentes, et deputantur ardoribus sempiternis...” Escobar, *De decimis*, fol. 142vb.

¹⁷¹ “...supplico...hanc decimarum doctrinam, et primitiarum, ac oblationum Christianis quibuslibet debeant insinuare...” Escobar, *De decimis*, fol. 142vb.

obligation to pay tithes, first fruits, and offerings, and the general utility of *De decimis* is no doubt one reason for its success.

Escobar overwhelmingly employs canon law authorities in *De decimis*, unlike in his other works. Of the approximately 250 citations, only about thirty references are to the scriptures, and most of those to the Old Testament rather than to the New Testament. Escobar uses only a handful of citations from theologians and just one from a classical author, Juvenal. Fully half of his references are from the decretals (collections of papal judgments), and especially from the thirteenth-century *Liber Extra* of Gregory IX. Another third cite the great twelfth-century compilation of canon law, the *Decretum*. While this balance of sources seems to be dictated by the subject, it is perhaps not what one would expect from a theologian. Escobar also cites a number of canon law commentaries, most notably the thirteenth-century *Summa aurea* of Henry of Susa, itself a commentary on the *Liber Extra*. Henry of Susa may also have had some influence on Escobar stylistically. Henry of Susa's commentary on the title “De decimis” of the *Liber Extra* first explains basic information such as who pays tithes, on what things, and so on. He then continues with a numbered series of seventeen responses to questions, most of which begin with an ordinal adverb (“thirdly,” “fourthly,”) followed by *quaeritur*, “it is asked.”¹⁷² As we shall see, Escobar adopts a very similar style, though he by no means simply copies Henry of Susa and presents his topics in quite a different order. It seems likely that the very wide circulation of *De decimis*, with its emphasis on canon-law sources, accounts for why Escobar has been so frequently misidentified as a canonist rather than as a theologian.

¹⁷² Hostiensis (Henry of Susa), *Summa Aurea*, vol. 3 (Venice, 1574), cols. 1093–1107.

The body of the treatise is framed as Escobar's response to fifteen questions about tithes, preceded by a brief introduction and followed by a short section of eight *notabilia*, "noteworthy items." The introduction explains the purpose and audience of the work, as we have seen, before proceeding to the questions. Escobar's interlocutors are sometimes referred to as Corsicans, as he implies in the introduction. Most of the time, however, Escobar offers no information about them at all, simply stating, "you have asked me," or "it used to be asked of me" or similar constructions.¹⁷³ Each response begins with an ordinal adverb: "firstly," "secondly," "thirdly," and so on. In the manuscripts, each of these questions normally begins a new section marked by a capital. Although Escobar frames the work as answers to questions, the similarity to Henry of Susa's style reminds us it that this may also be at least partly a device adapted from the scholastic *quaestio* or *quodlibet*. The answers to the fifteen questions vary greatly in length and are peppered with citations. Each response is structured in a logical order that would not be difficult to adapt into a sermon, as Escobar advises. The eight *notabilia* are structured not as questions and answers but simply as declarations, mostly about things that were or were not permissible. The purpose of the *notabilia* is obscured in the printed edition by the omission of a phrase found in most manuscripts. Escobar states that the questions and answers are very useful for preaching, and for questioning in confession and imposition of penances, at which point the printed text merely proceeds to the *notabilia*.¹⁷⁴ In the manuscripts, however, the phrase "And for questioning in confession and penances" often stands as a separate sentence, followed by, "And therefore I

¹⁷³ "Etiam secundo interrogasti me..." "Tertio quaerebatur a me..." Escobar, *De decimis*, fols. 143va, 143vb.

¹⁷⁴ Escobar, *De decimis*, fol. 147va.

am giving you *notabilia* concerning tithes. The first of which is...”¹⁷⁵ The manuscript evidence suggests then that the *notabilia*, amounting to just over one column in the printed edition and 1-2 folios in manuscripts, were a brief summary of the most important points to raise in hearing confessions. Following the *notabilia*, Escobar’s brief conclusion summarizes the treatise’s argument in just a few phrases and requests the reader’s prayers both for himself and, in most manuscripts, for his subordinates and (touchingly) parishioners. In some manuscripts, an even briefer section of twelve *conclusiones*, “conclusions,” is then appended, consisting of one or two sentences each. These conclusions always follow the final authorial colophon, and may therefore be either a scribal innovation or a final very minor revision by Escobar. In any case, their composition may have been prompted by desire for an even shorter version of the confessional interrogatory.

Escobar presents the fundamental arguments for the obligation to tithe in the first and longest response, while subsequent responses are more limited in scope. The first response is prompted by the question about whether custom may excuse a person from paying tithe, and obviate any responsibility to repay unpaid tithes. The question presents Escobar with the opportunity (or pretext) to explain the theological basis for tithe and the relationship between custom and law. This section is notably the least dependent on canon law, references from which Escobar employs much more in the later chapters that discuss more specific questions. Escobar here argues that tithe is just and moral according to both natural law and scripture and concludes that it is thus binding upon anyone who possesses property or income. No custom that is contrary to sacred law is valid, he explains, nor may the pope dispense anyone from doing what is

¹⁷⁵ “Et ad interrogandum in confessionibus et penitencia. Unde dabo tibi notabilia de decimis. Primo quod...” Munich, Bayerische Staatsbibliothek, MS Clm 14232, fol. 70ra.

contrary to the sacred law. Subsequent questions address more specific topics such as: on what things should tithe be paid, what is the proper proportion for paying tithes, who must pay tithes, and who may possess tithes? There is some repetition of ideas and sources between the answers, which can be tedious for the modern reader but which would have allowed a preacher to find all the necessary arguments for his sermon on a particular topic in a single response. Escobar primarily understands abuses of the tithe to be an impious mingling of sacred and secular things, properly to be corrected by the pope and council working together. Tithes and first-fruits were not instituted by the Church, Escobar argues repeatedly, but by God himself. Escobar cites several passages from the Old Testament in which God states that a tenth of everything the land produces is consecrated to himself.¹⁷⁶ Because Escobar understands the tithe objectively, as a concrete sacred thing belonging to God, he argues that no law or custom could alter the fact that it must be rendered back to God.¹⁷⁷ For a lay person to hold back tithe owed, then, or to receive tithes, or even to have power to confer on someone the curacy of a church that receives tithes, is to mingle sacred and secular things, because only ecclesiastical persons may regulate or receive tithes.¹⁷⁸ Escobar summarizes the overall argument of *De decimis* as: "...tithe is a divine commandment, against which no mortal may dispense,...the tithe is to be paid according to its right name, notwithstanding any custom whatsoever, on all those things which grow and are renewed, furthermore...a lay person may not have any right in tithes, nor may justly possess them, or order them."¹⁷⁹ Thus, while Escobar may appear to be a rigorist in insisting that the tithe must be paid fully and in accordance with the canon law, he is actually warning believers that

¹⁷⁶ Escobar, *De decimis*, fol. 143ra.

¹⁷⁷ Escobar, *De decimis*, fol. 143ra.

¹⁷⁸ Escobar, *De decimis*, fol. 143ra.

God will damn those who fail to pay. He argues that churchmen are liable to God if they allow the faithful to suffer this consequence through ignorance or because the Church does not use all tools at its disposal to compel obedience. Not only ought bishops and priests to refuse the sacraments to delinquents, but the pope and council together should extirpate all customs that infringe upon the proper payment of tithe.¹⁸⁰

Escobar's repeated references to the pope and council together reforming these abuses seem remarkably optimistic about the future of conciliarism, given that an ineffectual council at Siena had closed in March 1424 without achieving anything of note except announcing that another would be held in Basel in seven years.¹⁸¹ However, these references do demonstrate that for Escobar, as for many reformers of his era, pastoral concerns and reform aspirations were integrally related. Escobar's concern in *De decimis* is not mere uniformity of practice for its own sake, but a conviction that the proliferation of local customs led parishioners, often unwittingly, into mortal sin. His own pastoral authority over those parishioners was, as we have seen, impeded by the disorders of contested episcopal appointments, themselves engendered by the Schism. Escobar had argued in *Colles reflexi* that the ultimate source of corruption in the Church was disunity, and that only a unified Church could reform that corruption. Thus his belief that

¹⁷⁹ "...decima est praeceptum diuinum, contra quod nullus homo mortalis potest dispensare, et quod veri nominis decima est soluenda, ac quod etiam christianus tenetur decimam soluere, non obstante quacunque consuetudine de his quae crescunt [et] renouantur, etiam quod laicus non potest ius in decimis habere, nec ipsas iuste possidere, aut praescribere." Escobar, *De decimis*, fol. 147vb.

¹⁸⁰ Escobar, *De decimis*, fols. 144vb, 143vb.

¹⁸¹ Michael J. Walsh, ed., "Martin V," in *A Dictionary of Popes*, third (Oxford: Oxford University Press, 2015). For Council of Pavia-Siena, see Walter Brandmüller, *Das Konzil von Pavia-Siena, 1423-1424*, 2 vols., Vorreformationsgeschichtliche Forschungen 16 (Münster: Aschendorff, 1968-1974).

pope and council should together reform the kinds of pernicious customs he found in Corsica was, if lacking in prescience, consistent with views he expressed in his previous works.

Gubernaculum conciliorum and *Avisamenta* (1435)

Andreas de Escobar's reputation as a strong advocate of conciliarism rests largely upon the magisterial *Gubernaculum conciliorum*. About fifteen manuscript copies of this lengthy work survive in libraries from London to Prague. It was printed once, in Hermann von der Hardt's 1699-1700 compendium of sources for the Council of Constance.¹⁸² Some manuscript copies of the *Gubernaculum conciliorum* have a continuation or appendix, *Avisamenta pro reformatione ecclesiae*, to which the preface of the *Gubernaculum conciliorum* seems to refer. The manuscript used as the basis of von der Hardt's printing does not include the *Avisamenta*, which Haller consequently printed as a separate text in his compendium of sources for the Council of Basel.¹⁸³ No known copies of the *Avisamenta* exist apart from the *Gubernaculum conciliorum*, but most copies of the *Gubernaculum conciliorum* I examined do not include the *Avisamenta*. Either many copies of *Gubernaculum conciliorum* are defective, or the version of the work including the *Avisamenta* represents a later revision. In the absence of any evidence that *Avisamenta* circulated independently, however, I will treat it as part of the *Gubernaculum conciliorum*. The printed texts in von der Hardt and Haller are the primary basis for my conclusions, though I have also examined ten of the extant manuscript witnesses.

¹⁸² Andreas de Escobar, *Gubernaculum conciliorum*, ed. Hermann von der Hardt (Helmstadt: Salomon Schnorr, 1700).

¹⁸³ Johannes Haller, *Concilium Basiliense: Studien und Quellen zur Geschichte des Concils von Basel*, vol. 1 (Basel: R. Reich, 1897), 214–233.

Gubernaculum conciliorum has received more scholarly attention than any of Escobar's other treatises, and is the only treatise discussed in detail in an English-language work. One chapter of Antony Black's work on conciliar theorists is devoted to the *Gubernaculum conciliorum*, but he regarded the *Avisamenta* as a separate work and did not consider it in his discussion of Escobar's conciliarist views.¹⁸⁴ Black's argument is that the ecclesiology of conciliar theorists like Escobar was influenced by the example of secular representative bodies in their homelands, such as the *cortes* in kingdoms of the Iberian peninsula. Black is therefore primarily interested in comparing Escobar's *Gubernaculum conciliorum* with other Basel-era theorists like John of Segovia and theorizing about its sources and influences. Black's only reference to Escobar's other works (apart from the *Avisamenta*) comes at the end of the chapter, where he notes that the very strong pro-conciliar arguments of *Gubernaculum conciliorum* are not easily reconciled with pro-papal arguments of the *De Graecis errantibus*, written just a few years later. As we shall see, the *De Graecis errantibus* argues for papal plenitude of power almost as forcefully as *Gubernaculum conciliorum* argues the converse, and all Escobar scholars have attempted to explain this discrepancy. Black concludes that Escobar must have changed his mind between composition of the two treatises.¹⁸⁵ Escobar's biographer Sousa Costa argues that Escobar took pains within the *Gubernaculum conciliorum* to distance himself from some of its more extreme views and advanced them only tentatively.¹⁸⁶ Candal suggests that Johannes de Turrecremata, who is known to have owned a copy of *Gubernaculum conciliorum*, swayed Escobar to a pro-papal position sometime between composition of the two works. Assuming that

¹⁸⁴ Black, *Council and Commune*, chap. 5.

¹⁸⁵ Black, *Council and Commune*, 90.

¹⁸⁶ Sousa Costa, *André Dias de Escobar*, 174.

Escobar had (like Turrecremata) attended the Council of Basel, Candal supposed that the two authors had regular contact there. Sousa Costa, however, notes that since there is no evidence Escobar was ever present at Basel, there is even less basis to suppose Turrecremata's pro-papal influence upon his ecclesiology.¹⁸⁷ More cynical scholars writing just on either side of the turn of the twentieth century regarded Escobar as a mercenary publicist, content to argue whichever side might incline more to his personal advantage.¹⁸⁸ Another point Sousa Costa raises, though it is still not entirely persuasive, is that *Gubernaculum conciliorum* and *Avisamenta* were completed before relations between Eugenius IV and Basel had soured decisively. None of these authors note that the evidence for Escobar's authorship of these texts is not strong, or that if Escobar is indeed the author, he tried to conceal it.

Andreas de Escobar never identifies himself as the author of *Gubernaculum conciliorum* or the *Avisamenta* within the text. This is a very marked departure from his practice elsewhere. As we have seen, in every other treatise Escobar wrote, he identified himself at least once by name, degree, title, and religious order in the body of the work. No proper name is ever given for the author in *Gubernaculum conciliorum* or *Avisamenta*. Whereas Escobar invariably identifies himself in other works as "master of theology" or "doctor of theology," the author refers to himself in this treatise as "doctor" in one place and "master" in another without stating his discipline.¹⁸⁹ The author expresses a marked hostility to a number of canonistic texts, including

¹⁸⁷ Sousa Costa, *André Dias de Escobar*, 67–68.

¹⁸⁸ Haller, *Concilium Basiliense*, 1:114–115; Ludwig Walters, "Andreas von Escobar, ein Vertreter der konziliaren Theorie am Anfange des 15. Jahrhunderts" (Königlichen Akademie zu Münster, 1901), 5–6.

¹⁸⁹ "Et hoc sufficit dicere de ista prima interrogatione mihi pauperi Doctori facta, de potestate Papa et ecclesia." "Dico ergo pauper Magister Hispanus, quod sicut..." Escobar, *Gubernaculum conciliorum*, cols. 164, 285.

the *Liber extra* which was one of the most significant sources Escobar employed to support his arguments in *De decimis*. This hostility does suggest that the author is, like Escobar, a master of theology rather than law. Nonetheless, Escobar in his other treatises always explicitly states that he is a master of theology. The author of *Gubernaculum conciliorum* never identifies himself as a bishop, as Escobar habitually does. One particular passage does have particular resonance with Escobar's career, however, since the writer complains bitterly that learned men such as doctors become only titular bishops. He then argues that bishops, popes, abbots, and cardinals should be selected exclusively from among those who are “masters and doctors of the word of God.”¹⁹⁰ It is easy enough to imagine such a complaint issuing from Escobar, impoverished master of theology and titular bishop of Megara. However, the author also never identifies himself as belonging to or being an abbot of the Order of St. Benedict, another unprecedented omission. Indeed, at least once he refers to himself as a “preacher,” which could mean simply that he is a preacher in the ordinary sense (which Escobar indeed was) but could also mean he is a member of the Order of Preachers.¹⁹¹ The author does unambiguously identify himself as an Iberian, which Escobar often does in his works. Three times he refers to himself with the demonym *hispanus*, and twice more he speaks of Isidore of Seville as “our” holy Isidore the *hispanus*.¹⁹² It is therefore clear that the

¹⁹⁰ “Ut ergo non simus contrarii decreto Apostolorum concilii hujusmodi, et quod nulli alii promoveantur ad dignitates Episcopales, Papales, Cardinales et Abbatiales, nisi sint Magistri et Doctores verbi Dei, ac sacre scripturae et sacrorum canonum.” Escobar, *Gubernaculum conciliorum*, cols. 198–199.

¹⁹¹ “Tertia pars huius tractatus respondet ad quoddam interrogatorium, mihi pauperi veritatis fidei Catholicae et legis Evangelicae et reformationis et emendationis Apostolica Ecclesia zelatori, et Praedicatori Hispano, factum...” Escobar, *Gubernaculum conciliorum*, col. 169.

¹⁹² “Auctoritas quidem patet istius sanctissimi nostri Isidori Hispani...” “...ut clarius patet per nostrum Doctorem Hispanum, S. Isidorum...” Escobar, *Gubernaculum conciliorum*, cols. 163, 204.

author is an Iberian doctor, based solely on the internal evidence of the text. He is almost certainly a master of theology rather than law, and might possibly be a titular bishop. Some manuscript rubrics do indeed identify Andreas de Escobar as the author, but others do not. None credit any other named author, however. At the very least, we must conclude that Escobar deliberately attempted to conceal his identity as author of the *Gubernaculum conciliorum*, if indeed he is the true author.

Sousa Costa clearly accepted Escobar's authorship of the *Gubernaculum conciliorum* and *Avisamenta*, an opinion that cannot be lightly disregarded, but his evidence is problematic. Some part of his conclusion is no doubt based on the manuscript tradition of attribution to Escobar. Many manuscripts bear no ascription, however, and early bibliographers do not list it among Escobar's works.¹⁹³ Another reason Sousa Costa attributed the work to Escobar was his impression that the *Gubernaculum conciliorum* quotes extensively from a 1423 *ad clerum* sermon Escobar delivered.¹⁹⁴ The text of this sermon is extant in one copy, found in Oxford, Bodleian Library, MS All Souls L.R. 2 C. 11, folios 172-190v. Sousa Costa unfortunately does not specify where in the quite lengthy *Gubernaculum conciliorum* he finds this sermon quoted, which makes his observation difficult to verify. Finally, Sousa Costa asserts that in a 1436 work called *De civitate ecclesiastica*, Escobar states that he wrote the *Gubernaculum conciliorum* in 1434 in Florence, which certainly would fit the evidence of the text and Escobar's known

¹⁹³ Johannes Trithemius, *De viris illustribus Ordinis sancti Benedicti*, vol. II (Cologne, 1575), bk. II, c. CXXXVI, p. 463a–b. Diôgo Barbosa Machado, *Bibliotheca Lusitana historica, critica, e cronologica*, vol. 1 (Lisbon: Antonio Isidoro da Fonseca, 1741), 144b–145a. Nicolás Antonio, *Bibliotheca Hispana vetus sive Hispani scriptores qui ab Octaviani Augusti aevo ad annum Christi MD. floruerunt*, vol. 2 (Madrid: Herederos de Joaquín Ibarra, 1788), pt. II, pp. 235a–236a.

¹⁹⁴ Sousa Costa, *André Dias de Escobar*, 190.

whereabouts.¹⁹⁵ The problem is that Sousa Costa gives no evidence of the existence of this work, and I can find no independent reference to it. Sousa Costa does not list *De civitate ecclesiastica* in his bibliography for *Mestre André*; he does not document his lengthy quotations from it; he lists no manuscript in which it may be found; he gives no incipit; and he offers no basis for its dating or attribution. I find no references to this work anterior to Sousa Costa, and only four subsequent references, all of which point back to Sousa Costa.¹⁹⁶ Some of these references state that Sousa Costa was in the process of preparing a critical edition of *De civitate ecclesiastica*, but a 2003 bio-bibliographical article lists no such edition among Sousa Costa's published works or known unfinished works.¹⁹⁷ It is difficult to know what to make of this puzzle. Perhaps Sousa Costa omitted any specific reference to manuscripts of *De civitate ecclesiastica* to prevent scholarly poaching of a planned critical edition. Unfortunately, however, he left later scholars without means to verify his citations and conclusions from *De civitate ecclesiastica*. It is now impossible to know whether Sousa Costa was correct, was engaging in circular reasoning, or

¹⁹⁵ Sousa Costa, *André Dias de Escobar*, 74.

¹⁹⁶ Antonio García y García lists *De civitate ecclesiastica* among Escobar's works in three different articles, documented in each case by an identical footnote simply stating that Sousa Costa is preparing an edition. The fourth reference is in a published bibliography that lists *De civitate ecclesiastica* with a reference only to pages 115-117 of Sousa Costa's *Mestre André*, which pages, in fact, have nothing to do with *De civitate ecclesiastica*. Antonio García y García, "La canonística ibérica posterior al Decreto de Graciano (I)," *Repertorio de historia de las ciencias eclesiásticas en España* 1 (1967): 359; Antonio García y García, *Estudios sobre la canonística portuguesa medieval* (Madrid: Fundacion Universitaria Española, 1976), 142; Antonio García y García, "La canonística ibérica posterior al Decreto de Graciano (III)," *Repertorio de historia de las ciencias eclesiásticas en España* 5 (1976): 359; Manuel C. Díaz y Díaz, *Hispanorum index scriptorum Latinorum medii posteriorisque aevi: Autores Latinos peninsulares da época dos descobrimentos (1350 - 1560)*, HISLAMP: Hispanorum index scriptorum Latinorum medii posteriorisque aevi (Lisboa: Imprensa Nacional-Casa da Moeda, 1993), 162.

¹⁹⁷ António de Sousa Araújo, "António Domingues de Sousa Costa (1926-2002): Elementas para a sua bibliografia," *Lusitania sacra*, 2o série 15 (2003): 331-58.

later changed his mind about *De civitate ecclesiastica*. It is tempting to render Escobar's career and intellectual legacy more coherent by excluding *Gubernaculum conciliorum* from the corpus of his genuine works. I am mindful that this desire might exert undue influence, but it must nevertheless be noted that the textual and manuscript evidence for Escobar's authorship is very weak. The somewhat dubious status of *Gubernaculum conciliorum*'s authenticity must therefore be kept in mind throughout the following analysis of the work.

The *Gubernaculum conciliorum* was completed around the middle of 1435, and both it and the accompanying *Avisamenta* are addressed to the papal legate, Giuliano Cesarini. Cesarini had been appointed legate to Germany, with authority to convene the planned general council, on 11 February 1431 by Martin V, shortly before his death. Martin V's successor, Eugenius IV, actually had to urge Cesarini to desist from pursuing his crusade against the Hussites to instead convene the council, which John of Ragusa in fact opened without Cesarini on 23 July 1431. By the time Cesarini finally arrived on 9 September, few delegates had yet arrived. In November and December, Eugenius unsuccessfully tried to dissolve the council because so few delegates were in attendance and because negotiations were in train with the Greeks, who did not wish to travel to so distant a site as Basel. Relations between the council and Eugenius IV were very poor throughout 1432 and 1433, as each attempted to assert authority over the other. In January 1434, a compromise was at last reached with Emperor Sigismund's aid and Eugenius IV recognized the council's legitimacy. Composition of the *Gubernaculum conciliorum* probably began in 1434, since there are several internal references to 1434 as the current year.¹⁹⁸ By mid-1434 the council had turned to serious reform business and to negotiation with envoys of the Greek church. However, the conciliar decree of 9 June 1435 abolishing annates (curial taxes on reserved

¹⁹⁸ Escobar, *Gubernaculum conciliorum*, cols. 164, 175, 177.

benefices), mentioned in the text of *Gubernaculum conciliorum*, was deeply antagonistic to Eugenius IV. Several other references to 1435 as the current date appear in later parts of *Gubernaculum conciliorum*, and the reference to the decree abolishing annates appears in the final Part IX of the work.¹⁹⁹ While the council's intransigence did not drive Cesarini to openly advocate for Eugenius IV until November 1436, it is nonetheless clear that when *Gubernaculum conciliorum* was completed the council had already renewed its hostility. Sousa Costa is correct in asserting that the treatise was started during a period of relatively better relations between Eugenius IV and Basel. However, it does not seem credible that Escobar, ensconced in the papal curia, could ever have regarded those relations as cordial enough to write a stridently pro-conciliar treatise with impunity.

The sources employed in *Gubernaculum conciliorum* are both numerous and diverse, but the *Decretum* and Christian scriptures are used most extensively. Most of the work explains three mutually exclusive opinions (pro-papal, moderate, and pro-conciliar) about the subjects discussed, but without reference to any specific named author or text advocating one of the three opinions. Instead, the author outlines the arguments made by adherents of the three opinions, and the sources upon which they base those arguments. *Gubernaculum conciliorum*'s author never directly disputes the authority of those sources, with one notable exception, but rather the interpretations of and conclusions drawn from them. That one significant exception is the author's marked hostility towards the later decretals. He cites the *Decretum* itself very extensively, but states that the *Liber sextus*, *Clementinis*, and *Liber extravagantes* are unjust, and that the law should be returned to that of time of Boniface VIII (1234-1303).²⁰⁰ In another place, the author accuses those churchmen hostile to reform of, among other things, being afraid that

¹⁹⁹Escobar, *Gubernaculum conciliorum*, cols. 221, 222, 271, 292, 326.

the law will be restored to the *status quo ante* Boniface VIII.²⁰¹ The authority of the *Decretum* itself remains unquestioned in the treatise although, as mentioned, the author frequently criticizes the way in which advocates of the pro-papal and moderate positions interpret it. The Christian scriptures are also extensively employed, and competing interpretations of certain important passages—the granting of the keys to St. Peter in the Gospel of Matthew, for example—are the subject of much discussion.²⁰² Patristic commentaries on these passages consequently are cited as well. The author draws extensively from the Acts of the Apostles to argue both that no one of the apostles was superior to the others and that the holding of councils to decide important matters is a practice bequeathed from the apostolic Church. He makes a very few references to the Old Testament scriptures and they play no significant role in the arguments for any of the three positions outlined. The author relies a great deal on historical argument, since a lengthy portion of the work is dedicated to enumerating all the councils held in the past, as a means of asserting the normativity of Church councils. The Acts of the Apostles is his source for the apostolic

²⁰⁰ “...valde nunc sunt necessaria generalia concilia, in quibus et per que sanctorum patrum et conciliorum generalium reformatur decretales et decreta sancta, ablatis reservationibus et aliis injustis constitutionibus, positis et scriptis in libro VI Decretalium, in Clementinis et in Extravagantibus, ac aliis quibuscunque, contra jura antiqua, et privilegiis et dispensationibus, et reducantur omnia ad observantiam juris, sicut erant ante tempora Bonifacii VIII in ipsa apostolica ecclesia.” Escobar, *Gubernaculum conciliorum*, col. 202.

²⁰¹ “Et adhuc Papa cum suis officialibus et cardinalibus sibi assistentibus in Romana Curia existentibus, maiori movetur ratione, quod numquam vellet celebrari seu convocare, aut convocari seu celebrare facere concilia generalia. Quia dubitant collationem seu revocationem pensionum et commendarum, pluralitatem et beneficiorum ac officiorum...quae sunt facta per ecclesiam Romanam et Curiam contra jura scripta et authentica, in libris Decretalium et Decretorum sanctorum Patrum posita, quod talia et similia limitentur, et reducantur ad jura scripta ante tempus Bonifacii Papae VIII.” Escobar, *Gubernaculum conciliorum*, cols. 172–3.

²⁰² “And I will give to thee the keys of the kingdom of heaven. And whatsoever thou shalt bind upon earth, it shall be bound also in heaven: and whatsoever thou shalt loose on earth, it shall be loosed also in heaven.” Matt. 16.19, Douay-Rheims.

councils. The author does not specifically state his source of information for the early ecumenical councils, but it is quite likely the sixth-century *Historia tripartita* of Theodorus Lector, which he does cite elsewhere in this work.²⁰³ I know of no citations from *Historia tripartita* in Escobar's treatises apart from *Gubernaculum conciliorum*, though it would probably have been useful for his work on the errors of the Greek church. A few classical and patristic authorities are also referenced directly, such as Cicero's *De officiis*, Sallust, Plutarch, Aristotle, and Augustine's *Rule* and *De doctrina*, but these are relatively few and far outweighed by patristic authorities cited via the *Decretum*. Aristotle's *Politics*, so important in the *Colles reflexi*, is virtually absent from *Gubernaculum conciliorum*. As with *Colles reflexi*, a single reference to Francesco Petrarca's *Liber sine nomine* is the most recent cited authority.

Antony Black's discussion of *Gubernaculum conciliorum* provides a useful introduction to the structure and arguments of the work, although he did not include the *Avisamenta* in his analysis. As Black notes, the *Gubernaculum conciliorum* is divided into nine books, with the first eight outlining the differing positions on constitutional and procedural questions in an ostensibly objective manner.²⁰⁴ Executive power during councils, voting rights, the power to call councils, the identity of the universal church as *corpus mysticum*, and the responsibility of secular princes to effect reforms are among the topics treated in the first eight chapters, as Black explains.²⁰⁵ The ninth book of this main part of the work, however, abandons the expository framework of the

²⁰³ E. A. Livingstone, ed., *Oxford Concise Dictionary of the Christian Church*, 2nd rev. (Oxford: Oxford University Press, 2006), s.v. "Theodore the Lector."

²⁰⁴ Black, *Council and Commune*, 85–86.

²⁰⁵ Black, *Council and Commune*, 86–89.

previous eight in favor of an uncompromising pro-conciliar argument.²⁰⁶ In the ninth chapter, the author mounts a scathing attack on papal abuses, asserts the unqualified supremacy of council over pope, and argues that anyone who questions that supremacy should be treated as a heretic.²⁰⁷ The subsequent *Avisamenta*, which Black did not include in his discussion, offer concrete proposals for conducting councils and reforming the church.²⁰⁸ Following a restatement of the main points of *Gubernaculum conciliorum*, the *Avisamenta* advocates reforms in seven general areas, corresponding to the seven gifts of the Holy Spirit. Grouped under each of these general topics of reform, which are termed *avisamenta*, is an agenda of specific proposals. The general *avisamenta* are reforms of the curia, bishops, collegiate churches, parish priests, professed religious, laity, and universities. Under these headings, we find such specific proposals as that, under pain of excommunication, a bishop is to confer holy orders only upon those who are the appropriate age, and if professed religious, can perfectly construe and pronounce Latin, and sing.²⁰⁹ Like this example, most of the reform proposals entail nothing novel, simply advocating strict penalties for violation of long-established canon law and prohibiting most dispensations.

The *Gubernaculum conciliorum* is, despite its length, a tightly organized and rhetorically effective work. Black argues that the polemic tone of book IX is Escobar's infuriated response to

²⁰⁶ Black, *Council and Commune*, 86.

²⁰⁷ Black, *Council and Commune*, 86.

²⁰⁸ Haller, *Concilium Basiliense*, 1:214–233.

²⁰⁹ “Item statuatur, quod quilibet episcopus teneatur ordinationes suas omni anno infra tempora a iure statuta celebrare et nullatenus sub pena excommunicationis, quam incurrat ipso facto, aliquem ad sacros ordines ordinare, nisi sit etatis perfecte, eciam si sit religiosus, eciam quod sciat verbis latinis loqui perfecte et construere et aliquantulum cantare cantum ecclesiasticum.” Haller, *Concilium Basiliense*, 1:220.

Eugenius IV's rejection, in late 1435, of the Council's reform decrees.²¹⁰ This may indeed have lent further fire to the author's argument that Constance's *Haec sancta* decree must be upheld as an article of faith since, without it, the pope can simply annul any reform decree he wishes.²¹¹ However, I do not agree with Black that the first eight books are merely an exposition of the positions various groups take on the topics discussed. Each book outlines three positions on a given topic, beginning with the pro-papal opinion, proceeding to the moderate opinion, and concluding with the pro-conciliar position. This is precisely the rhetorical strategy we should expect to see if the writer's own opinion was the pro-conciliar one, because it is more effective to first dispense with the opposing arguments before outlining one's own position and the evidence for it. I therefore regard the strident tone of book IX as the culmination of a careful argumentative strategy, for which the previous eight books laid the necessary groundwork. These nine books in turn provide the necessary theoretical and theological justification for the detailed reform proposals of the concluding *Avisamenta*. The reform agenda proposed there are so essentially conservative that they would strike the reader as eminently justifiable and even, compared to the thunderous Book IX, moderate.

The dominant metaphor for the Church in *Gubernaculum conciliorum* is the *corpus mysticum*, as we should expect in an ecclesiological work, but the author employs several other metaphors as well. In common with pro-conciliarist writers like John of Segovia, the *Gubernaculum conciliorum* explicitly argues that Christ alone is the head of the Church and the universal Church as a whole, represented in a council, possessed greater power and authority

²¹⁰ Black, *Council and Commune*, 86.

²¹¹ Escobar, *Gubernaculum conciliorum*, 118.

than any one of its members, even a pope.²¹² As in the cases of Segovia and also Nicholas of Cusa, the author of *Gubernaculum conciliorum* perceives Christian love as the bond that unites the disparate members and as both the result of and evidence for the inspiration of the Holy Spirit. The inspiration of the Holy Spirit, in turn, guarantees doctrinal inerrancy.²¹³ Apart from this powerful corporal metaphor of the Church, we also find instances of the Church likened to a tree or vine, to a ship, to the children of Christ, and to the bride of Christ. About ten times, the author speaks of the Church as a *res publica*, a republic, but this theme is much less prominent in *Gubernaculum conciliorum* than in *Colles reflexi*. Altogether, the imagery employed in *Gubernaculum conciliorum* is very organic, emphasizing the entire Church either as a single living organism (a body, a tree, a bride) or, when the members are considered individually, as a family of brothers under God as their common father. These metaphors are drawn from scripture, not political philosophy, and the author likewise turns to scripture to explain the source of corruption in the Church. Whereas Escobar holds in the *Colles reflexi* that *libido dominandi* has led to disunity and disunity is, in turn, the source of the evils of the Church, the *Gubernaculum conciliorum* identifies love of money as the source of corruption, and argues that councils are necessary to restrain human greed and ameliorate its consequences.²¹⁴ It is certainly plausible that a couple of decades spent in the curia might persuade a man that it was really individual greed and not disunity that had produced the evils of the Church, but could such a man unequivocally argue for papal supremacy just two years later?

²¹² Antony Black, *Political Thought in Europe, 1250-1450* (Cambridge: Cambridge University Press, 1992), 175–178.

²¹³ Black, *Political Thought in Europe, 1250-1450*, 175–183.

²¹⁴ Escobar, *Gubernaculum conciliorum*, cols. 169, 175, 177, 184, 192.

It is difficult to explain Escobar's dramatic reversal of opinion, although we may be able to interpret it as consistent with his emphasis on ecclesial unity. For Escobar, only a unified church, possessing the Holy Spirit's guarantee of inerrancy, could ensure orthodoxy and, therefore, orthopraxy. If Escobar reached the justifiable conclusion that Eugenius IV was actively hindering reform by opposing the Council of Basel, then the pope was thereby actively impeding orthopraxy. If orthopraxy flows from orthodoxy, then it would follow that the guarantee of the Holy Spirit and true unity are situated not in pope but council. This must have been especially plausible as long as the council was actively negotiating union with the Greek church. If indeed Escobar reached this conclusion and wrote the *Gubernaculum conciliorum* as a result, it would nevertheless be possible, again given the place of unity in his moral theology, for him to later believe that he had been mistaken. Once it was the pope and not council who was effecting Christian unity via reunion with the Greeks, would it not seem to follow that unity, and therefore orthodoxy, rested with Eugenius IV? If my understanding of his theology is correct, Escobar could well have written both it and subsequently *De Graecis errantibus* with no more than the usual measure of opportunism.

De Graecis errantibus (1437)

Escobar began work on his final treatise, *De Graecis errantibus*, late in 1437 on the eve of the Council of Ferrara-Florence. Only three complete copies of the work survive, one of which (Vat. Lat. 4067) has emendations and additions in the author's own hand.²¹⁵ The other two surviving copies, Ott. Lat. 983 and Vat. Lat. 4953, are also housed in the Vatican library. Two other manuscripts contain lists of doctrinal errors of the Greeks that were apparently extracted

²¹⁵ Escobar, *Tractatus de Graecis errantibus*, lxxix.

from *De Graecis errantibus* and, since these are found in Karlsruhe and Vienna, the treatise was apparently known outside Rome. These manuscripts will be discussed further in the next chapter. There is no early printed edition of *De Graecis errantibus*, but we do have a modern critical edition. Emmanuel Candal used Vat. Lat. 4067 as the basis for his 1952 edition of the treatise. My analysis of the text is based primarily upon Candal's critical edition, supplemented, where appropriate, by microfilm copies of all three surviving manuscripts.

Escobar's authorship of the *De Graecis errantibus* is unquestionable. He refers to himself in the first person nine times throughout the work, four times giving his full name, office, and credentials. In the introduction, he states that the treatise was composed "by the poor bishop of Megara, of the Order of Saint Benedict, master in theology, Andreas Hispanus de Escobar."²¹⁶ A bit further on in the preface, he identifies himself as "I, most unworthy chaplain and servant of that same Holiness [Eugenius IV], master of theology, Andreas Hispanus, formerly bishop of Ciudad Rodrigo, but now bishop of Megara in the province of Athens in Greece."²¹⁷ About halfway through the body of the text, he refers to himself as "I, master of theology, Hispanus, Andreas, poor bishop of Megara."²¹⁸ Finally, near the conclusion he states again that the contents of the treatise were collected "by me, Andreas, chaplain to your holiness, Hispanus, poor bishop

²¹⁶ "De Grecis errantibus et ipsorum erroribus incipit tractatus optimus...a paupere episcopo Megarensi, ordinis sancti Benedicti, in theologia magistro, Andrea, hispano, de Scobar compositus et collectus." Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4067, fol. 1r.

²¹⁷ "...transmitto et humiliter offero ac intitulato, ego, eiusdem sanctitatis sue capellanus et servus, in theologia magister, Andreas, hispanus, olim Civitatis, nunc vero Megarensis episcopus de provincia Atheniensi in Grecia, pauperrimus." BAV Vat. Lat. 4067, fol. 2v.

²¹⁸ "...ego in theologia magister, hispanus, Andreas, Megarensis pauper episcopus..." BAV Vat. Lat. 4067, fol. 71r.

of Megara.”²¹⁹ In five other places, Escobar refers to himself as bishop of Megara, master of theology, or both, but not by name.²²⁰ These biographical details also conform to what is known of Escobar’s life and career from other sources, except that he is not known to have been chaplain to Eugenius IV. He must be referring not to the specific office of papal chaplain, but more generally to the duties of consecrating bishops and conferring holy orders he was discharging at this time, according to curial records.

Escobar also provides the exact date and place of completion for *De Graecis errantibus*. Escobar wrote in the conclusion, “This treatise concerning the erring Greeks...was made and collected from the words of many doctors of theology in the year of the Lord Jesus Christ one thousand four hundred thirty-seven, the fifteenth day of the month of December, in Bologna.”²²¹ Escobar’s presence in Bologna during 1437 and early 1438 is attested both by papal documents and the correspondence of the abbot Dom Gomes, so there is no reason to doubt this account.²²² Eugenius IV departed Bologna for Ferrara on 23 January 1438.²²³ The *terminus post quem* for starting composition is difficult to determine since the topic of union with the Greeks had been part of Eugenius IV’s agenda since his accession. However, in his *De decimis*, Escobar noted that he started composition in Corsica but finished in Rome. If he began *De Graecis errantibus*

²¹⁹ “Tamen, pater beatissime, vestra sanctitatis ex premissis per me, capellanum sanctitatis vestre, Andream, hispanum, pauperem Megarensem episcopum...” BAV Vat. Lat. 4067, fol. 93r.

²²⁰ BAV Vat. Lat. 4067, fols. 49v, 72r, 84r, 95v, 96r.

²²¹ “Tractatus iste de Graecis errantibus...completus fuit et reollectus ex multorum doctorum theologie sermonibus, anno domini Ihesu Christi millesimo quadringentismo tricesimo septimo, die quintadecima mensis decembris, Bononie.” BAV Vat. Lat. 4067, fol. 95v–96r.

²²² Sousa Costa, *André Dias de Escobar*, 76–77.

²²³ Mandell Creighton, *A History of the Papacy from the Great Schism to the Sack of Rome*, 2nd ed., vol. 5 (London: Longmans, Green, and Co., 1923), 173.

elsewhere than Bologna, where he probably arrived shortly after the papal curia transferred there in April 1436, it is likely he would have said so.²²⁴ Escobar also refers repeatedly within the text to Eugenius IV's decree announcing a council with the Greeks, presumably the 18 September 1437 bull "Doctoris gentium" transferring the council to Ferrara.²²⁵ In one place early in the body of the work, Escobar gives the date as 1438 rather than 1437.²²⁶ This could indicate that Escobar began composition so late in 1437 he did not think he would complete it before the year was out, but the passage is a bit ambiguous and he may simply have meant that the union would be accomplished in 1438.

Escobar dedicated the work to Eugenius IV, intending it to help bring about the goal of the Council of Ferrara-Florence. He describes the treatise in its superscription as "a comprehensive treatise against fifty errors of the Greeks, dedicated forever to our most holy lord Eugenius IV, only, legitimate and most holy Roman pope."²²⁷ Escobar repeats the dedication, adding a clause submitting his work to Eugenius' correction and emendation, later in the lengthy preface.²²⁸ Near the end of the work, Escobar addresses a paragraph directly to Eugenius IV, stating that he collected the materials therein "for the confirmation, defense, and exaltation of our catholic faith

²²⁴ Creighton, *History of the Papacy*, 5:176.

²²⁵ Joachim W. Steiber, *Pope Eugenius IV, the Council of Basel, and the Secular and Ecclesiastical Authorities in the Empire* (Leiden: Brill, 1978).

²²⁶ BAV Vat. Lat. 4067, fol. 14r.

²²⁷ "Tractatus copiosus contra quinquaginta errores Grecorum sanctissimo domino nostro Eugenio quarto unico et indubitato pape Romano sanctissimo intitulatus perpetuo." BAV Vat. Lat. 4067, fol. 1r.

²²⁸ BAV Vat. Lat. 4067, fol. 1r.

and the universal church” but again submitting the work to correction and even retraction.²²⁹ The occasion of this defense is clearly the upcoming council of union with the Greeks. Escobar’s concluding dedication to Eugenius IV calls that pope “most fervent promoter of union of the Greeks with Latins in his time.”²³⁰ While it is clear that Escobar intended *De Graecis errantibus* to aid in effecting that union, he does not clearly state just how. Before commencing his refutation of the theological errors of the Greek church, Escobar states that the purpose of proving them false is so that “the Latin and Greek catholics may become ‘one sheepfold.’”²³¹ Escobar’s only other statement about the purpose of the treatise is that it is “very useful and necessary for the understanding of ecclesiastical men,” suggesting that it was meant to help non-specialists understand the theological issues that would be at stake during the council.²³² We should not altogether exclude the possibility that Escobar intended the work as a practical resource for those who would be participating in the council’s debates, since it seems that he intended *De publicatione haeresum contentarum in libro Talmut* as a practical manual for disputation.

²²⁹ “Hec ergo sunt, pater beatissime Eugeni, dicta Grecorum erronea et dubia (quorumdam tantum, ut credo, fere et pro maiori parte), que ad confirmationem fidei nostre catholice, et universalis ecclesie, cui presidetis sanctissime, defensionem et exaltacionem collegi... Verumptamen si in dictis superius per me et recollectis minus perite et ornate vel indecenter dixi vel scripsi, cupio emendari a sanctitate apostolatus vestri...paratus ea semper revocare, et fidem universalis ecclesie tenere...” BAV Vat. Lat. 4067, fol. 92v.

²³⁰ “Ad honorem et exaltacionem...Eugenii quarti beatissimi, zelatoris christiane fidei, et unionis Grecorum cum Latinis temporibus suis promotoris ferventissimi.” BAV Vat. Lat. 4067, fol. 96r.

²³¹ “...quod fiet ‘unum ovile’ ex Latinis et Grecis catholicis et una sancta ecclesia catholica...” BAV Vat. Lat. 4067, fol. 14r.

²³² “...ad sciendum viris ecclesiasticis valde utilis et necessarius...” BAV Vat. Lat. 4067, fol. 96r.

Presumably, however those orators would have had a firm enough grasp of the issues to benefit more from its rhetorical passages than from its theological content.

Escobar's theological arguments in this lengthy treatise depend very heavily upon the works of Thomas Aquinas. *De Graecis errantibus* occupies the entire ninety-six folios of Vat. Lat. 4067, comprising at least 50,000 words. Escobar, as seen in the passage quoted above, frankly acknowledges that he "collected" the treatise from the works of others, which is not merely a humility topos. He explicitly credits Thomas of Aquinas on six occasions in the treatise, but Candal notes that large sections of the body of the treatise reproduce passages from Thomas' *Summa contra Gentiles* and *Contra errores Graecorum* with little modification.²³³ Indeed, so dependent are many passages upon these two works that Candal simply omits them from the edition, instead pointing readers to the relevant passages in Thomas' edited works. Thomas' *Contra errores Graecorum* in particular was an ideal source, having been composed for Urban IV as an expert opinion on Greek Trinitarian errors.²³⁴ Particularly in *Contra errores Graecorum*, St. Thomas uses citations attributed to the fathers (which he apparently did not know were spurious) to disprove certain arguments made or doctrines held by the Greek church.²³⁵ Escobar uses Aquinas as a source for these spurious citations and also reproduces many arguments from *Contra errores Graecorum*, while also adding arguments of his own and sometimes rearranging or abridging passages from Aquinas. Escobar also frequently cites Peter Lombard's *Sentences*, and, as in his other treatises, the Bible and the works of Augustine.

²³³ Escobar, *Tractatus de Graecis errantibus*, lxxiv–lxxvi.

²³⁴ I. T. Eschmann, "A Catalogue of St. Thomas's Works," in *The Christian Philosophy of Thomas Aquinas*, ed. Etienne Gilson (New York: Random House, 1956), 381–439, no. 54.

²³⁵ For further details on Aquinas' sources, see Mark D. Jordan, "Theological Exegesis and Aquinas's Treatise 'Against the Greeks,'" *Church History* 56, no. 4 (December 1987): 445–56.

The treatise falls naturally into four sections, of which only the first three appear to have been part of Escobar's original planned structure. At the outset, Escobar states that he will first set forth those doctrines of the Latin church which oppose the Greek errors, and which the Greeks ought to uphold once they have been brought into union.²³⁶ Secondly, he will set forth and then refute the erroneous beliefs of the Greeks, "as much through reason as by the authority of holy doctors."²³⁷ This proves to be an accurate description of the first three sections of the treatise. The first section is a list of fifty-two doctrines held by the Latin church, each introduced by an ordinal number (a practice we should by now find familiar in Escobar's works) and briefly explained with a few sentences. The second section consists of a numbered summary listing of fifty "erroneous and doubtful" conclusions held by the Greeks.²³⁸ This list corresponds very closely, though not quite point-for-point, to the list of correct doctrines in the first section. The third and much the longest section of the treatise is a detailed exposition and refutation of fifty-two erroneous Greek doctrines. Although again introduced by ordinal numbers, the items in this section do not quite correspond point-for-point to the other two lists. For example, in the first list of correct doctrines to be affirmed, the forty-third item is that the authority of scripture supersedes that of the Nicene Council, but this corresponds to the fortieth error in both the summary list and the detailed refutation in the third section.²³⁹ Doctrines concerning attributes

²³⁶ BAV Vat. Lat. 4067, fol. 3v.

²³⁷ "Contra quas arguam; et quod sint maxime false, inique et mendose, palam tam per rationes quam per auctoritates sanctorum doctorum ostendam taliter..." BAV Vat. Lat. 4067, fol. 3v.

²³⁸ E.g., "Quarta vestra conclusio erronea et dubia est,... Quinta vestra conclusio erronea et dubia est,..." BAV Vat. Lat. 4067, fol. 9v-13r.

²³⁹ BAV Vat. Lat. 4067, fols. 12v, 12r, 62r.

and essence in the persons of the Trinity are the subject of items fifty, forty-nine, and fifty-two in the three lists, respectively.²⁴⁰ Following the third section, Escobar addresses Eugenius IV, summarizing the work and submitting it to his correction in what initially appears to be a conclusion, even ending with four amens.²⁴¹ However, Escobar instead continues to a fourth section in which he subsumes all the foregoing errors under four general headings, demonstrates how various historical heresies have also all fallen under these headings, and then addresses a final and rather more conciliatory exhortation to the Greek lords. This section does not correspond to the plan Escobar outlined early in the work and, furthermore, begins on a new folio, but does precede the final conclusion in which the date and place of composition are given.²⁴² Thus it is part of the “published” form of the work even though probably a late addition or revision.

The somewhat muddled state of the treatise's organization may reflect, once again, very rapid composition with little time for revision. As in other cases, the actual structure of Escobar's work does not reflect the plan he announces in the preface. Presumably Escobar tended to change his mind during the writing process about the best way to present his material, but did not go back to revise his prefaces. In this case, however, the structure of the work does actually correspond to his prefatory description except for the addition. It is instead the numbering of points in the three sections that do not align. Indeed, there is even an error in numbering the points in the second section, where Escobar skips from the sixteenth to the eighteenth conclusion. It also appears that Escobar originally forgot to include the fifty-second point of the

²⁴⁰ BAV Vat. Lat. 4067, fols. 9r, 15r, 97r.

²⁴¹ BAV Vat. Lat. 4067, fol. 92r–v.

²⁴² BAV Vat. Lat. 4067, fol. 92v.

third section. In the earliest copy of the text, Vat. Lat. 4067, the original conclusion immediately follows the fifty-first point of the third section. After the second conclusion or addendum to the work, Escobar squeezed the fifty-second point into the remaining space on the final folio, 97 recto, and when he ran out of room there, finished it in the lower margin of the previous verso. In the addendum itself, he refers to only fifty-one points rather than fifty-two, reinforcing the impression that only later on did he realize he had forgotten to address one of the errors listed in the treatise's second section.²⁴³ These appear to be simple errors reflecting either hasty composition or a decline in ninety-nine-year-old Escobar's mental acuity. Assuming he began the treatise after Eugenius IV's declaration of the council on 18 September 1437 and completed it by his stated date of publication on 15 December 1437, Escobar turned out a work of over 50,000 words in less than three months. Even taking into account that the treatise is more a compilation than an original work, he must have had to work very quickly.

Escobar himself summarizes the subjects of the treatise under the headings of errors about the Trinity, papal supremacy, sacraments, and suffrages. "These [fifty-one conclusions]," he says "if well and logically drawn together, are all (or at least the greater part of them) reduced directly or indirectly to four errors."²⁴⁴ The largest part of the treatise, the first thirty-two points in the third section, plus the fifty-second point, address alleged doctrinal errors regarding the persons of the Trinity. Of these, Escobar discusses the first error, that the Holy Spirit does not proceed eternally from Father and Son, in the greatest length and detail. This argument, of course, reflects the longstanding controversy over the Latin Church's addition of *filioque*, "and the son" to the

²⁴³ BAV Vat. Lat. 4067, fol. 93r.

²⁴⁴ "Que, si bene et subtiliter strictentur, omnes ipse (vel saltum maior pars ipsarum) in quatuor erroribus directe vel indirecte comprehenduntur." BAV Vat. Lat. 4067, fol. 93r.

Nicene Creed’s article stating that the Holy Spirit proceeds from the father.²⁴⁵ In a detailed development of the arguments for and against this position filling thirteen folios, Escobar follows his stated intention of marshaling both authorities and logic to aid him.²⁴⁶ He concludes this lengthy passage by stating that, having refuted this first error, he can briefly dispose of the second through twenty-fifth errors because all of them derive from the first.²⁴⁷ Many of the remaining errors discussed under this rubric do relate directly to the *filioque* controversy, but others are abstruse and technical discussions of the precise relationship between the three persons of the Trinity, or of the nature of the Son. For instance, the twenty-ninth conclusion is “that the word of God in his holy incarnation, by taking up the human, made the human himself God,” presumably a reference to the Greek doctrine of deification.²⁴⁸ The fortieth error, that the Greeks allegedly assert the proclamations of the Nicene Council take precedence over the scriptures, should probably also be placed under this heading. The authority of the Nicene Council was part of the basis for Greek argument against *filioque* because they argued that even if it were sound doctrine, making an unauthorized addition to the Nicene Creed amounted to rejecting the council’s authority. This section of the treatise depends particularly heavily upon Aquinas, with Escobar forwarding no real original arguments or opinions. The arguments are at a high level of theological abstraction without much explanation of the consequences, if any, of adhering to the erroneous positions.

²⁴⁵ Livingstone, *Oxford Concise Dictionary of the Christian Church*, s.v. filioque.

²⁴⁶ BAV Vat. Lat. 4067, fol. 13r–26v.

²⁴⁷ BAV Vat. Lat. 4067, fol. 26v.

²⁴⁸ “...quod verbum dei in sua benedicta incarnatione assumendo hominem fecit ipsum hominem deum.” BAV Vat. Lat. 4067, fol. 55v; Livingstone, *Oxford Concise Dictionary of the Christian Church*, s.v. deification.

The second category of alleged errors Escobar discusses concern Greek rejection of papal authority. The forty-second through forty-seventh points of the third part address the superiority of the pope to all other bishops, the pope's possession of plenitude of power in the Church, and the primacy of the Roman Church over all others. Escobar explicitly rejects the Greek argument, shared by the strict conciliarists of the "third opinion" in *Gubernaculum conciliorum*, that "all the apostles (whom the patriarchs and bishops succeeded) had equal power with Peter, given to them by Christ Jesus."²⁴⁹ Here Escobar also begins to move the discussion to more concrete matters, as when he argues that obedience to the pope is actually necessary for salvation, a view again explicitly rejected in *Gubernaculum conciliorum*. Escobar devotes the rest of the treatise increasingly to arguments about matters that run straight to the credibility of the Latin Church.

The main issue in the third category of Greek errors, those concerning the sacraments, is consecration of the Mass with unleavened bread. He also touches on Mass and other sacraments in the subsequent arguments about suffrages and purgatory, but the controversy surrounding leavened versus unleavened bread occupies Escobar at considerable length. This discussion is also least dependent on Aquinas. Escobar devotes six entire folios, 68v to 73v, to refuting the Greek argument that the Mass may not be consecrated with unleavened bread, as was customary in the Latin Church. Escobar perceives that denying the legitimacy of Mass celebrated with unleavened bread is no mere abstract theological debate. To concede this point would mean that the Latin Church had sinned and was therefore not holy. Also, if a host consecrated of unleavened is not the true body of Christ, all those Christians who reverence it as such are

²⁴⁹ "Quadragesima quinta conclusio Grecorum erronea est, quod pontifex Romanus non est solus sancti Petri successor et Christi vicarius, sed alii episcopi et patriarche, quia omnes apostoli (quibus succedunt patriarche et episcopi), habuerunt equalem potestatem cum Petro, eis datam a Christo Ihesu." BAV Vat. Lat. 4067, fol. 66v.

idolaters. Finally, and worst of all, if the host of unleavened bread is not the body of Christ, “neither the pope, nor cardinals, nor patriarchs, who are priests, nor the other Latin clerics have ever celebrated mass.”²⁵⁰ Clearly, this argument could not be conceded, but Escobar nonetheless acknowledges that the Mass can be legitimately consecrated from either sort of bread, summoning many authorities in support of this argument. He does not attack the Greek custom, but rather refutes their attack on the Latin custom. Furthermore, Escobar argues that, after union has been achieved, “the churches should be dismissed into their own rites and customs, so long as there is nothing contrary to catholic faith in them.”²⁵¹ Despite the often polemical tone of the treatise, Escobar here shows himself to be fair-minded.

The fourth and final category of errors with which Escobar contends concerns the efficacy of suffrages. The organization of material in this section is quite muddled, doubtless because these three topics are so interrelated as to defy any easy separation into the three headings Escobar enumerates. Point forty-nine is supposed to prove the existence of purgatory and answer Greek objections to it, point fifty is supposed to refute the argument that there is no judgment at the point of death but only at the last judgment, and point fifty-one is supposed to defend the efficacy of suffrages, but in fact Escobar moves more or less freely between these subjects in all three points. Much of his argument for the existence of purgatory depends on the authority of Augustine (mainly the *Enchiridion* and *City of God*) and upon a set of logical inferences derived from the total incompatibility of sin and God. To answer Greek (and Waldensian) objections that

²⁵⁰ “Item, sequitur quod, cum in azimo non sit corpus Christi (secundum eos), et missa non vocatur nisi in qua corpus Christi consecratur, quod papa nec cardinales nec patriarche, qui sunt presbiteri, et alii Latini sacerdotes numquam missam celebraverunt nec missas cantaverunt.” BAV Vat. Lat. 4067, fol. 71r.

²⁵¹ “. . .ut nulla super hiis, que fidem expresse non tangunt, fieret discrepacio; sed ecclesie quecumque et moribus suis et ritibus dimitterentur.” BAV Vat. Lat. 4067, fol. 72v.

purgatory is unscriptural, Escobar responds that it is one of four regions of hell (the other being limbo, Abraham's bosom, and hell proper) and therefore is scriptural since hell is mentioned many times in the Bible. Escobar's argument that souls are judged immediately upon death and then assigned to either heaven, hell, or purgatory rests largely on arguments for the existence of purgatory together with a few scriptural authorities. His defense of the array of suffrages performed for the benefit of the deceased also depends on arguments for the existence of purgatory and, curiously, the performance of suffrages is sometimes also enlisted to help prove the existence of purgatory. There is a good deal of circular logic in this portion of the treatise. With regards to suffrages, Escobar outlines an economy of merit in which no suffrage goes to waste because it either speeds the progress of one in purgatory, increases the honor and glory of one in heaven, or expiates one's own venial sins. Presumably this was an area of particular concern to Escobar as a papal penitentiary and author of several works on penance, and his discussion of the dangers of questioning this system deserves further consideration.

Escobar explains succinctly and eloquently at the end of his fiftieth point that denying the existence of purgatory is harmful in four ways. First, he argues that it is cruel to those languishing in purgatory since it would deny them the aid of suffrages "through which they may be liberated and have help in redemption."²⁵² Second, it injures the church by claiming that the church's teaching is wrong. Third, it abuses the Church because both Greeks and Waldensians say that "ecclesiastical men...invented and taught that purgatory exists in order that faithful persons, having been led to fear purgatory, might give to priests and religious many offerings, monies, and alms, and might leave to churches and monasteries many goods, monies, and

²⁵² "Quia, ut dicetur, tollit ab illis, qui non possunt iam mereri nec bona opera facere et qui sunt in captivitate et in purgacionis carcere, suffragia ecclesie et beneficia, per que liberari ac habere redempcionis auxilia." BAV Vat. Lat. 4067, fol. 86v-87r.

possessions after their deaths for the souls of their departed parents and friends.”²⁵³ Finally, Escobar says, this denial scandalizes the church because “the simple faithful, hearing that there is no purgatory,” are easily fooled into believing “that they are and have been deceived by ecclesiastical men” in order to leave their property and goods to the Church, simply a corollary of the previous point.²⁵⁴ The pernicious claim that there is no purgatory ought therefore “to be torn out completely by the roots from amongst the Greeks and also from faithful Christians” and declared heretical.²⁵⁵

These references to Waldensians are curious, and do not come from Escobar’s proximal Thomistic sources. Although the few surviving Waldensians had recently cast in their lot with the Hussites, it seems unlikely that Escobar could have known this.²⁵⁶ It is likewise improbable that, having written an entire work compiling past heresies and schisms, Escobar would simply lump all heretics under one name. It may be that Escobar is actually using the term “Waldensian” purposefully to denote Hussites. Perhaps it was simply his view that the beliefs of the two groups were so similar (the Hussites also denied purgatory) as to warrant equating them, or he may have

²⁵³ “Quia ipsi Graeci (et ipsi valdenses heretici, qui sunt et fuerunt huius erronee opinionis, quod purgatorium non est) dicunt et predicunt quod viri ecclesiastici presertim, et presbiteri ac religiosi, propter ipsorum questus et avariciam et cupiditatem invenerunt et docuerunt purgatorium esse; et propter purgatorium homines fideles, timore ducti, darent presbiteris et religiosis multas oblaciones, multas pecunias, multas elemosinas, et relinquerent ecclesiis ac monasteriis post ipsorum mortem multa bona, multas pecunias, multas possessiones pro animabus suorum parentum et amicorum defunctorum.” BAV Vat. Lat. 4067, fol. 87r.

²⁵⁴ “Quia parochiani et simplices fideles, audiendo purgatorium non esse, de facili credunt et scandalizantur, et dicunt se esse et fuisse deceptos a viris ecclesiasticis quod relinquerent ecclesiis ac monasteriis bona sua mobilia et immobilia.” BAV Vat. Lat. 4067, fol. 87r.

²⁵⁵ “Et qua propter hec maledicta opinio radicitus est evellenda de medio Grecorum et eciam fidelium christianorum, et ut heretica condempnanda.” BAV Vat. Lat. 4067, fol. 87r.

²⁵⁶ Livingstone, *Oxford Concise Dictionary of the Christian Church*, s.v. Waldenses.

been using it as a term of abuse. It is perhaps noteworthy that in the *Gubernaculum conciliorum*, Escobar speaks of multiple sects threatening Christendom, including many that seem anachronistic: "...those who are now blinded by such heresies and errors and schisms, as are the Bohemians, the Waldenses, as are the Fraticelli...as are the Wycliffites...and not least the hypocritical Beghards, and as are the schismatics themselves, the Greeks..."²⁵⁷ Robert Lerner has noted the fifteenth-century conflation and imprecision of terms such as "beghard," "lollard," and "fraticelli," as well as their application to Hussites.²⁵⁸ Escobar certainly seems in this passage from *Gubernaculum conciliorum* to equate Bohemians (i.e., Hussites) with Waldenses, and he may be doing the same in *De Graecis errantibus*. The passage cited above about tearing out by the roots any denial of purgatory or suffrages is one of Escobar's strongest condemnations in the treatise. No doubt he wished to impress upon his readers the danger that taking too conciliatory a position toward the Greeks might unwittingly foster heresy within Latin Christendom itself.

Escobar places his own stamp on his borrowed source material by including elements and passages reminiscent more of sermons than of treatises. Like many medieval sermons, the treatise opens with a scriptural theme: "Why have you detracted the words of truth, whereas there is none of you that can reprove me?"²⁵⁹ Escobar twice explicitly calls this quotation from Job

²⁵⁷ "...qui nunc sunt excoecati in tot haeresibus et erroribus et schismatibus, ut sunt Bohemi, Waldenses, ut sunt Fraticelli, de opinione, ac eis adhaerentes, ut sunt Wycleuistae, pessimi haeretici, in diversis partibus mundi, contra ecclesiam Romanam et totum ejus Clerum stimulant, et diversas opiniones sectantes, et ut sunt Manichei de regno Bosniae, et nonnulli hypocritae Beguardi, et ut sunt schismati ipsi, qui sunt Graeci, inobedientes Romanae Ecclesiae, et errores pestilentes sapientes [*sic*] contra ecclesiam, et in fide." Escobar, *Gubernaculum conciliorum*, col. 194.

²⁵⁸ Robert E. Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley, Calif.: University of California Press, 1972), chap. 7.

²⁵⁹ "Quare detraxistis sermonibus veritatis cum e vobis nullus sit qui possit arguere?" Job 6.25, Douay-Rheims.

the “theme” of his treatise.²⁶⁰ After introducing the theme, Escobar turns Job’s accusation against the secular and ecclesiastical lords of the Greeks, interpreting the “words of truth” as the doctrines of the Latin church. A lengthy passage elaborates upon how the theme applies to the Greek lords, whom Escobar in the tones of a thunderous sermon exhorts to repent and return to the Latin church. This technique is very reminiscent of his *De publicatione haeresum contentarum in libro Talmut*. Escobar argues that the dramatic contraction of Christendom since the time of Augustine is a consequence of the defection of the Greeks, and that the Greeks, like the children of Israel under the heel of Babylon, have fallen under the rule of infidels because they have scorned the true religion of God.²⁶¹ This is consistent with Escobar’s argument in *Colles reflexi* that evil is both a cause and consequence of disunity. Escobar prefaces each of the three main sections of the treatise with an exhortation developed from his scriptural theme from Job, just as he does in *De publicatione haeresum contentarum in libro Talmut*. Escobar restates and further develops the theme from Job five more times, and these addresses are all Escobar’s own work rather than borrowed from Aquinas. They doubtless reflect his experience and confidence as a preacher and may also point to the ongoing practice of reading works aloud to an audience. The routine of thrice-daily readings during meals in Benedictine refectories could not have been far from his mind, and as Daniel Hobbins has demonstrated, oral readings were a usual part of the publication process in Escobar’s time.²⁶² Because his treatise against the Jews

²⁶⁰ “...quod ‘nullus ex vobis sit qui me possit arguere,’ ut dicit thema.” “‘Quare ergo detraxistis sermonibus veritatis,’ vos, domini Graeci? Quod fuit primum verbum thematis huius tractatus...” BAV Vat. Lat. 4067, fols. 3v, 94v.

²⁶¹ BAV Vat. Lat. 4067, fol. 1r–3r.

²⁶² Hobbins, *Authorship and Publicity Before Print*, 152–3.

seems to have been written as an actual disputation manual, however, we should not exclude the possibility that Escobar composed these speeches for use by the orators in the upcoming council.

The scriptural theme from Job is one example of how Escobar unifies the treatise by returning repeatedly to the same motifs and scriptural themes. Most of these motifs appear in passages purportedly addressed directly to the Greeks, as we have already seen with his primary theme from Job. The innocent Job is the speaker in the original context, responding to his friend Eliphaz's intimations that Job must have done something to incur divine discipline. Job is challenging Eliphaz to point out exactly what he has done wrong to deserve his suffering, a challenge Eliphaz cannot answer. Although Escobar does not explicitly credit Gregory the Great's *Moralia in Job* as his source or at least inspiration for selecting this particular passage as his theme, Escobar follows Gregory in interpreting Job's interlocutors typologically as heretics and Job himself as the Church.²⁶³ Readers familiar with the *Moralia in Job* would have recognized the implicit identification of the Greeks as not just schismatics, but heretics, as indeed Escobar states they are if they continue holding the erroneous propositions he refutes. Escobar also repeatedly employs the metaphor of one sheepfold and one shepherd from the Gospel of John. He directly cites the last phrase of John 10.16, "And there shall be one fold and one shepherd" at least twelve times, taking it as a reference to the unity of the Church under the pope. The full verse as it appears in the Vulgate reads, "And other sheep I have that are not of this fold: them also I must bring. And they shall hear my voice: And there shall be one fold and one shepherd."²⁶⁴ Jesus is the speaker here, and while this somewhat enigmatic passage is usually

²⁶³ Gregory the Great, *Moralia in Job*, PL 75, bk. I, Preface, par. 14–15.

²⁶⁴ "Et alias oves habeo quae non sunt ex hoc ovili et illas oportet me adducere et vocem meam audient et fiet unum ovile unus pastor."

taken to refer to his intention to redeem not just the Jews but also the gentiles, Escobar uses it in *Colles reflexi* to argue that there should be one unified Church under a single, undisputed pope. He employs the passage in precisely the same way here. Escobar also says the Greeks should hear and listen to the truth instead of listening to false teaching, echoing Christ's words, "they shall hear my voice." Escobar even reinforces the metaphor by invoking another scriptural reference to sheep, as when he tells the Greeks "you are strays, just like a sheep which is lost," loosely quoting I Peter 2.25 but also echoing similar phrases in Isaiah and Luke.²⁶⁵ Escobar assumes throughout that the Latin Church speaks with Christ's voice. He also explicitly states that the one shepherd who is head of the Church is Christ's vicar, the pope. "Come to obedience of the vicar of Christ Jesus, of the Roman pope of the universal church, of the single and undoubted shepherd," he exhorts the Greeks, "that you may be, together with us, 'one sheepfold and one shepherd' in the house of the Lord."²⁶⁶ The Greeks are outside Christ's fold and need to be brought into it, just like the gentiles. Escobar thus demonstrates again his overriding preoccupation with the unity of the Church, a concern running through all his treatises and which, perhaps, explains some of their contradictions.

²⁶⁵ "Ergo vos, domini Greci, ex quo 'estis errantes, sicut ovis que periit,' venite, venite ad ovile Christi." BAV Vat. Lat. 4067, fol. 95r.

²⁶⁶ "Venite ad obedienciam vicarii Christi Ihesu, pape Romane universalis ecclesie, unici et indubitati pastoris, ut sitis nobiscum 'unum ovile et unum pastor,' in domo domini." BAV Vat. Lat. 4067, fol. 95r.

CHAPTER 3

DISSEMINATION AND RECEPTION OF ESCOBAR'S TREATISES

In this chapter I will examine how Escobar's treatises circulated, who read them, and how those readers used and responded to his treatises. While the texts themselves often inform us of Escobar's intentions, they tell us nothing about the actual uses to which readers put his treatises. The distribution and reading of his works can, however, be analyzed through the physical manuscript copies. In them, I examine possible evidence for several of the theorized changes in late medieval manuscript culture, including the adoption of the *tractatulus* genre, the use of new networks of copying and distribution (especially reformed religious houses) to ensure a work's success, and authorial attempts to control the reception and reading of works.

The historian Daniel Hobbins has theorized that one characteristic change in the character of late medieval written culture was the invention of newer, shorter forms of writing designed for independent circulation. For convenience, Hobbins uses the English word "tract" to designate a genre of short writings that had no consistent Latin designation. Similar to the pamphlets and broadsides of the early print era in purpose and brevity, the tract was written with a specific case in mind, was often written very quickly, and was short enough to fill a single gathering of parchment.¹ The tract is also quite different in style from previous academic genres, due to its brevity and narrow focus. Unlike the scholastic treatise, the tract does not present a general overview of a given topic, and unlike the disputed question, the tract does not seriously examine

¹ Daniel Hobbins, *Authorship and Publicity Before Print: Jean Gerson and the Transformation of Late Medieval Learning* (Philadelphia: University of Pennsylvania Press, 2009), 136–44.

contrary arguments. Hobbins notes, for instance, that Jean Gerson's tracts usually omit any pro/contra treatment of the subject matter.² This style often results in quite a polemical tone. More than these textual criteria, however, the principal characteristic of a tract was that it circulated independently. Its short length—just a few sheets or even a single folded sheet of parchment or paper—facilitated rapid copying and distribution. An assessment of the codicological evidence for circulation of Escobar's works in this form is, therefore, an important objective of this chapter.

Another important change in late-medieval manuscript culture was the development of new networks of manuscript copying and distribution, especially networks of reformed religious houses. The manuscript scholars Richard and Mary Rouse argue that early fifteenth-century manuscripts produced both by the *Devotio Moderna* and by the reformed German Benedictines and Augustinian friars exhibit some common characteristics such as renewed concern for textual accuracy, new and clearer script, and improved finding aids.³ Daniel Hobbins argues for the importance of networks of Celestine and Carthusian houses for Jean Gerson's works.⁴ Furthermore, it was reformed religious houses that provided the most important early promoters of and markets for printed books.⁵ Jürgen Miethke also argues for the importance of the councils at Constance and Basel for dissemination of new works, a suggestion with which Hobbins

² Hobbins, *Authorship and Publicity Before Print*, 144–45.

³ Mary A. Rouse and Richard H. Rouse, *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts* (Notre Dame, Ind.: University of Notre Dame Press, 1991), chap. 12.

⁴ Hobbins, *Authorship and Publicity Before Print*, 197–203.

⁵ Rouse and Rouse, *Authentic Witnesses*, chap. 12.

emphatically concurs.⁶ This chapter will therefore examine manuscript evidence for whether Escobar's works benefited from new modes of dissemination.

A third proposed dimension of late-medieval manuscript culture is authorial concern to control and direct the reception of a text by its readers. Scholars like Malcolm Parkes, Richard and Mary Rouse, and Deborah McGrady argue that late-medieval authors and their scribes employed new textual and codicological strategies to control reception of texts, largely in response to an expanded reading "public."⁷ Hobbins likewise notes that authorial strategies to retain control of one's text might include specific page layouts, schemes of textual division or rubrication, inclusion of finding aids, correction and revision, internal references to the author, use of the first-person voice, deliberate strategies of collection and compilation, and inclusion of what he calls "authorial colophons."⁸ Explicit instructions to the reader about how to use the text should also certainly be regarded as efforts to shape reception and interpretation. In this chapter, then, we will also attend to codicological evidence for Escobar's use of such strategies, as well as how effective these strategies were in controlling reader response.

⁶ Jürgen Miethke, "Die Konzilien als Forum der öffentlichen Meinung im 15. Jahrhundert," *Deutsches Archiv für Erforschung des Mittelalters* 37 (1981): 736–73; Hobbins, *Authorship and Publicity Before Print*, 193–197, 203–205.

⁷ Malcolm Parkes, "The Influence of the Concepts of *Ordinatio* and *Compilatio* on the Development of the Book," in *Medieval Learning and Literature: Essays Presented to R. W. Hunt*, ed. Jonathan J. G. Alexander and Margaret T. Gibson (Oxford: Clarendon, 1976), 115–41; Mary A. Rouse and Richard H. Rouse, "*Ordinatio* and *Compilatio* Revisited," in *Ad litteram: Authoritative Texts and Their Medieval Readers*, ed. Mark D. Jordan and Kent Emery Jr., Notre Dame Conferences in Medieval Studies 3 (Notre Dame, Ind.: University of Notre Dame Press, 1992), 113–34; Deborah McGrady, *Controlling Readers: Guillaume de Machaut and His Late Medieval Audience* (Toronto: University of Toronto Press, 2006).

⁸ Hobbins, *Authorship and Publicity Before Print*, 167–182, 205–211.

Methodology – Identifying the Tract

Tracts in their original independent form are relatively unlikely to survive, so I adapted characteristics described by P. R. Robinson and Hobbins to identify copies that were most likely tracts later bound into larger manuscripts. Precisely what Hobbins describes as the paradigmatic form of the tract, a few unbound sheets of parchment or paper, would be least likely to survive subsequent centuries. A few unbound sheets of paper would be particularly vulnerable to damage and decay, and a small gathering of parchment could be readily re-used as binding material once its perceived value was lost. Jonathan Green notes in his analysis of fifteenth-century German manuscripts that surviving codices of less than eighty folios are extremely uncommon. He also notes that while early printed works of “just a few to a few dozen” leaves were very popular and produced in great numbers, few have survived the intervening centuries.⁹ A tract would be much more likely to survive if bound into a codex with other texts, thereby effacing the evidence of its independent circulation. Binding shorter, originally independent, components into a larger manuscript was a sufficiently common medieval practice, however, that scholars have learned to identify its traces. The eminent paleographer and codicologist P. R. Robinson uses the term “booklet” to denote the “small but structurally independent production” of one or a few gatherings, later bound into a larger codex.¹⁰ These booklets originally circulated with their pages either covered in a limp vellum binding, simply sewn together, or even secured with parchment strips passed through slits.¹¹ Her definition does not exclude booklets comprising multiple texts,

⁹ Jonathan Green, “Reading in the Dark: Lost Books, Literacy, and Fifteenth-Century German Literature,” *Seminar: A Journal of Germanic Studies* 52, no. 2 (May 2016): 139–140.

¹⁰ P. R. Robinson, “The ‘Booklet’: A Self-Contained Unit in Composite Manuscripts,” in *Codicologica*, ed. A. Grijs and J. P. Gumbert, vol. 3, *Litterae Textualis* (Leiden: Brill, 1980), 46.

¹¹ Robinson, “The ‘Booklet’: A Self-Contained Unit in Composite Manuscripts,” 52–3.

so it must be further narrowed to identify tracts. A tract should contain just one main text as well as conforming to the criteria Robinson proposes for booklets.

A necessary criterion for a tract, then, is that the beginning and end of a single text must correspond to the beginning and end of the gathering or gatherings it comprises. This was not the normal practice in copying out texts for a manuscript, but would be a necessary characteristic of any text circulating independently. Medieval manuscripts were composed of units called gatherings (also called quires), which were made by folding in half and nesting sheets of paper or parchment. Gatherings were usually made from a standard number of sheets, resulting in eight, ten, or twelve leaves per quire. A scribe would begin writing on the first or second recto leaf of the first gathering, continuing onto the first leaf of a new gathering once the previous one was filled. If more than one text was to be copied, the scribe would usually simply begin the new text immediately after the old, often on the same leaf. If the scribe could foresee that the last text to be copied would not require a whole standard-length gathering, he or she might make up a shorter gathering or just leave the final folios blank. The beginnings and ends of texts in manuscripts, therefore, do not normally correspond to the beginnings and ends of quires. If a manuscript does not end with blank leaves or an odd-size gathering, it may instead end with one or two stubs where valuable blank leaves were trimmed off, or with a short text obviously squeezed into leaves the original scribe left blank. Robinson, however, notes that when such features are found not at the end of a manuscript, but somewhere in the middle, they likely indicate the original end of a formerly separate booklet.¹² I excluded from consideration as possible tracts all copies that did not begin and end with their component gatherings. I did allow the limited exception of instances in which a very short text has clearly been copied later onto

¹² Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 48.

originally blank, concluding leaves. This criterion alone is not sufficient evidence that a particular booklet indeed circulated as a tract, but it is a necessary one.

An even stronger criterion for a tract is signs of wear on the first or last leaves, and especially both. Robinson states that booklets which originally circulated with no cover, as we might surmise a tract to have been, may show discoloration or wear on what were formerly the outer-facing leaves.¹³ Unusual wear and discoloration can occur at any frequently referenced opening (two facing leaves) of a manuscript, of course, but when it is noticeably present only on the opening recto or closing verso of a gathering, we can surmise that it was once the outer surface of a booklet. The evidence is particularly strong when there is wear on both the first and last leaves of a booklet. Some tracts will not show this pattern of wear because they circulated covered by a sheet of paper or parchment to protect the text, so there would in fact be more tracts than this criterion would identify. I therefore treat booklets which otherwise conform to the characteristics of a tract but lack this distinctive discoloration as possibly, but not certainly tracts. I treat this wear and discoloration, rather, as the strongest evidence we can discern that a booklet was not only copied as a tract, but probably circulated independently in that format for some time.

Change of hand is a less reliable, though by no means worthless, characteristic for identifying a tract. Robinson cites different handwriting or style of page decoration as evidence to distinguish a booklet from other gatherings in a manuscript.¹⁴ Many manuscripts are composites of gatherings written by different scribes, however, and professionally copied manuscripts were routinely pieced out, gathering by gathering, to different copyists. Therefore,

¹³ Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 48.

¹⁴ Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 47.

the mere presence of a new hand or decoration style does little to establish certain gatherings as a booklet. Neither does the fact that one booklet is bound in with other booklets in the same hand exclude it from being a tract. The booklet's amateur scribe and owner may have lent it out for re-copying or reading many times before having it bound with other booklets he also copied. On balance, however, it seems that a change of hand would be more likely than not in a booklet that did circulate independently. I therefore consider a change of hand to slightly strengthen other evidence that a particular booklet is a tract.

Another possible criterion for identifying a tract is that the number of leaves in its gathering or gatherings differ from the rest of the manuscript. Because all gatherings of a medieval manuscript (except sometimes the last) usually possessed the same number of leaves, Robinson argues that a booklet can sometimes be distinguished by gatherings possessing a different number of folios than other quires of the manuscript.¹⁵ I did not find this a very helpful criterion, however, due to the overwhelming preponderance of twelve-leaf gatherings in all manuscripts I examined or for which I had published descriptions of the collation—the physical arrangement of leaves and gatherings. The practice of assembling twelve-leaf quires, at least in German-speaking regions, seems to have been so regularized as to make any exception very rare except for the aforementioned final gatherings in a manuscript or booklet. On the rare occasions when disparate gatherings do occur, this characteristic strengthens other evidence that a given text is a tract, but its absence is not significant.

A booklet can also have a differing catchword practice than other gatherings in a manuscript. Catchwords, the first few words of the text on the next gathering, or quire signatures (a series of letters or numbers) were written on the final folio of a gathering and used to put the gatherings in

¹⁵ Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 48.

correct order for binding. Robinson notes that a booklet of a single gathering would not have had a quire signature in its original form, and booklets of a few gatherings might have no signatures at all, or a style of signature that does not match other gatherings.¹⁶ This criterion is not necessarily reliable for identifying booklets, however, because catchwords are not a universal feature, survive unevenly, and could be added at the time of a binding or rebinding even if not originally present. Catchwords or quire signatures were not always necessary, as for instance if a scribe sewed the gatherings himself. After the gatherings were sewn together, the whole text block was often trimmed on the edges before the covers were added. Because catchwords were commonly written near the bottom edges of leaves, they were often partially or completely trimmed off at that time. Furthermore, signatures were sometimes added only shortly before a manuscript was sent off to a binder. Therefore, a tract that originally had no quire signature might still receive one when its owner arranged a group of booklets together and marked the order for the binder. Because of these limitations, quire signatures (when present) are more helpful for determining the collation of a manuscript than for drawing conclusions about whether a particular gathering or set of gatherings constitute a booklet. Only when a single style consistently appears in all other gatherings would I consider the presence of a different signature style, or omission of signatures altogether, to be possible confirmatory evidence for identifying a booklet.

Robinson also argues that booklets can be identified by different-sized leaves, or at least writing areas. She acknowledges that because the edges of all gatherings in a surviving codex have usually been trimmed (sometimes multiple times), it is quite uncommon to find leaves that

¹⁶ Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 47–8.

are actually of a different size.¹⁷ However, Robinson also argues that, because medieval copyists (especially professional scribes) used a fixed ratio of page, writing area, and margin sizes, it should be possible to estimate the original page size from the size of the writing area. The problem with this premise for the present purposes, however, is that fifteenth-century paper manuscripts are overwhelmingly more numerous than parchment ones, and paper was by then produced in a standard size. Unlike parchment manuscripts, therefore, the leaves of any one booklet copied on paper would normally be the same size as any other. Furthermore, a great many fifteenth-century copyists were not professional scribes and did not use the traditionally prescribed page ratio. Therefore, the *mise-en-page*, the size and placement of writing area and other elements on the page, varies considerably from one scribe to another. Sometimes, even a single scribe's practice is not quite consistent from one gathering to the next. This would make it impossible to calculate the original page size, even in the unlikely event that it did differ. Differences in *mise-en-page* are sometimes helpful when trying to determine whether two very similar hands are indeed different scribes, but not for identifying booklets or tracts in fifteenth-century paper manuscripts.

The work's title as found in the manuscript witnesses might also help indicate that it circulated as a tract, but this is by no means an infallible criterion. Hobbins argues that a tract was normally provided with a title that clearly and simply indicated its subject.¹⁸ The Latin titles, he notes, often included words that alluded to the brief, topical, or argumentative character of the work, such as *tractatus*, *tractatulus*, *avisamentum*, *defensio*, *determinatio*, *disputatio*, *exhortatio*, *invectivus*, *opusculum*, *propositio*, *quaestio*, *regulae*, *responsio*, or *scriptum*. Many medieval

¹⁷ Robinson, "The 'Booklet': A Self-Contained Unit in Composite Manuscripts," 47.

¹⁸ Hobbins, *Authorship and Publicity Before Print*, 136.

works lack standard titles that are consistently applied across multiple copies, however. Some copies have no title at all, and simply begin with the incipit—the opening words of the work’s text. Others have some descriptive title rubric heading the work, supplied by a scribe, his exemplar, or even a later owner. For these, we must consider the title rubric variations used across the whole corpus of surviving copies rather than the title conventionally adopted by modern scholars for bibliographic convenience. For instance, one copy of *De decimis* is identified in a flyleaf inscription as “Reading on tithes,” and the text itself is headed by a rubric beginning, “A good reading on tithes follows...”¹⁹ Another copy bears the rubric, “Sermon concerning tithes.”²⁰ Many other copies do include the term *tractatus* in the title rubric, and a few have no title rubric at all. Moreover, I found that even Escobar’s very long works often have title rubrics that answer Hobbins’ description of tract titles. For instance, one copy of the lengthy *Gubernaculum conciliorum* is designated both in the manuscript’s table of contents and in the title rubric as a *tractatus*.²¹ Such titles, therefore, seem to be characteristic of treatises generally rather than tracts specifically.

Finally, a text might also be identified as a tract if it is followed by another short work which responds to it directly. Hobbins argues that, because a tract comments upon contemporary controversies and issues, one tract might generate another author’s written response, with both

¹⁹ “Lectura de decimis.” “Sequitur lectura bona de decimis et de decimarum solutione approbata per decreta et statuta sanctorum, patrum, et doctorum.” Munich, Bayerische Staatsbibliothek, MS Clm 4687, fols. i, 217ra.

²⁰ “Sermo de decimis.” Munich, Bayerische Staatsbibliothek, MS Clm 15543, fol. 174ra.

²¹ “Tractatus qui dicitur gubernaculum conciliorum...” “Tractatus qui dicitur gubernaculum conciliorum...” Barcelona, Archivo Capitular de La Santa Iglesia Catédral, MS Cod. 16, fols. 1r, 52r.

texts subsequently circulating as a unit.²² This criterion is unlike the preceding ones in that it applies to the work generally rather than necessarily individual copies. Even if the paired texts do not stand as a discrete booklet with a manuscript, they could still have been copied from such a booklet, and the existence of a response implies broad circulation of the text. While an ambiguous criterion for considering a given text a treatise, it certainly is relevant to understanding reception.

I employed this range of criteria to categorize individual copies of Escobar's treatises according to the likelihood of having circulated as independent tracts. I exclude from consideration texts that were too long to have ever circulated as a single gathering. Copies that are not booklets containing only the text of the treatise (with the limited exceptions previously noted) are also ruled out as tracts. I only consider a copy as having definitely been an independently-circulating tract if it still survives as an independent unit today, with no evidence that it was once bound into a codex. Copies that are booklets containing only the treatise and which also show discoloration or wear on the outer surfaces are classified as tracts that probably also circulated independently. I classify as probable tracts those copies that are booklets containing only the treatise and also demonstrate other evidence of significant difference from the rest of the manuscript, such as a different hand, different signature practice, etc., but not outer discoloration. Booklets containing only the treatise but for which I have no other significant confirmatory evidence are classified as possible tracts. A final category consists of copies for which I lack sufficient information to make any determination.

One important limitation of this methodology is that several of these criteria for identifying a tract, including the strongest, can only be discerned if the physical arrangement of the

²² Hobbins, *Authorship and Publicity Before Print*, 140.

manuscript gatherings is known. The collation is not usually difficult to discern by examining the original manuscript, but it is usually difficult or impossible to determine otherwise. Some catalog descriptions, especially catalogs published within the last few decades, supply detailed information on the physical structure of the manuscript. If a manuscript has sufficiently consistent quire signatures, its collation might be discernible from microfilm or digital images alone. Most catalogs compiled before about 1960, however, do not offer detailed structural information, and quire signatures are rarely regular enough to establish collation.

Another important limitation of this methodology is that there is at present no reliable estimate for the survival rate of the kind of short manuscripts characteristic of tracts, as compared to manuscripts in general. Uwe Neddermeyer suggested a survival rate for fifteenth-century manuscripts of approximately one in fifteen, but this figure was extrapolated from survival rates of fifteenth-century incunables and, furthermore, made no distinction between different dimensions or lengths of manuscripts.²³ Jonathan Green further notes that, while very short incunables of eight or fewer leaves accounted for about one in every five editions printed, manuscripts of so short a length are exceedingly rare.²⁴ Green does not differentiate between the survival rates of these very short volumes and those of longer incunables, but Neddermeyer's research does indicate that for incunables, survival rates of octavo and smaller volumes were lower, at approximately 3%, than those of larger formats, of which around 4.2% have survived.²⁵

²³ Uwe Neddermeyer, *Von der Handschrift zum gedruckten Buch: Schriftlichkeit und Leseinteresse im Mittelalter und in der frühen Neuzeit*, vol. 1, *Buchwissenschaftliche Beiträge* (Wiesbaden: Harrassowitz, 1998), 81.

²⁴ Green, "Reading in the Dark: Lost Books, Literacy, and Fifteenth-Century German Literature," 139.

²⁵ Neddermeyer, *Von der Handschrift zum gedruckten Buch: Schriftlichkeit und Leseinteresse im Mittelalter und in der frühen Neuzeit*, 1:75–77.

While a number of factors could cause short incunables to have been produced much more commonly than short manuscripts, such a pronounced preference for short volumes suggests that differential survival could also play a role. Therefore, we should conclude that, among our surviving copies of Escobar's treatises, those that circulated independently as tracts will also have perished in disproportionately large numbers. What are the odds that a single-gathering, independently circulating tract would survive to the present day? Would tracts of two or three gatherings have a better survival rate than tracts of just one gathering? For now, we can say only that each surviving tract, whether still independent or now bound into a codex, must represent considerably more than fifteen vanished copies.

Methodology – Distribution and Copying Networks

The main sources of evidence for how Escobar's manuscripts were copied and distributed are scribal colophons, ownership inscriptions, and other records of provenance. If Escobar had an intentional strategy for distribution, he left no explicit record of such a strategy. Therefore, the surviving manuscripts containing his works are our only source of information. The channels of copying and distribution must be reconstructed based on the geographic distribution of copies and records of the vocation or religious affiliation of owners and copyists.

The most valuable information about copying and distribution comes from scribal colophons. A large number of surviving copies of Escobar's works were produced not by professional scribes, but by priests, monks, and friars who copied them apparently for their own use. Many of these amateur scribes recorded their names and the diocese, parish, or religious house to which they were attached. In rare cases, the scribe also records exactly where he copied

the text, if it was not his home parish or house. Therefore, these scribal colophons almost always tell us where copies traveled, and sometimes where their exemplars were obtained.

Ownership inscriptions are also helpful, but are not certain to be contemporary with the writing of the copy, as scribal colophons are. Ownership inscriptions are usually of a named individual and his diocese, parish, or religious house, or sometimes just a religious house when the manuscript belonged to a monastic or conventual library. In some cases, it is actually the transfer of a manuscript that is recorded, as for instance when a priest leaves his personal book to a religious house via a testamentary bequest, or donates it upon entering religious life. Rarely, the inscription records where a codex was purchased. Most such ownership inscriptions are, however, undated. Sometimes the handwriting in which they are recorded is in a script used centuries after the manuscript itself was produced. Furthermore, surviving records do not always permit secure identification of the named individual and therefore his lifetime. Yet, even when such evidence of ownership is not contemporaneous with the copying, it still provides valuable information about the geographic extent of circulation of Escobar's works.

Finally, other information regarding provenance comes from manuscript catalogs or other records documenting a manuscript's location before its deposit in a state, city, or university library. The catalogs of the Bayerische Staatsbibliothek, for instance, record the name and location of the religious house from which each manuscript was removed. Some manuscripts are still found in monastic libraries that existed continuously since the fifteenth century, and we can assume that the manuscripts have likely been held there for many centuries. Handwritten catalogs often exist from the seventeenth or eighteenth centuries for these libraries, showing that the manuscripts were present already at that time. It seems unlikely, furthermore, that

monasteries would acquire very many new manuscripts after the fifteenth century because of the increasing availability and relatively low cost of printed books. Other manuscripts bear inscriptions from universities that existed already in the fifteenth century. Of course, some universities founded after the fifteenth century also acquired manuscripts, but the older ownership inscriptions or colophons suggest that they were acquired within the same diocese. Therefore, although the recorded provenance may postdate the copying by centuries, in most cases it is reliable for establishing at least the diocese in which a manuscript originated.

The basis for my distribution analysis is therefore the earliest recorded provenance for a manuscript, excluding state libraries. I treat the geographic location of a manuscript as the parish, diocese, or religious house recorded in the colophon, or that of the ownership inscription if no colophon is present. If there is neither a colophon nor an ownership inscription, I treat its location as the religious house from which it was acquired before deposit in a state library. If the manuscript is presently in a university, monastic, episcopal, or municipal library, I use that city as its geographic location, in the absence of any older records. If no provenance is known prior to a manuscript's deposit in a state library, I exclude it from distribution analysis both because state libraries acquired their holdings from a very large geographic area, and because the contents of the aristocratic personal libraries deposited there would be more likely to include manuscripts of foreign origin acquired via travel or gift. When considering the relationship of distribution to religious orders, I determine a particular house's affiliation in the fifteenth century from Cottineau's *Répertoire topo-bibliographique des abbayes et prieurés*.²⁶ I use the work of Meta

²⁶ Laurent Henri Cottineau, *Répertoire topo-bibliographique des abbayes et prieurés* (Mâcon: Protat frères, 1935).

Niederkorn-Bruck to identify Benedictine houses belonging to the reformed congregation of Melk.²⁷

Methodology – Authorial Control and Reception

Much of the evidence for Escobar's attempts at authorial control is textual, but manuscript evidence allows us to assess how successful these attempts actually were, as well as the degree and quality of reader response to the text. Escobar did employ techniques like self-identification, authorial colophons, text divisions, and explicit instructions on how to read and use his works. The absence or presence of his intended textual divisions and colophons in individual copies, the larger manuscript context in which a given copy is found, the prevalence of abridgments or variations of a text, and the frequency and kind of correction and annotation of the text are the categories of manuscript evidence used to assess Escobar's success in authorial control of the text.

The success of Escobar's colophons and textual divisions is assessed primarily according to the degree to which individual scribes did or did not respect them. It is not difficult to assess the degree to which scribes preserved Escobar's original authorial colophons; either they are present in a given copy, or they are not. Textual variation of the authorial colophons between copies can indicate that scribes did not think it important to copy the colophons word-for-word, but it is much more important to know whether or not they copied them at all. Textual divisions are more difficult to assess, because the schemes found in individual copies often correspond neither to one another nor to the schemes Escobar seems to have intended. I have inferred Escobar's

²⁷ Meta Niederkorn-Bruck, *Die Melker Reform im Spiegel der Visitationen* (Vienna: Oldenbourg, 1994).

intended divisions mainly from textual evidence, so my analysis is limited most significantly by the degree to which I have correctly interpreted his cues. Scribal textual divisions are indicated by a hierarchical scheme of multiple levels and types of capitals, rubrics, paragraph marks, spacing, and other visual cues. Another limitation of my analysis, then, is that when these systems involve a hierarchy of divisions, it is difficult to assess how well they correspond to what I surmise to be Escobar's planned divisions.

The success of Escobar's directions to the readers about how to use a text is best assessed by inferring what genre or type of work they considered it to be. Additional evidence can be gleaned from reader annotations. The manuscript context of a copy, that is, what sorts of other texts are included in the same manuscript, indicates what sort of text the owner considered it to be. If a work is found in a manuscript of sermons, for instance, we can infer that it was considered to be a sermon or a text useful for composing sermons. If it is collected in a volume of canon law, however, we can infer that it was considered a legal text. By comparing this evidence to Escobar's explicit instructions, we can learn the degree to which readers actually responded to his attempts to prescribe the use of the text. The evidence of manuscript context can be supplemented by analyzing which parts of the text were most frequently or most copiously annotated by readers. Comparison of heavily annotated passages to largely ignored sections of the text can provide clues to how readers might use a text, but this evidence is somewhat impressionistic and very difficult to quantify. Manuscript context analysis requires less interpretation, though it is limited by the degree to which a manuscript's texts belong to a coherent category, which is sometimes not the case. Both approaches are also limited by the degree to which I have accurately inferred Escobar's intent from the textual evidence.

The prevalence of abridgments, epitomes, and significant alterations of the original work also indicates the extent to which Escobar's authorial intentions were respected. When the text is found in faithful and full copies, we can infer that the copyist valued the work in its complete version as Escobar intended. When a scribe has significantly abbreviated the original, however, it suggests that he was more interested in information he could mine from the text than in its inherent value. Significant scribal alterations also indicate an interest in adapting its content to serve a particular use rather than to preserve Escobar's text. Of course, many such surviving copies will result not from the intention of that particular scribe, but from the exemplar available to him. Nonetheless, some previous scribe demonstrated greater interest in its content than in the text itself, so the relative prevalence of such copies is still significant.

In a more general sense, reader annotations and corrections indicate the level of reader engagement with and response to a text. Both annotations and corrections can be scribal, or carried out by a corrector or reader at some later time. A copy with no corrections, however, is less likely to have been read and used than one with corrections. Annotations indicate an even greater likelihood of active reader engagement with the text. Annotations can represent a reader's efforts to organize and signpost the text to suit his or her personal needs and tastes, or to supplement it with further information and explication. In either case, they are a kind of reinterpretation of the author's work, though one less intrusive than outright emendation or abridgment. Such interventions by the reader could, then, be regarded as another failure of author to control reception. For the purposes of this analysis, however, I treat annotations as evidence of the reader's interest and engagement with the text, and attempts to make the text even more useful. The main limitation of this approach is that it is difficult to distinguish between scribal

and reader corrections or annotations, which could affect how much intervention is attributed to readers rather than scribes.

De decimis (1426)

Escobar's *De decimis* is his only treatise both short enough to have ever been circulated as a single gathering, and surviving in sufficiently numerous copies to permit detailed analysis of distribution and reception. I will therefore present my analysis of *De decimis* first, although it is chronologically the third of his surviving treatises. Bernard Guenée suggests that any work with at least seventy manuscript copies surviving should be considered a very great success, so with about 105 surviving witnesses, Escobar's treatise on tithes is a best-seller by medieval standards.²⁸ The *De decimis* was not treated as a high-status text, with the great preponderance of copies (at least 90) made on paper, often by quite amateur scribes. Most copies are of quarto or smaller size, written in long lines rather than in columns. Most copies contain the complete work, but at least fourteen are defective. A number of these have clearly been intentionally heavily abbreviated, condensed, or summarized, while a few others are simply missing some portion of the text. Fifty-five copies are dated or datable, with most of these having been copied in the third quarter of the fifteenth century. Twenty are dated before 1450, another thirty between 1450 and 1475, and just five after 1475. The latest was copied in 1503.

There is considerable manuscript evidence that *De decimis* was circulated as a tract. Three independent copies survive, which have never been bound into manuscripts with other works. One of these is a small, octavo-sized bound manuscript of three gatherings with the text of *De*

²⁸ Bernard Guenée, *Histoire et culture historique dans l'Occident médiéval* (Paris: Aubier Montaigne, 1980), 255.

decimis only.²⁹ Another manuscript also contains solely the text of *De decimis* in just twenty-four leaves, therefore almost certainly two gatherings.³⁰ A third independent copy also comprises two gatherings.³¹ This manuscript does include a poorly legible sermon or sermon outline on tithes following the treatise, but this text was added on unused concluding leaves of the tract and is based upon *De decimis*. Surviving traces of the original binding process, including traces of thread, the holes through which they were sewn, and an outer strip of reinforcing parchment, indicate that just these two gatherings were once sewn into a limp-vellum cover. Eight copies of the treatise have the noticeable wear or discoloration on the outer folios that suggests they circulated independently for a time before being bound into a codex. Seven more copies are probably also tracts, being booklets that comprise only the treatise and also show some other significant differences from other gatherings in the manuscript. Another thirteen copies are booklets containing only the treatise, and therefore are possible tracts, but show no other confirmatory evidence. The status of sixteen copies cannot be determined due to insufficient codicological information. Fifty-eight copies, a clear majority, are integral parts of the manuscripts in which they are presently found and cannot therefore have circulated as tracts. While none of the three independent copies consists of only a single gathering, as Hobbins hypothesizes might be important to the tract form, three of the copies that are discolored on the outer leaves are just a single gathering. Another six complete copies that are possible tracts also comprise only one gathering. The text of *De decimis* was certainly brief enough to be copied into a single gathering, then, and it is likely that it sometimes circulated as a tract of a single

²⁹ Munich, Bayerische Staatsbibliothek, MS Clm 17510.

³⁰ New York, Columbia University Rare Book and Manuscript Library, MS X336.V74.

³¹ Munich, Bayerische Staatsbibliothek, MS Clm 27458.

gathering. However, it also appears that there is no necessary relationship between a single-gathering format and independent circulation.

Every surviving copy of *De decimis* for which any place of origin or ownership can be determined (with two intriguing exceptions) came from within the boundaries of the Holy Roman Empire, with the largest concentration in the Bavarian duchies. (See Map 3) As we have seen, Escobar's treatise on tithes depends heavily upon canon law, so it would be surprising if many copies survived outside Catholic Europe after the Reformation. However, this does not explain why such a great plurality of copies should have survived in Bavaria and Austria. The sole copy held today in a French library, for instance, proved to be from the Abbey of St. Peter in Salzburg. A single copy of the treatise is known from other regions that remained largely Catholic, including Italian territories either within or without the boundaries of the Holy Roman Empire. No copy survives from the Spains. Several more copies of unknown provenance are held in libraries in the United States, Britain, Sweden, Germany, and Austria, but all save one are considered on paleographic grounds to be of German origin. It is unlikely that these copies would alter our picture of the treatise's geographic description very much even if their origins were known, with one notable exception. A manuscript held in Cardiff, Wales containing just the *De decimis* and one other work, a treatise on canon law by William Lyndwood called *Provinciale*, is of English, not German, origin.³² The fifteenth-century owner, M. W. Colys, has not been definitely identified, but was affiliated with Oxford University. William Lyndwood (ca. 1375-1446), bishop of St. David's in Wales from 1442, carried out numerous diplomatic

³² Cardiff, Public Library, MS I. 704; Neil Ripley Ker, *Medieval Manuscripts in British Libraries: II, Abbotsford-Keele* (Oxford: Clarendon, 1977), 353.

missions on the continent, including representing England at the Council of Basel in 1431-2.³³ Lyndwood completed the *Provinciale*, an indexed and glossed compilation of English archdiocesan legislation organized according to the five books of Gregory IX's decretals, by January 1434. It is tempting to speculate that Lyndwood obtained a copy of the *De decimis* while in Basel attending the council. Escobar's treatise would have been highly relevant to Lyndwood's work because the *Provinciale* was, among other things, an attempt to reconcile the local practices and customs of the English church with canon law as taught and practiced in the rest of the Church.³⁴

In keeping with Escobar's intention that the treatise be used by priests with care of souls for use in preaching and taking confession, about fifty-nine of the known copies are in manuscripts devoted to pastoral literature, sermons, and preaching aids. Although the preponderance of copies were for pastoral use, the treatise was also sometimes collected into manuscripts devoted to theology or canon law. Twenty-eight copies are found in manuscripts of theological texts, and another sixteen in books of canon law. For example, we find a copy in one manuscript that is followed immediately, on the final and originally blank leaves, by a brief account of a tithe dispute pitting the Count-Palatine and parish priest against the burghers of a place (unfortunately) identified only as "N."³⁵ Several of these manuscripts were owned by university faculty at Ingolstadt, Cologne, or Heidelberg. Only a few copies are found in manuscripts that

³³ R. H. Helmholz, "Lyndwood, William (c.1375–1446)," *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

³⁴ Helmholz, "Lyndwood, William (c.1375–1446)."

³⁵ Munich, Bayerische Staatsbibliothek, MS Clm 12296; Karl Halm, Georg von Laubmann, and Wilhelm Meyer, eds., *Catalogus codicum latinorum Bibliothecae Regiae Monacensis*, vol. 2, 2 (Wiesbaden: Harrassowitz, 1876), 66.

cannot be readily assigned a pastoral, preaching, theological, or canon law character. The fact that about sixty per cent of surviving copies are bound with other preaching and pastoral texts demonstrates that Escobar's attempts to prescribe the use of *De decimis* were quite successful.

There is only modest evidence that councils may have been an avenue of distribution for the *De decimis*. Just one manuscript of the treatise has a definite, though indirect, connection to any of the three councils. The ultimate source for a single manuscript copied in 1462 by Michael Opperl, a priest in Ebelsberg, was an exemplar made in Ferrara.³⁶ Just before Opperl's own colophon is an addition to the original authorial colophon, stating, "Written and corrected by me in Ferrara in the year 1438, 15 June..."³⁷ While this addition alone could be interpreted as part of Opperl's scribal colophon, the manuscript also differs in other ways from all other copies known to me, as well as to previous scholars. For instance, Escobar refers to himself in its authorial colophon as "poor bishop, formerly of Ajaccio, but now of Megara."³⁸ A corresponding addition was made in the work's preface, where Escobar had originally identified himself as bishop of Ajaccio.³⁹ While it is conceivable that a scribe familiar with Escobar, who was himself at Ferrara

³⁶ "Scriptus est per me correctus Ferrarie anno Yhesu Christi 1438, 15 iunii, et per me Michaellem Woppel anno incarnationis 1462 tunc cooperatorem in Ewelsperg licet immeritum f. quarta ante Elizabeth hoc est 19 die novembris, hora vesperorum vel citra rescriptus." Prague, Národní knihovna České republiky, MS 106 (I. C. 15); Josef Truhlář, *Catalogus codicum manu scriptorum latinorum qui in C.R. Bibliotheca publica atque Universitatis Pragensis asservantur*, vol. pars prior (Prague: Česká akademie věd a umění, 1905), 36.

³⁷ Truhlář, *Catalogus codicum manu scriptorum latinorum qui in C.R. Bibliotheca publica atque Universitatis Pragensis asservantur*, pars prior:36.

³⁸ "Supplico ergo unicuique sacerdoti vel clerico ut quod erratum est emendet et decimas instruet omni tempore et predicet populo ac pro me episcopo paupere, olim Adiacensi, nunc vero Megarensi, hispano, ordinis [sancti] Benedicti, quotiens legerit tractatum istum, unum pater noster exoret. Amen." Prague, Národní knihovna České republiky, MS 106 (I. C. 15), fol. 345va; as transcribed in Sousa Costa, *André Dias de Escobar*, 39.

³⁹ Sousa Costa, *André Dias de Escobar*, 31.

in June 1438, could have updated these references, the manuscript also contains an autobiographical addition discussed in Chapter One.⁴⁰ The most plausible explanation is that Escobar supervised production of a corrected copy of the treatise while attending the Council of Ferrara in 1438, and that this corrected copy was the ultimate exemplar for Oppel's. Of the 105 known copies, however, this is the only one with any clear relationship to the councils. The connection of the Cardiff manuscript to the Council of Basel is conjectural, and even assuming Lyndwood himself brought the work to England, he could have obtained it on any of several other diplomatic missions to the Continent.

The congregation of Benedictine monasteries affiliated with the Melk reform was the most important network for distribution and copying of *De decimis*. The *De decimis* is not a text of obvious relevance to monastic life, being collected with works of monastic character in only three manuscript. Nonetheless, it was collected by many monastic librarians, either because some monasteries did have care of souls and collect tithes, because it aligned with overall reform interests, or simply because it was included in manuscripts with other valuable texts. Certainly not all monastic copies were acquired randomly, however, because a monk at Scheyern Abbey copied one of the three known witnesses that is still an independent manuscript today.⁴¹ Forty-one surviving copies have no known provenance before being collected by monastic libraries, and thirty-four of those were owned by houses in the Melk reform congregation. (See Map 4) Furthermore, I found that another copy with no known provenance is either the exemplar for or a copy of one held at Melk-affiliated Rott am Inn.⁴² This brings the total number of copies with no other known provenance but a Melk network monastery to 35 of the 105 known witnesses.

⁴⁰ See 26, 30-34.

⁴¹ Munich, BSB, Clm 17510

Comparing the pattern of Melk congregation owners to all copies with known provenance, we can also see that these monastic libraries are at the geographic core of the treatise's overall distribution. (See Map 5) This pattern strongly suggests that many copies of *De decimis* diffused outward from a core of Melk congregation houses. Many other copies previously owned by secular clerics were also subsequently acquired by monastic libraries in the Melk congregation. For example, a manuscript belonging to a secular priest was later donated to the Melk-affiliated abbey at Benediktbeuren.⁴³ Renewed emphasis on literacy and education, and hence active expansion of library holdings through purchase, donation, and copying, was a key aspect of the Melk reform program.⁴⁴ This manuscript evidence demonstrates that abbeys in the Melk congregation not only acquired and preserved copies of *De decimis*, but also were centers for producing copies, including in tract form.

Secular priests and canons regular, however, also owned significant numbers of copies. Contemporary with the Melk reform movement was a significant increase in education of and book ownership by German priests. Matthew Wranovix notes that, beginning in the thirteenth century, bishops repeatedly directed parish priests to obtain appropriate pastoral handbooks, but that historians have generally assumed that priests did not do so precisely because of the frequency with which bishops repeated these mandates.⁴⁵ The myth of the illiterate medieval parish priest has been an enduring one, but Wranovix points out that fifteenth-century German

⁴² Munich, Bayerische Staatsbibliothek, MS Clm 15561; Munich, Universitätsbibliothek, MS Fol. 63

⁴³ "Iste liber attinet huic venera Monasterio Benedictus peizensis oblatas ad eundum locum per dominum Joachim Lantzsidler praesbyterum praebendarium ibidem Anno 1483." Munich, BSB, Clm 4687, fol. i.

⁴⁴ John Thomas McQuillen, "In Manuscript and Print: The Fifteenth-Century Library of Scheyern Abbey" (PhD, University of Toronto, 2012), 14–15.

towns and cities experienced rapid growth in the number of Latin grammar schools and in the number of available places in universities. The result of this increased access was a kind of overproduction of educated clerics who, unable to obtain any more prestigious benefice, often served as parish priests.⁴⁶ When individual copyists, owners, or donors of manuscripts of *De decimis* can be identified, they are in most cases secular clergy. Scribal colophons or ownership inscriptions in thirteen manuscripts document ownership by priests and deacons, sometimes explicitly identified as parish priests. Two other copies of *De decimis* came from cathedral libraries, for a total of fifteen copies associated with secular clergy. (See Map 6) Many university-educated priests would have obtained books during their studies, and the fifteenth century also saw decreased cost and increased production of books even before the advent of print, aided by the decreasing cost of paper.⁴⁷ Numbers of books in parish libraries consequently increased greatly in the fifteenth century, with the parish library in Schwabach, for instance, owning at least twenty-two manuscript codices.⁴⁸ A further fifteen copies were owned by houses of canons regular, with a few more held at friaries of various orders including those of Augustinian friars, closely associated with the Melk reform movement. (See Map 6) Many such houses would also have had some responsibility for care of souls and preaching, while some would also have received tithes from churches in their possession. Canons were often associated

⁴⁵ Matthew Wranovix, "Ulrich Pfeffel's Library: Parish Priests, Preachers, and Books in the Fifteenth Century," *Speculum* 87, no. 4 (2012): 1126.

⁴⁶ Wranovix, "Ulrich Pfeffel's Library: Parish Priests, Preachers, and Books in the Fifteenth Century," 1127.

⁴⁷ Wranovix, "Ulrich Pfeffel's Library: Parish Priests, Preachers, and Books in the Fifteenth Century," 1127.

⁴⁸ Wranovix, "Ulrich Pfeffel's Library: Parish Priests, Preachers, and Books in the Fifteenth Century," 1129.

with cathedral schools or universities, and friars with internal *studia* and colleges, further strengthening the evidence for educated priests as the primary readership for *De decimis*. The increasing education and book ownership of German priests, together with reformed monasticism, are thus the main forces driving distribution and copying of the work.

The seventy-one complete copies I examined appear to belong to a single textual tradition, but Escobar's textual divisions were not consistently observed. As we have seen, the *De decimis* is framed as answers to a series of questions, each section beginning with an ordinal numeral and a variation on the formula, "I was asked..." Most manuscripts follow these logical divisions of the text, rubricating, capitalizing, or otherwise marking these numbered questions. A significant minority of twenty-nine copies, however, have a different pattern of rubrication within the first two questions. In these manuscripts, a series of three "conclusions" have been interpolated and used as major textual divisions, either in addition to or, more often, instead of the rubrics for questions one and two. For example, in Munich, Bayerische Staatsbibliothek, MS Clm 17510, folio 4 verso, the text *etiam secundo interrogasti me qualiter isti detentores decimarum et praemitiarum...* is not capitalized or rubricated in any way, as it is in most copies. Instead, several sentences further into the second question, we find a major division reading, *Tertia conclusio ex hiis dictis patet quod non solventes decimas...* The standard reading for this passage from other manuscripts is simply *Ex hiis dictis patet quod non solventes decimas...* The "conclusion" here is clearly an addition, and one which does not respect the logical division of the treatise by questions. Curiously, in all these twenty-nine manuscripts with the interpolated "conclusions," the pattern of textual division and rubrication converges with the majority practice again at the third question and remains identical thereafter. (See Table 2) Manuscripts of the "conclusions"

variant seem to be, on the whole, somewhat later than those of the majority version. The variant copies also tend to be clustered with others of the same provenance. For instance, three of the four copies which were taken to the Bayerische Staatsbibliothek from Rott am Inn Abbey are of the “conclusions” variant, and the fourth copy there, which is a standard version, came originally not from Rott am Inn but a priest at Walpertskirchen. Both the copies originally from Tegernsee are also the “conclusions” variant. In almost all cases where multiple copies have the same provenance, all copies from the same place are either the standard version or the “conclusions” variant, rather than a combination of the two. In other respects, the geographic distribution of the “conclusions” variant does not seem to be significant, as it is generally congruent with the overall distribution of all copies of the work. (See Map 7) It is regrettable that I did not have access to Oppel’s copy of *De decimis* during my research, since it was based on an exemplar Escobar himself apparently corrected and supervised and might therefore supply further evidence about Escobar’s intentions.

Standard Version

Quarum prima fuit, an consuetudo illa...

Etiam secundo interrogasti me...

“Conclusions” Version

Prima conclusio revera sicut patet...

Secunda conclusio...

Tertia conclusio...

Table 2: Arrangement of rubrics in standard and “conclusions” versions of *De decimis*

Reader engagement with the *De decimis* seems to have been fairly high. Of the seventy-nine copies I examined, only a dozen demonstrate no evidence of reader response in the form of corrections or annotations. Another dozen have only corrections or emendations, which could have been carried out either by a scribe or a reader. Most, however, have some reader annotation ranging from manicules (pointing hands) to marginal summaries of the text. The annotations largely cluster around a few passages that would probably have been particularly useful for preaching.

Passages on blessings and curses attracted by far the most underlining, manicules, or marginal comments. In one such passage, Escobar draws on the book of Malachi in the Old Testament and on citations from St. Augustine. Those who fail to pay tithes, he says, will suffer such misfortunes as poverty, sterility of soil and livestock, pestilence, and warfare. Those who pay faithfully, on the other hand, will be rewarded with fruitful harvests, bodily health, peace, and many children.⁴⁹ Priestly readers of the treatise were probably attracted to this passage because it would be good sermon material. Disease, warfare, and the production of crops and children would surely have been serious and relevant issues for most of the parishioners who were the audience for sermons crafted from *De decimis*. A similar passage attracting considerable annotation is again a citation from Augustine, which also outlines serious consequences of failure to pay tithes. The overall context is a passage contending that those who fail to pay tithes are, in essence, stealing from God. Escobar states, “in these times there is often sterility of sea and land, dearness of victuals, famines and mortalities, because the faithful of Christ do not pay tithes to God.”⁵⁰ Here, the implication is that these are collective consequences incurred by collective guilt, whereas the passage referred to above implies individual consequences for individual

⁴⁹ Andreas de Escobar, *De decimis*, ed. Francisco Ziletti (Venice, 1584), fol. 144vb–145ra.

behavior. Because economic hardship was probably a common reason for reluctance to pay tithes, presumably priests would have thought such passages useful for persuading the faithful that much more serious hardship would result from failure to pay.

Other popular passages were short summaries of important points. For instance, the comparatively brief but pithy response to the fourth question—“What kind of commandment from God is it that we must pay tithes, first fruits, and offerings?...I answer that...it is a moral commandment...”—also attracted much annotation and comment.⁵¹ Here he outlines the justifications according to natural law, scripture, evangelical law, and the authority of the church in just one or two sentences each. Such a brief and pointed summary might also be useful in crafting a sermon. Another comparatively brief response that attracted a great deal of comment was question six, outlining the circumstances under which offerings, theoretically voluntary, could be obligatory. Escobar’s answer here again takes the form of a brief and pithy list including such circumstances as when such offerings are a testamentary bequest, when a priest has no other source of support, or on certain principal feast days.⁵² It is easy to imagine that parishioners might have complained about obligatory offerings, prompting interest in this passage.

Parts of a longer section outlining those persons who are or are not obligated to pay tithes is also annotated by many readers. Readers of five copies, for instance, found it noteworthy that

⁵⁰ “...et glossa decreti dicit super canonem, ‘maiores,’ 16 q. 7 ubi consentire videtur Augustinus quod ideo his temporibus sunt saepius maris, et terrae sterilitates, et victualium caristiae, et mortales ac fames, quia decimas Deo non soluunt Christi fideles...” Escobar, *De decimis*, fol. 143vb.

⁵¹ “Quarto fui interrogatus, qualiter est praeceptum a Deo, quod debemus decimas soluere et primitias, uidelicet oblationes, uel ubi reponitur hoc, et ergo respondi quod secundum doctores theologos, et iuristas, solutio decimarum est praeceptum morale, et in praeceptis moralibus includitur...” Escobar, *De decimis*, fol. 143vb–144ra.

⁵² Escobar, *De decimis*, fol. 144ra–rb.

lepers who live in common are not obligated to pay tithes.⁵³ Otherwise, the reader comments do not cluster predominantly around specific cases, with one reader, for instance, noting that mendicants who own fields or vineyards are required to pay tithes, while another noted that canons regular who live in common are not.⁵⁴ Presumably, the readers of this section marked the individual cases that were relevant to their specific experience, local circumstances, or personal curiosity.

While most of the text attracted at least some commentary, readers seemed relatively uninterested in a few of the questions. For instance, the entire seventh question about when, how, and from what things first fruits ought to be paid was commented upon by just four readers. The fifth question, concerning when and how God established tithing, also attracted little attention. It is probable that the fifth question would not have been very useful in pastoral care, which perhaps also applies to the seventh question to a lesser extent. The topic of the fifth question is essentially theological in nature, and bears little relationship to practical problems of tithing.

De decimis is both the most popular and the shortest of Escobar's treatises. There is considerable evidence that it did circulate as a tract, and that it benefited from a comparatively new reading audience, the educated parish priest. Escobar was fairly successful in controlling the reception of the text, with most readers understanding it as a pastoral or preaching text, and his text was mostly transmitted faithfully. Having examined Escobar's one treatise that is clearly a tract, I will now consider the success of his other treatises.

⁵³ Escobar, *De decimis*, fol. 145vb.

⁵⁴ Escobar, *De decimis*, fol. 145vb.

Colles reflexi (1408)

The treatise *Colles reflexi*, as we have seen, survives only in Dietrich of Nieheim's collection *Nemus unionis*, itself known only through printed editions. While there is no manuscript evidence for this treatise upon which to base any conclusions regarding its distribution or reception, it is nevertheless relevant to Escobar's employment of the tract. His treatise responds directly to another by the archbishop of Ragusa, *Inaquosa*, which immediately precedes *Colles reflexi* in the *Nemus unionis*. Escobar states in its preface that he is writing the treatise in response to a question, but never explicitly states what that question is. Several times later in the treatise, Escobar refers to the "title question," which could mean that the question was part of his original title for the work, since it is probably Dietrich of Nieheim who named it *Colles reflexi*. However, it is also possible that *Colles reflexi* was only ever circulated as a response appended to the text of *Inaquosa*, making self-evident the question to which Escobar was responding. The question, whether the Roman pope Gregory XII could disregard his oath to resign the papacy in the interests of union, is actually fully stated only in *Inaquosa*.⁵⁵ As we have noted, one should sometimes be able to identify a tract by finding that it circulated with an appended response by another author. It seems that Escobar's *Colles reflexi* may well be such a response. It is noteworthy also that the *Colles reflexi* is also Escobar's shortest treatise, at about 9,000 words in the printed edition as against the 15,000 words of *De decimis*. Even if the original treatise was rather longer, since it appears that the printer Schard did not print the complete text,

⁵⁵ "Utrum pax et reformatio jurata et firmata sanctae unionis ecclesiae Apostolatus [*sic*] fienda renunciationis virtute hac vice praeteriri [*sic*] valeat absque dispendio et interitu salutis aeternae." Archbishop of Ragusa [Giovanni Dominici?], "Inaquosa," in *Nemus unionis*, ed. Dietrich of Nieheim, vol. 4 (Strasbourg: L. Zetzneri, 1609), 314.

it seems hardly likely that it could have been longer than *De decimis*.⁵⁶ It would be tempting to conclude that this supports the hypothesis that very short manuscripts survive much less frequently, but there are two significant problems with reaching such a conclusion. First, there is the likelihood that the *Colles reflexi* circulated as an addition to *Inaquosa*. The length of the two together would be much longer than *De decimis*, since the *Inaquosa* is nearly fifty pages long in the printed edition. Then, there is the fact that neither of them survives apart from the *Nemus unionis*, which is hundreds of pages long and yet has left no manuscript witnesses. In subject, purpose, and length, the *Colles reflexi* answers well to the description of a tract. The debate into which the *Colles reflexi* intervened was rendered irrelevant by the Council of Pisa, less than a year after Dietrich collected it and probably less than eighteen months after Escobar first wrote it. It is difficult to escape the conclusion that this particular treatise actually suffered from its contemporary relevance. Its topic was so specific that *Colles reflexi* could not readily be generalized to new circumstances once the debate about Gregory XII's coronation oath was past. Overtaken by historical events, the treatise was likely not thought worth copying or preserving.

De publicatione haeresum contentarum in libro Talmut (ca. 1417)

Ten full or partial copies of Escobar's treatise on the heresies of the Talmud (hereafter *De publicatione in Talmut*) are known, unfortunately not enough from which to draw any far-reaching conclusions. It is likely that other copies will come to light as digital cataloging proceeds, because several of those I found were neither attributed to Escobar nor cataloged under this title, but were instead identified via an electronic database of incipits. Even assuming we

⁵⁶ Georg Erler, *Dietrich von Nieheim: sein Leben und sein Schriften* (Leipzig: Dürr, 1887), 279.

found a few more copies, however, it is unlikely that the number would exceed the fifteen Guenée argues constitute merely limited success.⁵⁷ Extant copies of *De publicatione in Talmut* are found in modest manuscripts comparable to those of *De decimis*. Most are undecorated, quarto-sized, and written in long lines (rather than columns) on paper. Of the six copies I examined, two are quite inexpertly written. Seven of the extant copies are substantially complete, and two are abridged or extracted from the original work. The tenth copy, owned by a canon regular named Mangold Wyman from Sindelfingen, near Stuttgart, bears an explicit which refers to the work as “excerpts,” which might mean it is also only a partial copy.⁵⁸ Since this copy is over forty-five folios in length, however, I think it more likely that the word in this context implies that the treatise itself was composed by extracting or compiling from the works of others. This is in fact less true of *De publicatione in Talmut* than of Escobar’s other works, but since Escobar frequently refers to himself as a mere compiler in other works, it may even be that the explicit in Wyman’s copy is Escobar’s own handiwork. Nuremberg, Stadtbibliothek Nürnberg, MS Inc. 469 fol., which belonged originally to a parish priest in Karlstein, is slightly defective, a few long and somewhat repetitive passages having been omitted by its scribe. Seven of the copies are dated or approximately datable, ranging from 1455 to no later than 1499.

While the sheer length of *De publicatione in Talmut* prohibits classifying it as a tract, there is evidence that it may have circulated independently. Of the ten extant witnesses, one is presently an independent manuscript, while two others are booklets that may have circulated

⁵⁷ Guenée, *Histoire et culture historique dans l’Occident médiéval*, 255.

⁵⁸ Stuttgart, Württembergische Landesbibliothek, MS Cod. theol. et phil. 2° 10; Wolfgang Metzger, “Description Cod. Theol. et Phil. 2° 10: Henricus de Oldendorp, Andreas de Escobar,” August 26, 2015. I am indebted to Wolfgang Metzger for providing me with a draft version of his description of Cod. theol. et phil. fol. 10 for a forthcoming published catalog of the Württembergische Landesbibliothek manuscripts.

independently. The Karlstein manuscript consists solely of this one treatise, comprising four gatherings of twelve leaves.⁵⁹ The copies originally belonging to Mangold Wyman and to Johannes Spenlin, a theologian at the University of Heidelberg, are distinct booklets of respectively four and two gatherings of twelve leaves each, according to the catalogers.⁶⁰ This is a much higher proportion of definitely or probably independent copies than is the case for *De decimis*. Because we know so few copies of *De publicatione in Talmut*, however, it would be imprudent to draw many conclusions from this fact. In any case, the *De publicatione in Talmut* is considerably longer than *De decimis*, so if it is true that the shorter the manuscript, the less likely it is to survive, we should expect to find more copies of the former.

All copies of the treatise with a known provenance are, like *De decimis*, from within the Holy Roman Empire, though from a different geographic range within it. (See Map 8) Three are from Franconia, three from the Rhineland-Palatinate, two from Swabia, and one from Switzerland. The last copy, now held in Prague, has no provenance, but it is bound together with a late-fifteenth century incunable printed in Basel, so it may originate there.⁶¹ The copy originally belonging to a house of Cistercian monks in Heilsbronn, Franconia, also has clear ties to Basel, as indicated by a piece on the relics of Henry II in Basel and by numerous works related to the

⁵⁹ Nuremberg, Stadtbibliothek Nürnberg, MS Inc. 469 fol.; Ingeborg Neske, *Die lateinischen mittelalterlichen Handschriften. Teil 4. Varia: 13.-15. und 16.-18. Jh.*, Die Handschriften der Stadtbibliothek Nürnberg (Wiesbaden: Harrassowitz, 1997).

⁶⁰ Robert E. Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley, Calif.: University of California Press, 1972), 173–4; Alfred Holder, *Die Reichenauer Handschriften, zweiter Band: Die Papierhandschriften, Fragmenta, Nachträge*, vol. IV, Die Handschriften der Badischen Landesbibliothek in Karlsruhe (Wiesbaden: Harrassowitz, 1971); Metzger, “Description Cod. Theol. et Phil. 2° 10: Henricus de Oldendorp, Andreas de Escobar.”

⁶¹ Prague, Knihovna Metropolitni Kapituli, MS Cap. Cath. A. 79/2; Antonín Podlaha, *Soupis rukopisů knihovny metropolitní kapituly pražské*, vol. 1 (Prague: Nákladem české akademie Císare Františka Josefa pro Vědy, slovesnost a umění, 1910).

Council of Basel. The cataloger hypothesized that the manuscript was probably acquired in Basel by members of the order attending the council.⁶² Evidence for the Council of Basel as a clearinghouse is thus much stronger for *De publicatione in Talmut* than for *De decimis*. The distribution is also further westward geographically, with no copies from Bavaria or Austria.

The known owners of extant copies are quite diverse which, together with the relatively small number of witnesses, makes it difficult to discern possible lines of transmission. Two copies were held in Dominican convents (Bamberg and Schwäbisch Gmund) and two more in Benedictine monasteries (St. German in Trier and Laach Abbey), one of which was a women's house and neither of which was affiliated with the reforming Melk congregation. Another was owned by a Cistercian abbey in Heilsbronn. The single independent manuscript was copied by a parish priest. The Augustinian canon regular Mangold Wyman, another canon regular at Sindelfingen, and Johannes Spenlin, master of theology at the University of Heidelberg, also owned copies.

Escobar's authorial control of *De publicatione in Talmut* is particularly weak. I examined five complete copies and one abridged copy, none of which appear to respect the textual divisions Escobar seems to have intended. In the previous chapter, I argued that Escobar explicitly marks transitions from one part of the text to another by restating the "theme" of the work. While these transitions are present in the text, scribes and rubricators largely ignore them. Moreover, no manuscript I examined includes any authorial colophon, and no catalog description mentions one. It is for that very reason that several copies of the work are cataloged only under its incipit, with no attribution to Escobar. It is possible that Escobar never included an authorial

⁶² Erlangen, Universitätsbibliothek Erlangen-Nürnberg, MS Cod. 542; Hans Fischer, *Katalog der Handschriften der Universitätsbibliothek Erlangen. 2. Band: Die Lateinischen Papierhandschriften* (Erlangen: J. M. Reindl, 1936).

colophon in *De publicatione in Talmut*, but I think that unlikely because he did include one (or more) in *Colles reflexi*, *De decimis*, and *De Graecis errantibus*. There seems no plausible reason for Escobar to distance himself from the work, so I think it more likely that scribes failed to copy his colophon. Alternatively, the absence of a colophon could suggest that the work as we have it is in an unfinished state. The manuscript contexts of known copies also bear only a weak relationship to Escobar's stated purposes in the work: persuading Christian rulers (sacred and secular) to strictly separate Jews from Christians, and to equip those disputing against Jews. I hypothesized in the previous chapter that Dominicans were likely an important part of Escobar's intended audience, since it was they who primarily conducted disputations against Jews. Indeed, two copies are from Dominican houses, but the other eight appear to have no connection with disputation. Nor do we have evidence that any copies would have been read by rulers. Four copies are collected into manuscripts comprising mainly theological treatises. Three others, including the copy owned by the Heilsbronn Cistercians and likely from Basel, contain a great deal of reform-oriented literature. In three manuscripts, it appears together with other anti-Judaic works of various genres. Of the ten extant witnesses, we also know that two are significantly abridged, and a third omits some repetitious passages. Chenmelech Merchavia believes that these two copies represent an early abridgment in circulation by 1423, attesting to the popularity of *De publicatione in Talmut*.⁶³ I am unclear on what basis Merchavia concluded one of these two manuscripts to be so early, since the earliest dating I could find in either is 1455 for London, British Library, MS Addl. 38787. Furthermore, the two abridged copies are also the two that come from Benedictine houses, and the only two from Rhineland-Palatinate. It is more

⁶³ Chenmelech Merchavia, "A Spanish Latin MS Concerning the Opposition to the Talmud at the Beginning of the Fifteenth Century [Hebrew]," *Kiryat Sefer*, no. 45 (1970): 272; Trier, Stadtbibliothek Trier, MS 698; London, British Library, MS Add. 38787.

reasonable to suppose that the two manuscripts bear a very close relationship, and probably that one is a copy of the other. Unless a great many more manuscripts were to come to light in the future, we can hardly classify *De publicatione in Talmut* as one of Escobar's more popular works. In any case, the relatively large proportion of manuscripts in which scribes abbreviated Escobar's original text again indicates weak authorial control. Analyzing annotations is not particularly helpful in assessing the reception of this work. There are not enough copies extant to make meaningful comparisons across witnesses, and annotators did not seem to be especially interested in any particular part of the text. Of the five full copies I examined, four had annotation throughout, usually two to three annotations per folio quite consistently. The fifth had no annotations. We can therefore conclude that the level of engagement with the text was quite high overall. All these conclusions, however, are limited by the relatively small number of witnesses.

Gubernaculum conciliorum and Avisamenta (1435)

The *Gubernaculum conciliorum* survives in about fifteen copies, only one of which definitely includes the *Avisamenta*. Copies of this treatise are among the most poorly cataloged of the works attributed to Escobar; many copies have no published description and even some published descriptions omit explicit and other important data. I examined images of seven manuscripts and originals of two more, but rely for the remainder on such manuscript descriptions as I can obtain. It is possible that three of the copies I did not examine could also include the *Avisamenta*, since the catalog descriptions were insufficiently detailed to be certain they do not. Apart from the *Avisamenta*, all other copies appear to be complete. The copies are generally on paper in modestly decorated, quarto-sized manuscripts. Five include scribal

colophons with dates in 1436 and 1437, while another four are estimated by catalogers to date between 1440 and 1467. Overall, the copies of *Gubernaculum conciliorum* appear to be much earlier than those of either *De decimis* or *De publicatione in Talmut*.

On the grounds of length alone, *Gubernaculum conciliorum* cannot be considered a tract, though there are a number of copies that are clearly booklets and probably circulated independently. Most copies range between six and eight gatherings, totaling sixty to one hundred leaves. One copy, Munich, Bayerische Staatsbibliothek, MS Clm 6490, is definitely a booklet and shows evidence of having circulated independently. It is also the lone copy certainly including the *Avisamenta*. Three other copies are undoubtedly booklets, but without definite evidence of independent circulation, while three more are also probably booklets. This is, like *De publicatione in Talmut*, a much higher proportion of booklets than is the case with *De decimis*. Four copies of *Gubernaculum conciliorum* exceed the eighty-folio threshold below which manuscripts are very rare, as Green argues. Though we must be cautious about drawing too many conclusions from the limited sample size, this is again consistent with the hypothesis that the shorter the manuscript, the less likely it is to survive.

The Council of Basel was clearly a key venue for copying of the *Gubernaculum conciliorum*, which has a very different pattern of distribution than *De decimis* or *De publicatione in Talmut*. All five copies with dated colophons were made in Basel, during the council. Three of the undated copies, moreover, contain texts exclusively or almost exclusively related to the Council of Basel, such as official decrees of the council, sermons delivered there, and other contemporary treatises on conciliar topics. The provenance of only three copies can definitely be ascribed to territories presently in Germany. Five are Austrian, at least two are

Italian, one is from Prague, and another has no known provenance earlier than Krakow, where it was by the late sixteenth century. One of the Basel copies was taken to Italy by its owner, Johannes de Turrecremata, papal apologist at the council and later a cardinal.⁶⁴ While most of the manuscripts are, like *De decimis* and *De publicatione in Talmut*, found in territories within the Holy Roman Empire, their geographic distribution within the Empire is very different from these previous works.

The question of authorial control is particularly difficult to address for *Gubernaculum conciliorum* because of the doubts about Escobar's authorship, but the degree of consistency between manuscripts points to the author's success in this area. As noted in the previous chapter, there is no explicit identification of the author within the text itself, only in some title rubrics. Of the three dated manuscripts I examined, however, one (Vienna, Österreichische Nationalbibliothek, MS Codex Vindobonensis Palatinus 4148) has no authorial attribution, while the title rubrics in the other two (Turrecremata's BAV Vat. Lat. 4117 and Vienna, Schottenkloster, MS Codex Scotensis-Vindobonensis 30) asserting Escobar's authorship are in a very different, possibly later, hand than the text. This inconsistency in attribution is not only an argument against Escobar's authorship, but is also all the more striking considering the uniformity of the copies in most other respects. All the manuscripts I examined have a remarkably consistent pattern of rubrication and text division, with major headings or capitals marking out the nine parts of the treatise, and smaller rubrics or capitals marking divisions like the first presentation of the "three opinions" in part one, and the listing of various councils of the church in parts four and five. There appear to be no significant textual variations, nor even many trivial variations of

⁶⁴ Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4117, fol. 189v; Hobbins, *Authorship and Publicity Before Print*, 205, f.n. 151.

word order or omissions of text. The one significant exception is the presence of the *Avisamenta* in just one manuscript, which is undated and shows no sign that it could have been copied in Basel. Either Escobar exercised more successful authorial control of the *Gubernaculum conciliorum* than of any previous work while simultaneously obscuring his authorship, or it was written by a different author who also had a quite different (and more successful) strategy of authorial control than did Escobar.

Readers largely viewed the *Gubernaculum conciliorum* as a conciliar text, in keeping with the author's intention, and usually demonstrate considerable engagement with it. The manuscript context of almost all copies is other conciliar works. Twelve of the manuscripts consist mostly or exclusively of other works and documents related to the councils of Constance and Basel. One contains texts of general reform interest, not specifically conciliar, another is mainly theological works, and a third is a miscellany of diverse genres and topics. Most copies I examined also attracted considerable annotation, in many cases so profusely as to defy categorization. Johannes de Turrecremata did not annotate his copy very heavily, surprisingly making no particular note of the stridently pro-conciliar ninth part of the text. Most of its annotations in fact appear to be scribal. The final scribal comment, "And thus ends this most praiseworthy work," passes unremarked by this noted pro-papalist.⁶⁵ Other manuscripts also demonstrate no special interest in part nine, despite its very different tone. Readers appear to have been just as interested, or more interested, in the preceding exposition of the three possible opinions as they were in the forceful advocacy of the pro-conciliar arguments in the ninth part. This suggests that Turrecremata and other readers responded to *Gubernaculum conciliorum* less as a polemical work and more as a straightforward theological treatise.

⁶⁵ "Et sic est finis huius lauabilissimi operis." BAV Vat. Lat. 4117, fol. 189v.

De Graecis errantibus (1437)

The last of Escobar's works survives in just three complete witnesses, together with two copies of a brief epitome of his own devising. The full treatise is quite lengthy, ninety-six leaves in the oldest copy, Vatican, Biblioteca Apostolica, MS Vat. Lat. 4067. This is an amanuensis copy which has emendations and additions in the author's own hand. A second copy, Vat. Lat. 4953, was found by the modern editor of *De Graecis errantibus*, Manuel Candal, to be a very early copy of Vat. Lat. 4067, probably made soon after the papal council transferred to Florence in 1439.⁶⁶ A third copy, Ott. Lat. 983, is in turn a considerably later copy of Vat. Lat. 4067, from around 1619-1620.⁶⁷ A distinct text listing thirty-six errors of the Greeks is found on folios 25v-26r of Vienna, Österreichische Nationalbibliothek, MS cod. 4139. Its colophon reads, "These are the errors of the Greeks which have been abbreviated and collected from many others by me, master of theology Andreas *hispanus*, poor bishop of Megara, for the exaltation of our faith," suggesting that this brief text is neither defective nor a scribal abbreviation.⁶⁸ Another short text cataloged as *Errores graecorum* is listed in the description of a manuscript owned by Heinrich Otter, Karlsruhe, Badische Landesbibliothek, MS St. Blasien 77, folios 58v-59v.⁶⁹ I have not examined the latter manuscript personally, but information obtained from the catalog description

⁶⁶ Andreas de Escobar, *Tractatus polemico-theologicus de Graecis errantibus*, ed. Manuel Candal, Concilium Forentinum, Documenta et Scriptorum IV-1 (Rome-Madrid: Pontificium Institutum Orientalium Studiorum, 1952), cxvii.

⁶⁷ Escobar, *Tractatus de Graecis errantibus*, cxvi, cxxii.

⁶⁸ "Hec sunt errores graecorum heretici per me sacre theologiae magistrum Andream Hispanum Megarensis pauperem episcopum abbreviati et collecti ex pluribus aliis ad exaltationem nostre fidei." Vienna, Österreichische Nationalbibliothek, MS CVP 4139, fol. 26r.

⁶⁹ Peter Höhler and Gerhard Stamm, *Die Handschriften von St. Blasien*, vol. 12, Die Handschriften der Badischen Landesbibliothek in Karlsruhe (Wiesbaden: Harrassowitz, 1991), 60.

makes it evident that this is the same text as that found in Vienna CVP 4139. First, the incipit is given as *Noverunt universi christiani...*, which is identical to the incipit of the CVP 4139 text. The length of less than three folios also aligns with the two folios of the Vienna manuscript rather than the far longer version in the Vatican manuscripts. Finally, the text in Otter's manuscript has a very similar colophon, beginning *Hi sunt errores grecorum heretici per me Sacre Theologie magistrum Andream Hyspanum*. Candal very briefly notes the existence of the Vienna CVP 4139 text in the introduction to his critical edition.⁷⁰ He makes no mention of Otter's copy, so presumably did not know of its existence. He believed that the thirty-six error version came after the text as found in the Vatican manuscripts, a conclusion that does seem to agree with the colophon. The "many others" from which Escobar "abbreviated" this version must surely be those in his own much longer *De Graecis errantibus*. The fact that the numbered list of thirty-six errors in this short version do not correspond to the first thirty-six errors in either of the lengthier lists found in the long version also suggest that the Vienna and St. Blaise text is not a scribal abbreviation.

The *De Graecis errantibus* must also, on grounds of length, be excluded from consideration as a tract, though it is possible that Escobar's epitome of the work would qualify. The later two copies of the treatise comprise a smaller number of leaves, thirty-two and forty-six respectively, but are in folio format. It seems highly improbable that unwieldy folios would have circulated independently. In any case, one of the two later copies is unquestionably an integral part of its manuscript, and while the other could be a booklet, I could not definitely determine that from the microfilm. The short epitomes found in Vienna and in the Otter manuscript are certainly short enough to have been copied on a single sheet of paper, both being less than two leaves long.

⁷⁰ Escobar, *Tractatus de Graecis errantibus*, lix.

Because they are also both integral parts of larger manuscripts, we have no positive evidence that this short version ever circulated as a tract. However, here we must bear in mind that precisely because the text is so short, it would be extremely unlikely that any independent copies of it would have survived unless they were very numerous indeed. It is also quite possible that more copies of this short version could be identified in future, because the title rubric in both cases is simply *Errores Graecorum*, a title I have found in my research to be assigned to several different anonymous short texts.

The geographic distribution of the *De Graecis errantibus* is very anomalous compared to Escobar's other treatises, and while it is difficult to draw sound conclusions based on such a limited sample, the Council of Ferrara-Florence was apparently the milieu in which it was copied. As noted earlier, all three full copies known are deposited in the Vatican Library, but one of these, probably Escobar's own amanuensis copy, is the ultimate source for both of the others. The means by which Escobar's own copy, Vat. Lat. 4067, found its way into the papal library is not known, but we do know that Escobar's possessions were temporarily seized in Florence in late 1439, before he was exiled from the papal court.⁷¹ Because the charges against him at that time related to heresy, it seems very likely that any books among those goods would have been retained for careful examination.⁷² Probably this is why both Escobar's personal copy of *De Graecis errantibus* and at least one other book he owned are now found in the Vatican Library. It is doubtless Vat. Lat. 4067 that we find listed already in a November 1443 inventory of the library of Eugenius IV, and again in the 1475 inventory compiled by Bartolomeo Platina in the

⁷¹ AV Arm. 29, t. 20, f. 112v. Sousa Costa, *André de Escobar*, Appendix, Document 200.

⁷² AV Reg. Vat. 367, f. 228v-229v. Sousa Costa, *André de Escobar*, Appendix, Document 250.

pontificate of Sixtus IV.⁷³ The ultimate origin of the second early copy, Vat. Lat. 4953, is unknown, but it is written in a very beautiful, rounded, Italian hand and, as previously noted, was copied from Escobar's Vat. Lat. 4067. It bears a later notation on the flyleaf that it was acquired from the library of Cardinal Guglielmo Sirleto (1514-1586).⁷⁴ Candal explains that this notation was made at the time the manuscript was acquired for the library at the Palazzo Altaemps in Rome, where it was held until later acquisition by the Vatican Library.⁷⁵ Since Sirleto's manuscript was copied directly from Escobar's Vat. Lat. 4067, it must have originated either at the Council of Ferrara-Florence before Escobar's heresy charge, or in Rome. As previously noted, Candal believed that it was copied shortly after the council was translated to Florence.⁷⁶ Its whereabouts The scribe of the third manuscript, the much later Ott. Lat. 983, expressly states that he copied it from one at the Palazzo Altaemps—in other words, Sirleto's Vat. Lat. 4953—for the library of Pope Paul V (1552-1621), but so late a copy would tell us little about the work's fifteenth-century distribution even if it were not merely a copy of Vat. Lat. 4953.⁷⁷ As to the short versions of the text, Heinrich Otter, then a deacon in the diocese of Constance, acquired his copy in Florence before 1442.⁷⁸ Sometime later, it made its way to the Abbey of St. Blaise in Baden.

⁷³ “Tractatus copiosus contra L^{ta} errores Grecorum, in papiro, et incipit: De Grecis errantibus.” This is precisely identical to the title rubric found only in Vat. Lat. 4067. Eugène Müntz and Paul Fabre, *La Bibliothèque du Vatican au XV^e siècle d'après des documents inédits* (Paris: Ernest Thorin, 1887), 6, 18, 171.

⁷⁴ Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4953, fol. i.

⁷⁵ Escobar, *Tractatus de Graecis errantibus*, cxvii.

⁷⁶ Escobar, *Tractatus de Graecis errantibus*, cxvii–cxviii.

⁷⁷ Vatican, Biblioteca Apostolica Vaticana, MS Ott. Lat. 983, fol. 2r.

⁷⁸ Höhler and Stamm, *Die Handschriften von St. Blasien*, 12:55–6.

The Vienna copy, dated sometime after 1441, also probably originated in Florence and was owned by a house of Augustinian canons regular in Herzogenberg, southwest of Salzburg.⁷⁹ It is clear, then, that the Council of Ferrara-Florence (which continued through 1445) was the primary venue for such copying and distribution of *De Graecis errantibus* and its epitome, limited as that was.

It is difficult to generalize about the reception of *De Graecis errantibus* and its epitome based on two copies each, but some general observations are possible. First, subsequent scribes respected Escobar's original text and its divisions. This is his only treatise for which we clearly have an authorized original, so it is possible to know very certainly how closely subsequent copies reflect it. In the introduction to his critical edition, Candal presents a very extensive list of the differences between Vat. Lat. 4067 and the early copy, Cardinal Sirleto's Vat. Lat. 4953.⁸⁰ The differences are decidedly trivial, merely scattered omissions of one or two words that do not materially affect the sense of the text. The textual divisions of Vat. Lat. 4953 also follow those of the original. Ott. Lat. 983, in turn, very closely follows Vat. Lat. 4953 and likewise preserves the original text divisions. It is, on the other hand, quite impossible to know how well copies of the epitome may reflect their unknown original. I have not been able to inspect both, so I do not know how closely they resemble one another. They do have nearly identical authorial colophons, however, suggesting some degree of faithfulness. Second, the scribe of Vat. Lat. 4953 regarded *De Graecis errantibus* as a theological treatise on doctrinal errors of the Greek church, as Escobar apparently intended. It was collected with treatises on very similar subjects, such as a

⁷⁹ Österreichische Nationalbibliothek, "Theologische Sammelhandschrift Cod. 4139," *ÖNB-HANNA Catalog*, accessed February 6, 2015, <http://data.onb.ac.at/rec/AL00173325>.

⁸⁰ Escobar, *Tractatus de Graecis errantibus*, cxx–cxxii.

“tractate against the Greeks concerning the procession of the Holy Spirit and the souls of the departed, unleavened and leavened [bread], and obedience to the Roman Church.”⁸¹ Ott. Lat. 983 reproduces the same texts in the same order. Copies of the short text, however, are collected in manuscripts containing a wide variety of material. The Vienna manuscript consists mainly of sermons, while the Otter manuscript comprises poetry, magical texts, sermons, liturgical material, prayers, pastoral literature, sermon exempla, and scientific texts.⁸² It is difficult to discern for what purpose the owners of these two manuscripts used the text. Neither the two full copies of the text nor the Vienna epitome are annotated. Vat. Lat. 4953 has a very small number of visible corrections, and the table Candal presents demonstrates that, while its errors are relatively minor, they are very numerous. It therefore appears that the copy was never verified against the original, nor corrected by any subsequent reader, and the scribe merely corrected such errors as he noticed while copying the text. The lack of either annotation or correction demonstrates a very minimal degree of reader engagement with the text.

The distribution and reception of Escobar’s works provide evidence of several of the theorized changes in late medieval manuscript culture posited by historians, including the emergence of the tract as a distinct genre of scholarly writing and the importance of new distribution networks for manuscripts. Manuscript evidence also, however, demonstrates that Escobar made only limited use of these changes. Most of Escobar’s treatises, although departing

⁸¹ “Incipit tractatus contra graecos de processione spiritus sancti et de animabus defunctorum, de azimo et fermentato et de obedientia ecclesie Romane, editus in Constantinopoli.” BAV Vat. Lat. 4953, fol. 1r.

⁸² Academia Caesarea Vindobonensis, *Tabulae codicum manu scriptorum praeter Graecos et Orientales in Bibliotheca Palatina Vindobonensi asservatorum*, vol. III (Vienna: Caroli Geroldi Filius, 1869), 178–180; Höhler and Stamm, *Die Handschriften von St. Blasien*, 12:57–73.

from many scholastic conventions, were nonetheless far too long and comprehensive to be considered tracts. His only treatise that does have all the proposed characteristics of a tract, *De decimis*, was indeed his most widely circulated and successful. Church councils were, as Miethke and Hobbins suggest, one avenue of distribution for Escobar's treatises. But the treatises we know were mainly copied and distributed at the councils in Basel and Ferrara-Florence were among his less successful. Rather, the success of *De decimis* should be attributed to its perceived value in pastoral care and preaching, to the distribution network of the Melk reform congregation, and to the German clergy's efforts to supply themselves with appropriate books. As well, *De decimis* surely benefited from self-interest, since those with care of souls would also have been the primary beneficiaries of more regular tithing. Escobar's strategies for authorial control of his works were modest, yet fairly successful. His treatises seem mostly to have been received and read according to his expressed intentions. Scribes generally preserved his authorial colophons, although their adherence to his schemes of textual division was inconsistent. His most successful treatise was perhaps also the most subject to scribal intervention into the text, demonstrating two variant organizational schemes for the early part of the work and sometimes including an additional eight-conclusion summary he probably did not write. Escobar neither consistently employed nor benefited from the proposed trends in late manuscript culture examined in this chapter. However, the relative popularity of the treatise that reflects these trends most, *De decimis*, supports the arguments that the new tract form and new distribution networks were very important to the success of new works in the early fifteenth century.

CONCLUSION

This study set out to explore the concept of the university-trained theologian as public intellectual in the early fifteenth century. It sought to determine whether this role was limited to exceptional figures who used their academic positions as a platform from which to intervene in important controversies of the day, or whether other theologians serving outside the university also exercised it. It also sought to explore the interrelationships between the late medieval public intellectual and broader fifteenth-century trends in manuscript production and distribution. The specific lens through which these topics were addressed was theologian, abbot, bishop, and papal courtier Master Andreas de Escobar, whose works and career exemplified many of the same trends as those of theologians who remained within the university. The main question guiding this inquiry was, to what extent did Escobar function as a public intellectual? In order to answer this question, the study also examined a number of subsidiary questions like what questions of applied moral theology he addressed, who was the audience for his treatises, how they circulated, how his readers received them, and how Escobar himself understood his authorial endeavors.

The results of my research demonstrate that Andreas de Escobar exercised his authority as master of theology in a manner consistent with the role of a late-medieval public intellectual, although his success in that role was somewhat hampered because he did not fully exploit the opportunities provided by changes in late manuscript culture. Most notably, the fact that most of Escobar's treatises were quite lengthy and aimed at an audience of higher clergy and powerful patrons demonstrates that he did not appreciate the potential advantages of brief treatises aimed

at a broader clerical audience. Much of the success of *De decimis* may actually have been realized after his lifetime, based on the known dates of surviving copies. At any rate, its success likely came too late to affect Escobar's writing and publishing strategies. His epitome of the *De Graecis errantibus* may represent a limited exception. Escobar's career as bishop provided the most prominent platform from which to exercise his role as a public intellectual, although the weakness of papal authority during and even after the Schism limited Escobar's ability to fully assume his episcopal dignity and functions. The textual evidence of his treatises shows that Escobar understood his writing as an extension of the function and responsibility of preaching and teaching conferred by his magisterial authority, derived both from his education and from the authorization of the Church. Escobar's writings demonstrate that he believed university-educated theologians and canonists should be elevated to the highest positions of the church, in order to exercise their moral leadership. However, he felt that widespread corruption had excluded these more qualified candidates in favor of men with connections and influence. Escobar believed that he had written important and beneficial works, but had received no commensurate recognition.¹ Escobar expressed pride in his works and regarded them as valuable to the church, even though he never attained an office he believed commensurate with his intellectual achievements and moral character.

Escobar's written works nonetheless enjoyed continued regard in the early print era.

Although his confessional works, with multiple fifteenth- and sixteenth-century editions, were

¹ "...multos tractatus descripsi ecclesie utiles et fructuosos..." Ludwig Walters, "Andreas von Escobar, ein Vertreter der konziliaren Theorie am Anfange des 15. Jahrhunderts" (Königlichen Akademie zu Münster, 1901), 6, f.n. 1. "Item Sehhor a esse prior e a frei Stevam dAgiar e sa vossa paternidade seja recomendado, ca eu como dessaperado me parto de corte do papa sem beneficio nenhũu, onde sservi per xxviii annos e mais nom ouve premio nenhũu por sseer pobre, ca eu mal nom fize e Deus vos mantenha..." Florence, BML, cod. Ashb. 1792, I, f. 66. Sousa Costa, *André Dias de Escobar*, Appendix, Document 60.

more popular than his treatises, *Colles reflexi* and *De decimis* were also printed in the sixteenth century. Indeed *Colles reflexi*, as we have seen, survives only because it was part of Dietrich of Nieheim's anthology *Nemus unionis*, printed in 1566. Escobar's *De decimis* was first printed in Paris and Rouen in 1500 as *Regula decimarum*.² It was later included in the massive 25-volume canon law collection *Tractatus universi iuris*, edited and published by Francisco Zilettus from 1584-1586 in Venice, under the direction of Pope Gregory XIII. By contrast, the late-fourteenth century canonist John of Legnano's short treatise on tithes survives in just one manuscript witness and has not been printed.³ I find few manuscript copies and no printings of a brief *consilium* on tithes by theologian and vice-chancellor of Cologne Henry of Gorkum (1378-1431), who was a well-known commentator on Thomas Aquinas.⁴ Twenty-five manuscript copies survive of a treatise on tithes by the Dominican Antonino Pierozzi, archbishop of Florence from 1446, but it was likewise never printed.⁵ Slightly later works on tithes, such as the *De caritativo subsidio et decima beneficiorum* of Bartholomaeus de Bellencinus (1428-1478), are of little use for comparison with *De decimis* because they went directly into print and do not seem to have had any substantial transmission as manuscripts.⁶ I know of no other early-fifteenth-century on tithes as successful as Escobar's.

² Kommission für den Gesamtkatalog der Wiegendrucke, *Gesamtkatalog der Wiegendrucke*, vol. 2 (Leipzig: K. W. Hiersemann, 1925-1938). 01856, 2 Sp.245a, 2 Sp.245b, 2 Sp.245c.

³ John P. McCall, "The Writings of John of Legnano with a List of Manuscripts," *Traditio* 23 (1967): 421.

⁴ M. Gerwing, "Heinrich v. Gorkum," in *Lexikon des Mittelalters*, vol. 4 (Stuttgart: J.B. Metzler, 1999), col. 2092; Denis R. Janz, "Thomism," *The Oxford Encyclopedia of the Reformation* (Oxford: Oxford University Press, 1996).

⁵ Charles-Marie de La Roncière, "Antoninus of Florence," *Encyclopedia of the Middle Ages* (Cambridge: James Clarke, 2002); Thomas Käppeli, *Scriptores ordinis Praedicatorum Medii Aevi*, vol. 1 (Rome: Istituto Storico Domenicano, 1970), 86-87.

The remainder of Escobar's treatises were printed only later, or not at all. His treatise on the Talmud was never printed, despite surviving in more copies than some anti-Talmudic treatises that did make it into print. The *converso* Pedro de Caballeria's 1450 *Zelus Christi contra Iudeos, Sarracenos, et Infideles*, for instance, is known from just one manuscript copy, but also exists in a 1592 edition printed in Venice.⁷ I could find no manuscript witnesses for *De Judaeis erroribus ex Talmuth*, the anti-Talmudic treatise of Tortosa's chief Christian disputant, Géronimo de Santa Fé. Nonetheless, between 1552 and 1618 it was printed at least four times, together with another of Santa Fe's treatises, under the title *Hebraeomastyx*.⁸ The *Gubernaculum conciliorum* was not printed until 1700, as part of Hermann von der Hardt's *Magnum oecumenicum Constantiense concilium*. Here, comparison with contemporary works is difficult. Nicholas of Cusa's *De concordantia catholica* would be a natural comparison, but enormous contemporary scholarly attention and the consequent ocean of secondary literature makes it difficult to assess the esteem in which the work was held in the fifteenth and sixteenth centuries. I could not identify more than about a dozen manuscript witnesses of the work in a cursory survey, and no early printed editions. The conciliar treatises of Juan de Segovia, who also supplies the most complete contemporary account of the Council of Basel, languished in obscurity until the nineteenth century. Denise Kawasaki suggests that the 1459 condemnation of conciliarism by Pius II (*né*

⁶ Bartholomaeus de Bellencinus, *De caritativo subsidio et decima beneficiorum* (Modena: Antonio Miscomini and Dominicus Rocociolus, 1489).

⁷ Núria Gómez Llauger, "Auctor et auctoritas en el tratado «Zelus Christi contra Iudaeos, Saracenos et Infideles» de Pedro de la Cavallería," in *Auctor et auctoritas in Latinis Medii Aevi litteris*, ed. Edoardo D'Angelo and Jan Ziolkowski, MediEVI 4 (Proceedings of the VI Congress of the International Medieval Latin Committee, Florence: International Medieval Latin Committee, 2014), 423.

⁸ Meyer Kayserling, "Ibn Vives Al-Lorqui (of Lorca), Joshua Ben Joseph," *The Jewish Encyclopedia* (New York: Funk and Wagnalls, 1912).

Aeneas Sylvius Piccolominus) had a significant chilling effect on scholarly attention to and publication of pro-conciliar works in subsequent centuries.⁹ This may explain why manuscript copies and printed editions of all such works, including Escobar's, are rare. The obscurity of *De Graecis errantibus* is probably attributable to Escobar's disgrace and the seizure of his remaining books. A treatise on the union with the Greeks by his contemporary, Juan de Torquemada, still survived in many manuscripts when it was first edited, like *De Graecis errantibus*, by Emmanuel Candal.¹⁰

The topics of his treatises are sufficiently diverse as to defy easy categorization, but all are united by Escobar's concern with unity of the Church and of Christendom. In Escobar's moral theology, intellect holds the central place. Moral behavior followed from right knowledge, which was provided by teaching of the sort he was authorized both by training and by office to give. However, correct teaching depended on the guarantee of doctrinal infallibility that the Holy Spirit conferred on only a united Church. This underlying moral theology potentially explains how Escobar could have written both *Gubernaculum conciliorum* and *De Graecis errantibus* in sincerity although they express such opposing views of conciliar versus papal authority. The Council of Basel initially appeared to represent a unified Church, and thus to possess the guarantee of doctrinal infallibility, perhaps convincing sincere observers of the merits of the pro-conciliar arguments. However, its intransigence, especially with respect to compromising with the Greek delegation in order to secure negotiations toward union, began to undermine its claims

⁹ Denise Hackett Kawasaki, "The Castilian Fathers at the Council of Basel" (Ph.D., University of Wisconsin-Madison, 2008), 4–5.

¹⁰ Juan de Torquemada, *Apparatus super decretum Florentinum unionis Graecorum. Ad fidem manuscriptorum edidit, introductione, notis, indicibus ornavit Emmanuel Candal*, ed. Emmanuel Candal (Rome: Pontificium Institutum Orientalium Studiorum, 1942).

to represent the unified Church. Basel's failure to pursue union could have led Escobar to return to a position closer to that of his earlier *Colles reflexi*, emphasizing unity of the Church through the leadership of a single, undisputed pastor. This hypothesis is all the more plausible because Nicholas of Cusa (1401-64) followed a parallel course, writing the pro-conciliar *De concordantia catholica* in 1433 but then shifting his allegiance to Eugenius IV in order to help secure union with the Greek Church.¹¹ A moral theology that so emphasized unity of the Church enables us to see Escobar's defection from the conciliar cause, like Nicholas of Cusa's, as principled rather than opportunistic.

Escobar did attempt to assert control over his texts, primarily by asserting his authority as a master of theology and instructing readers about how to use his treatises. Manuscript evidence shows that his authorial colophons and the integrity of his text were usually preserved, though his intended textual divisions frequently were not. Readers also appear to have been largely receptive to Escobar's cues about how to read and understand his works. Escobar instructed parish clergy to use *De decimis* as an aid to preaching and confession and its reception, as is evident both in ownership inscriptions and in the fact that it was collected predominantly with pastoral works and preaching aids, closely aligns to his expressed intentions. The manuscript context of his other treatises demonstrates a similar correlation between Escobar's intentions and the perceived genre and purpose of his works.

Codicological evidence demonstrates that just one of Escobar's treatises, the *De decimis*, benefited from circulation in the tract form. The fact that this was also by far the most successful

¹¹ Donald F. Duclow, "Nicholas of Cusa (Cusanus)," in *The Oxford Dictionary of the Middle Ages*, ed. Robert E. Bjork (Oxford: Oxford University Press, 2010); E. A. Livingstone, ed., *Oxford Concise Dictionary of the Christian Church*, 2nd rev. (Oxford: Oxford University Press, 2006), s.v. Nicholas of Cusa.

of his treatises clearly illustrates the potential of the tract to multiply copies of a work. The success of *De decimis* also, however, suggests that the tract form has no necessary relationship with topics of particular current urgency. The fate of *Colles reflexi*, which has no surviving witnesses, may demonstrate that once the immediate circumstance to which it responded had passed, it was no longer perceived as being of value. Escobar responded to other current events, like Jewish-Christian public disputations and negotiations to re-unite with the Greek church, not with short tracts, but with long and comprehensive works that generated little response or distribution. It was his most general and broadly applicable, as well as shortest, treatise that garnered greatest response. While it could be argued that Escobar failed to appreciate the potential of the tract in responding to topics of current interest, and this is surely true, it would not explain why the least current of his treatises achieved greatest success.

The church councils at Constance, Basel, and Ferrara-Florence played a role in the copying and transmission of Escobar's treatises, but were of far less importance than were educated German priests and the Melk reform congregation. Treatises that were primarily disseminated via the councils, like *Gubernaculum conciliorum* and *De Graecis errantibus*, were relatively unsuccessful. Many copies of the *De decimis* have inscriptions showing priestly ownership, and they are collected overwhelmingly with pastoral treatises and preaching aids. Some of these copies were subsequently donated to or acquired by Benedictine houses in the reforming Melk congregation. The provenance of many other copies can be traced no earlier than Melk congregation libraries, which were an important network for copying and distribution, including in tract form. The pattern of distribution and ownership of copies of *De decimis* demonstrates an interrelationship between these reformed religious houses and a relatively new reading public of

educated rank-and-file priests in German-speaking territories. Furthermore, while an authorial colophon found in most copies of *De decimis* states that it was published at Rome in 1425 at the Church of San Lorenzo Damaso, presumably implying a public reading, two of Escobar's less successful works, the *Gubernaculum conciliorum* and *De Graecis errantibus*, appear to have had no such publication event and are dedicated to specific patrons.

Manuscript annotations and corrections also show that Escobar's reading public was actively engaged with his treatises, with the level of engagement corresponding loosely to the success of the treatise. Copies of *De decimis* demonstrate great frequency of correction and annotation, as do the *Gubernaculum conciliorum*. The *De publicatione haeresum contentarum in libro Talmut* and *De Graecis errantibus* show the least correction and annotation. Patterns of annotation, moreover, tend to support the impression that *De decimis* was often used as a preaching aid, and that readers not only found it useful, but attempted to render it even more useful through marginal summaries of various sections and even appending an additional summary of eight conclusions in many copies.

Escobar was aware of humanistic trends, and regularly in contact with humanists and their patrons, but we find in his treatises no influence of this milieu. This should not surprise us. We know nothing of where he received his education before the University of Vienna, but at least some of it no doubt took place in Dominican *studia*. Escobar was scarcely likely to have imbibed humanist thought during his theology studies in Vienna. The evidence of his writings suggests that he was educated in a traditional mode, as indeed were most of his contemporaries in the papal curia, even those who were influential patrons of humanists.¹² The writings of the humanist

¹² Elizabeth McCahill, *Reviving the Eternal City: Rome and the Papal Court, 1420-1447*, I Tatti Studies in Italian Renaissance History (Cambridge, Mass.: Harvard University Press, 2013), 45–46.

patron with whom Escobar had most contact, Cardinal Giordano Orsini, demonstrate little humanist influence, a fact which Erich König attributed to his education and the contemporary urgency of theological and canonistic issues in the early-fifteenth-century curia.¹³ Yet, Escobar translated a collection of religious poetry and hymns from the Florentine dialect into the Portuguese vernacular, a project that seems to show some affinity with humanistic ideas in literature. The lack of humanist characteristics in Escobar's treatises reflects the fact that he was educated when still-nascent humanistic scholarship had little influence outside Italy or upon the study and practice of theology.

The conclusions reached in this study invite a number of other questions and directions for further research into the tract form, the role of the public intellectual, and Escobar's involvement in conciliarism and early fifteenth-century Jewish-Christian relations. While confirming the general thesis that employment of the tract form greatly increased the copying and distribution of a work, Escobar's case does not seem to strongly support the notion that the tract is a distinct genre, or that its primary utility was for timely intervention into debates of current interest. Escobar's confessional manuals, at least one of which is quite brief, were far more widely distributed than all his treatises with the possible exception of *De decimis*. These confessional works were excluded from the scope of this study, however, because they had no polemical or persuasive character and thus did not fit the working definition of the tract as a genre. Textual and codicological study of Escobar's confessional works might clarify whether the tract should be regarded as a distinct genre or simply as a physical form, a distinct subtype of the manuscript codex. Further comparative studies of the careers and works of other contemporary theologians

¹³ Erich König, *Kardinal Giordano Orsini (†1438): ein Lebensbild aus der Zeit der grossen Konzilien und des Humanismus* (Freiburg im Breisgau: Herder, 1906), 84.

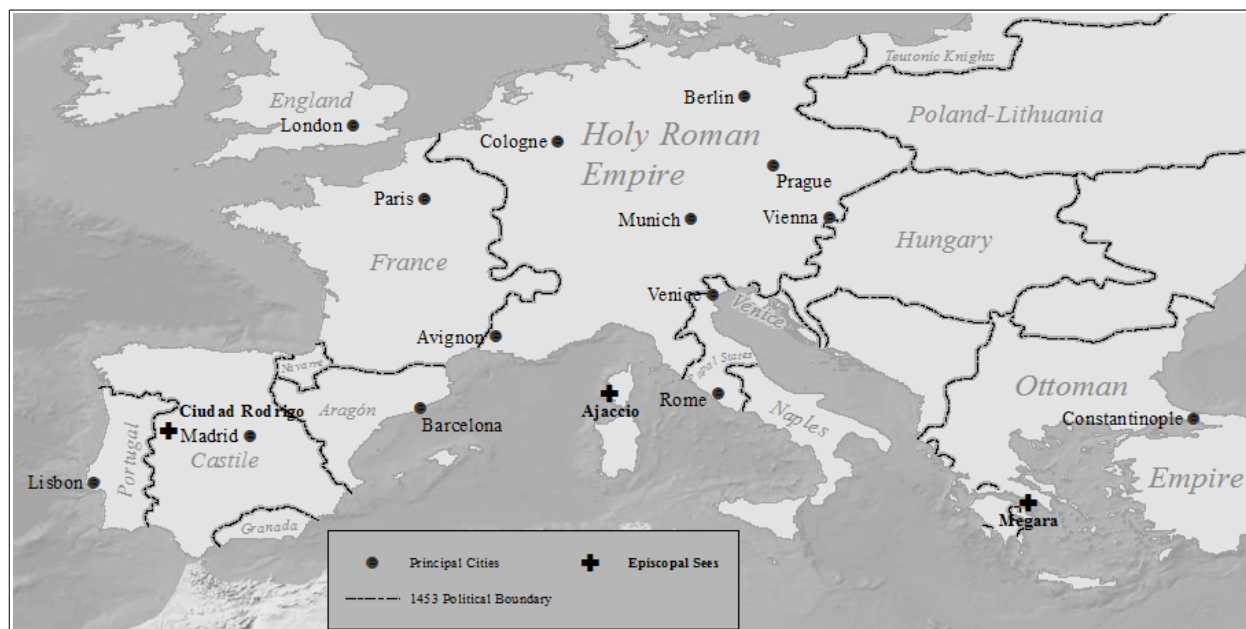
should also be conducted, both to consider the definition of the tract and to further understanding of the extent to which theologians functioned as public intellectuals. Comparative study with the careers and works of other educated figures like doctors of law should also be considered to refine our understanding of the role of the public intellectual. Furthermore, this study has scarcely touched on the question of how and why such a role should have emerged at this particular historical moment. Certainly, the crisis of papal authority and the emergence of new reading publics are important correlative developments, but further research is necessary to clarify the interrelationships between these and other late-medieval social and intellectual changes. Escobar's authorship of *Gubernaculum conciliorum* is key to his reputation as a conciliar thinker, and should be further researched. The primary basis for ascribing that authorship rests upon the title rubrics in manuscript copies, so it would be very desirable to determine which of these title rubrics are scribal and which post-scribal. Computer-assisted comparison of *Gubernaculum conciliorum*'s vocabulary with that of Escobar's other works could also be helpful. Finally, Escobar's involvement in the early-fifteenth-century Jewish-Christian public disputations, and in the deterioration of Jewish-Christian relations generally, deserves further study. His *De publicatione haeresum contentarum in libro Talmut*, though unremarkable in many other respects, is apparently a unique witness to anti-Judaic persecution in Savoy and the early policies of the future Basilean anti-pope Felix V. The relationship of this treatise to other anti-Judaic texts should also be examined, because Chenmelech Merchavia has raised the possibility that it is an independent witness to arguments used the Disputation of Tortosa.¹⁴ The precise chronology and causes of the deterioration in fifteenth-century Jewish-Christian relations

¹⁴ Chenmelech Merchavia, "A Spanish Latin MS Concerning the Opposition to the Talmud at the Beginning of the Fifteenth Century [Hebrew]," *Ḳiryat Sefer*, no. 45 (1970): 271–86; 590–606.

is still a subject of considerable scholarly disagreement, so a better understanding of Escobar's activities and writing in this area should be of considerable interest.

This dissertation contributes to an ongoing rehabilitation of the early fifteenth century in the master narrative of European history. Contrary to the traditional view of late medieval Europe (apart from Italy) as a culture in decline, this study stands alongside those of other recent scholars in affirming the early fifteenth century as generating creative responses to the tensions engendered by ecclesiastical controversies, increasing lay piety, and expanding literacy. While Escobar's role as a public intellectual was compromised by his limited use of the opportunities provided by developments in late manuscript culture, he nonetheless entered into ecclesial and other debates both orally and in writing, resting his authority largely upon his academic credentials. This dissertation finds that even a theologian afflicted by financial difficulties and political intrigues, and largely preoccupied with juggling multiple, sometimes conflicting, abbatial, episcopal, and curial responsibilities, could take advantage of a new written form to successfully reach a new reading public. These findings add to the accumulating body of evidence that the cultural transformation effected by print largely capitalized on pre-existing developments in manuscript culture.

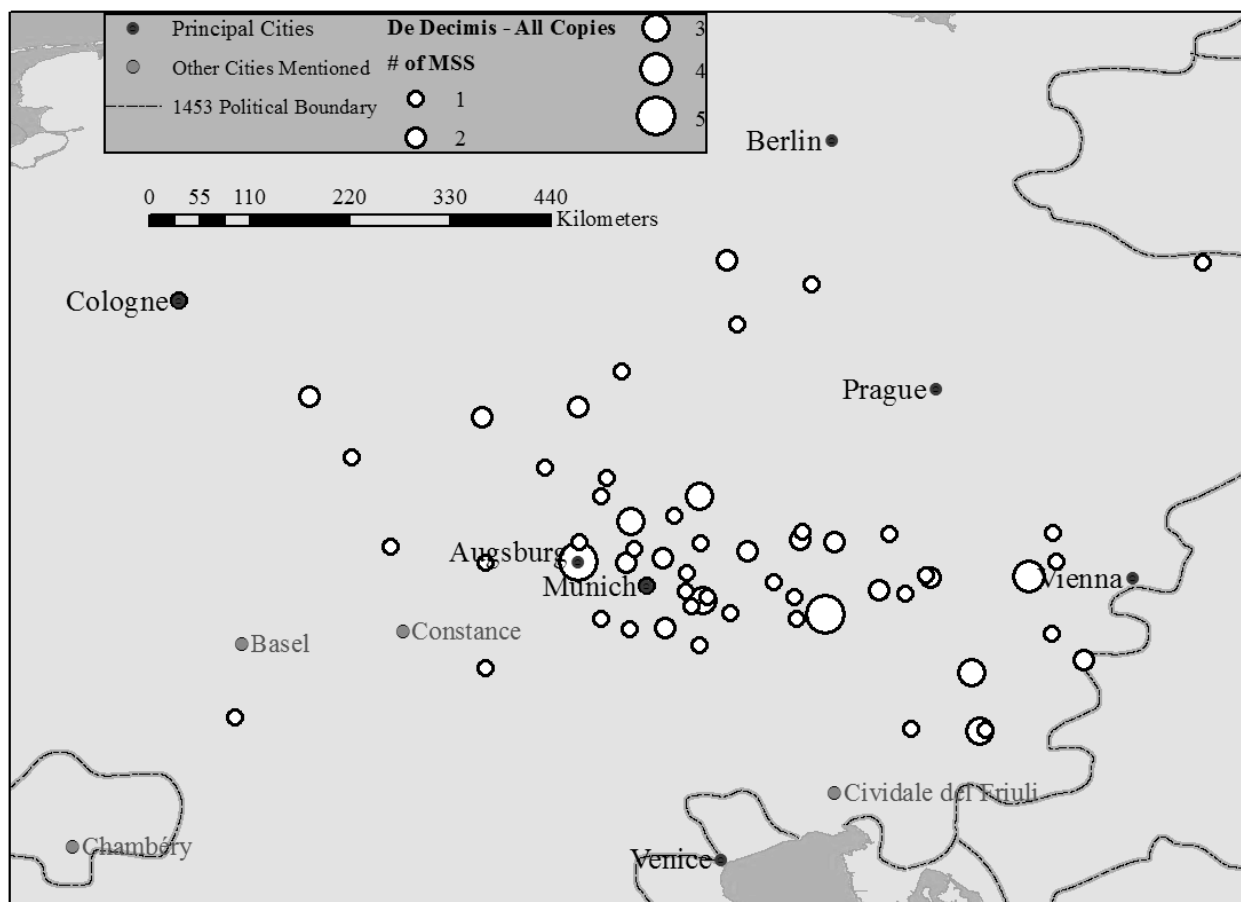
MAPS AND TABLES



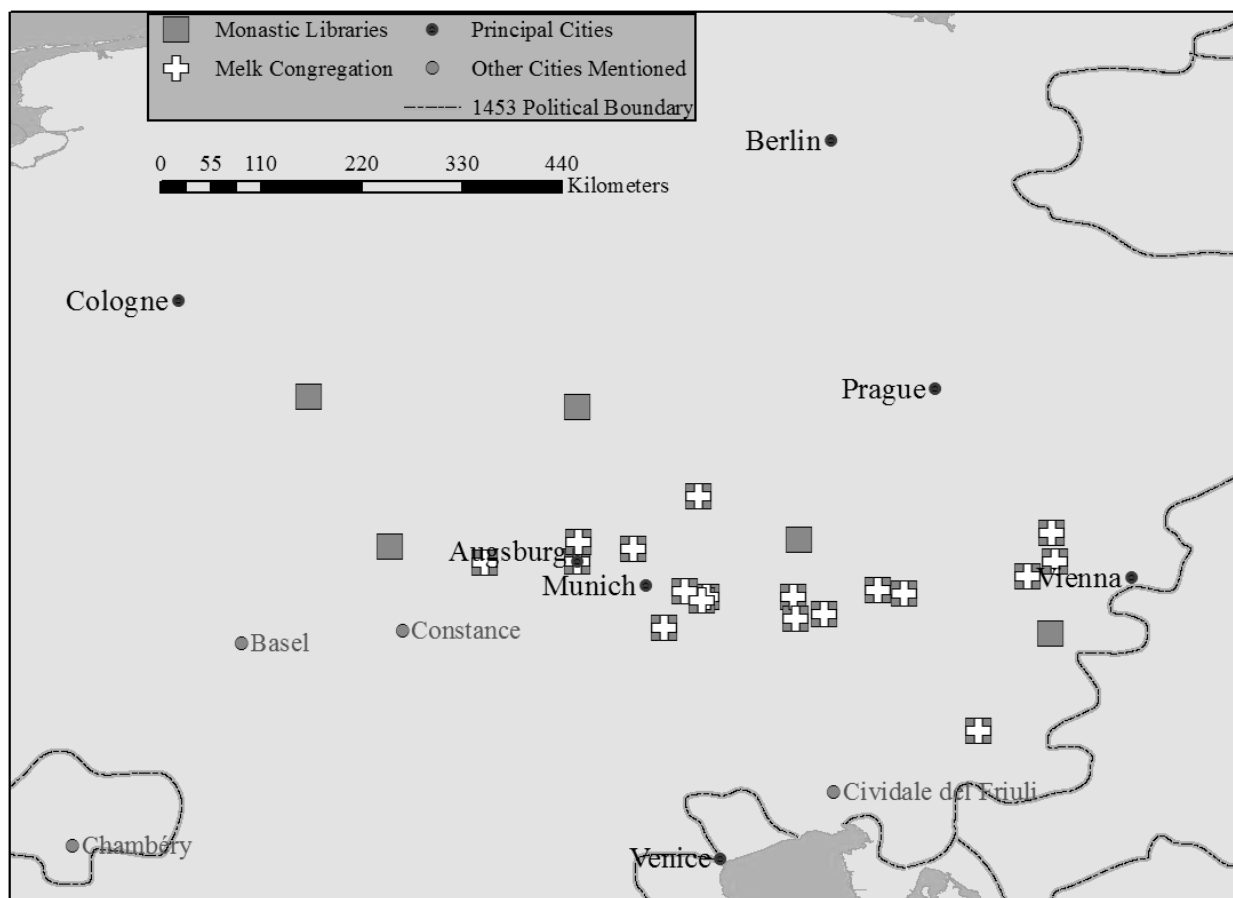
Map 1: Map of principal cities and Escobar's episcopal sees.



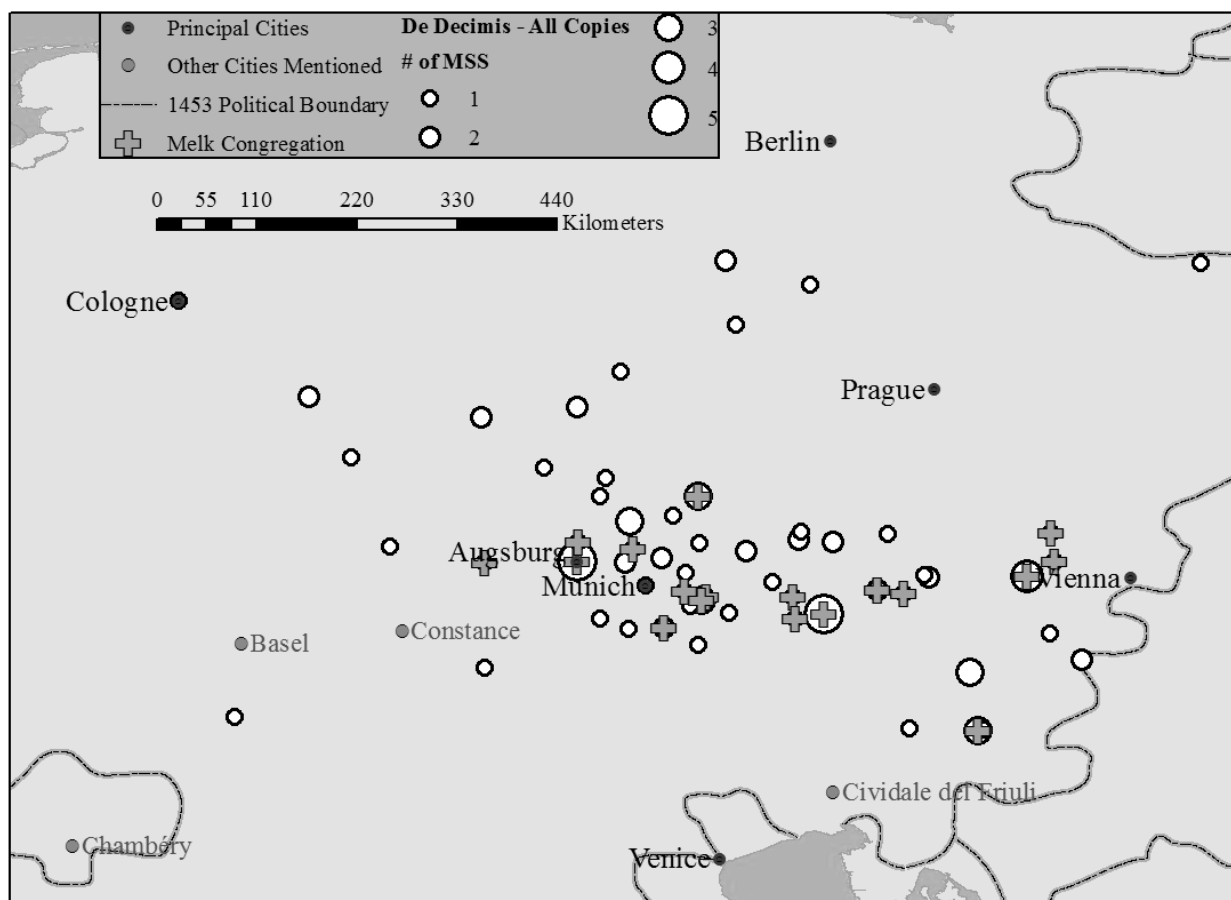
Map 2: Map of Escobar's commendatory monasteries.



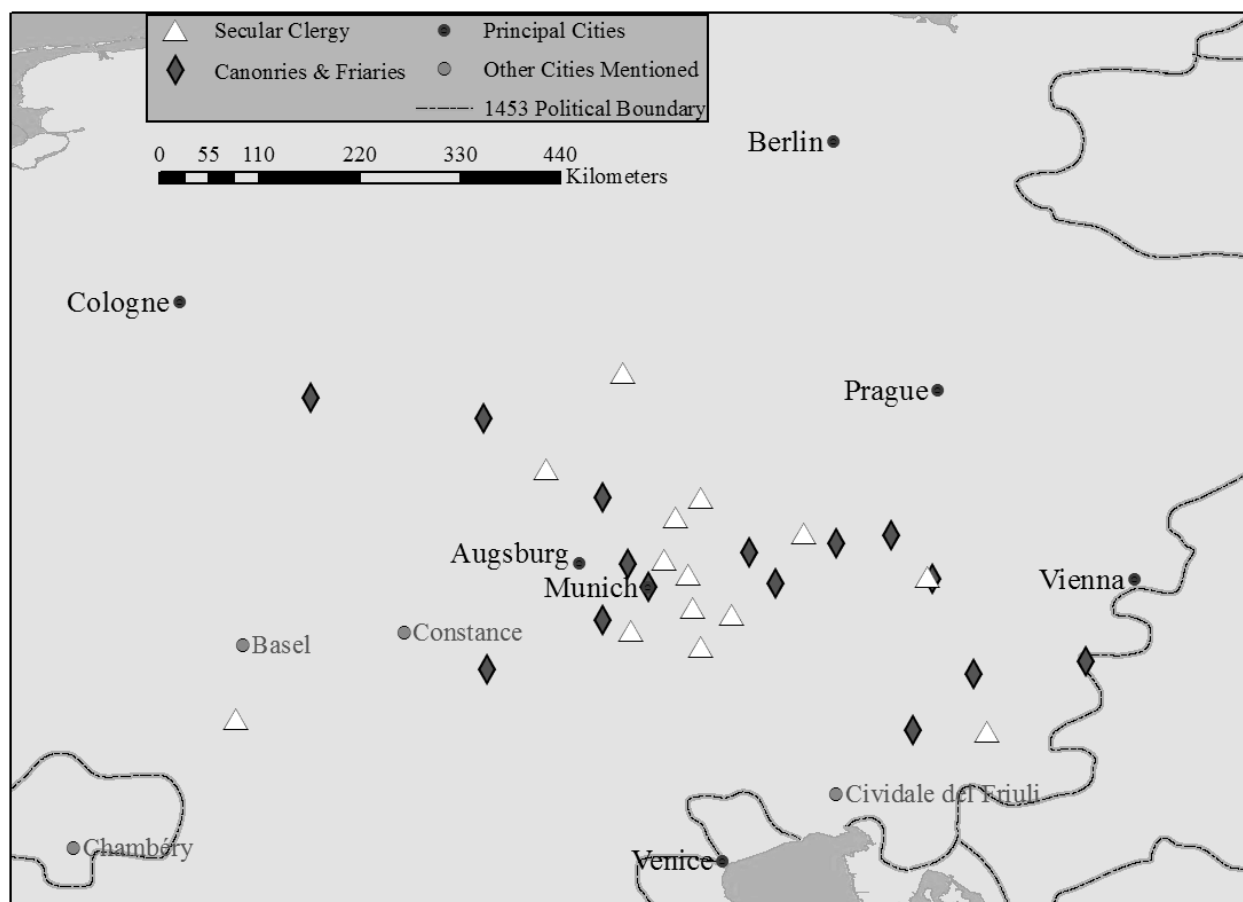
Map 3: Distribution of earliest known owners of copies of *De decimis* (excluding Cardiff).



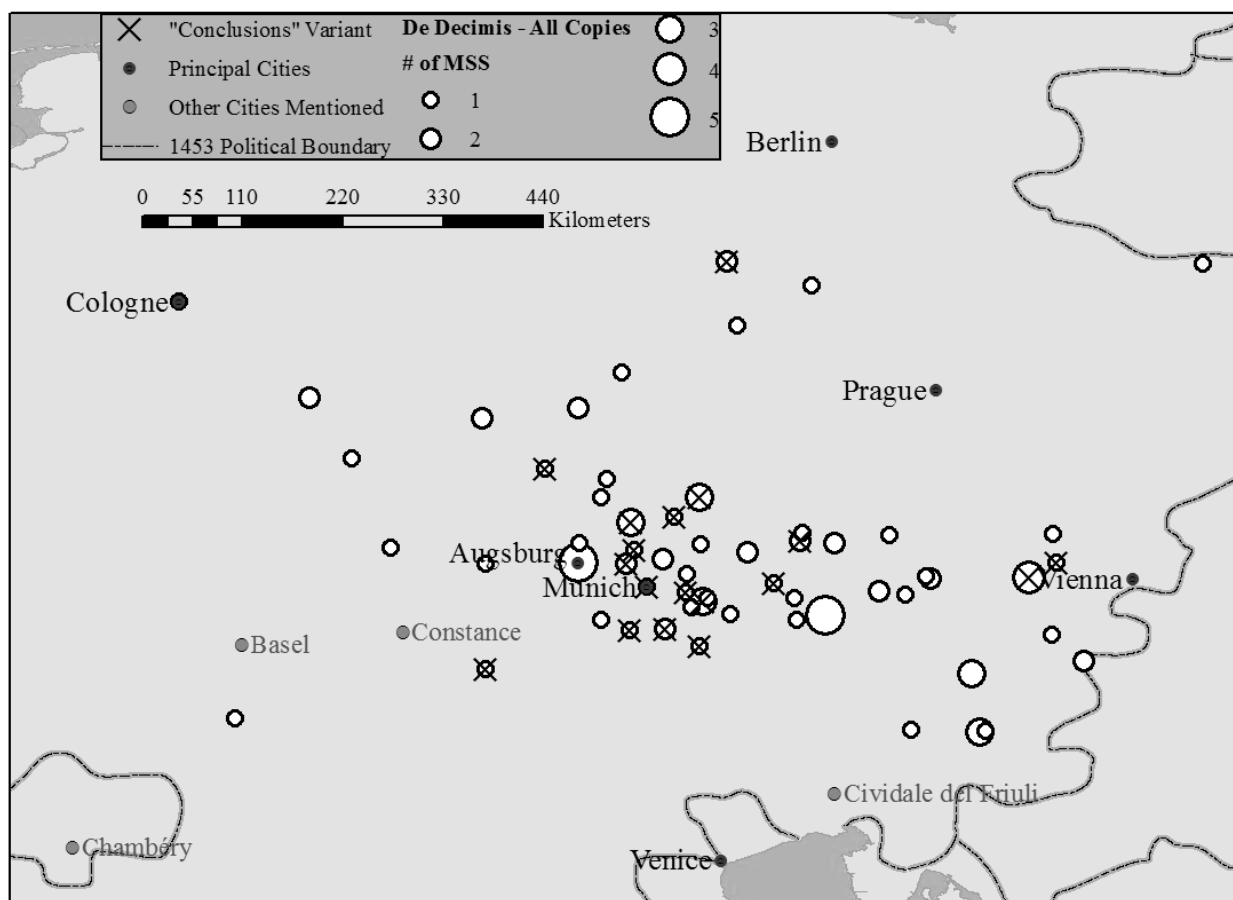
Map 4: Distribution of *De decimis* copies owned by all monastic libraries and Congregation of Melk libraries.



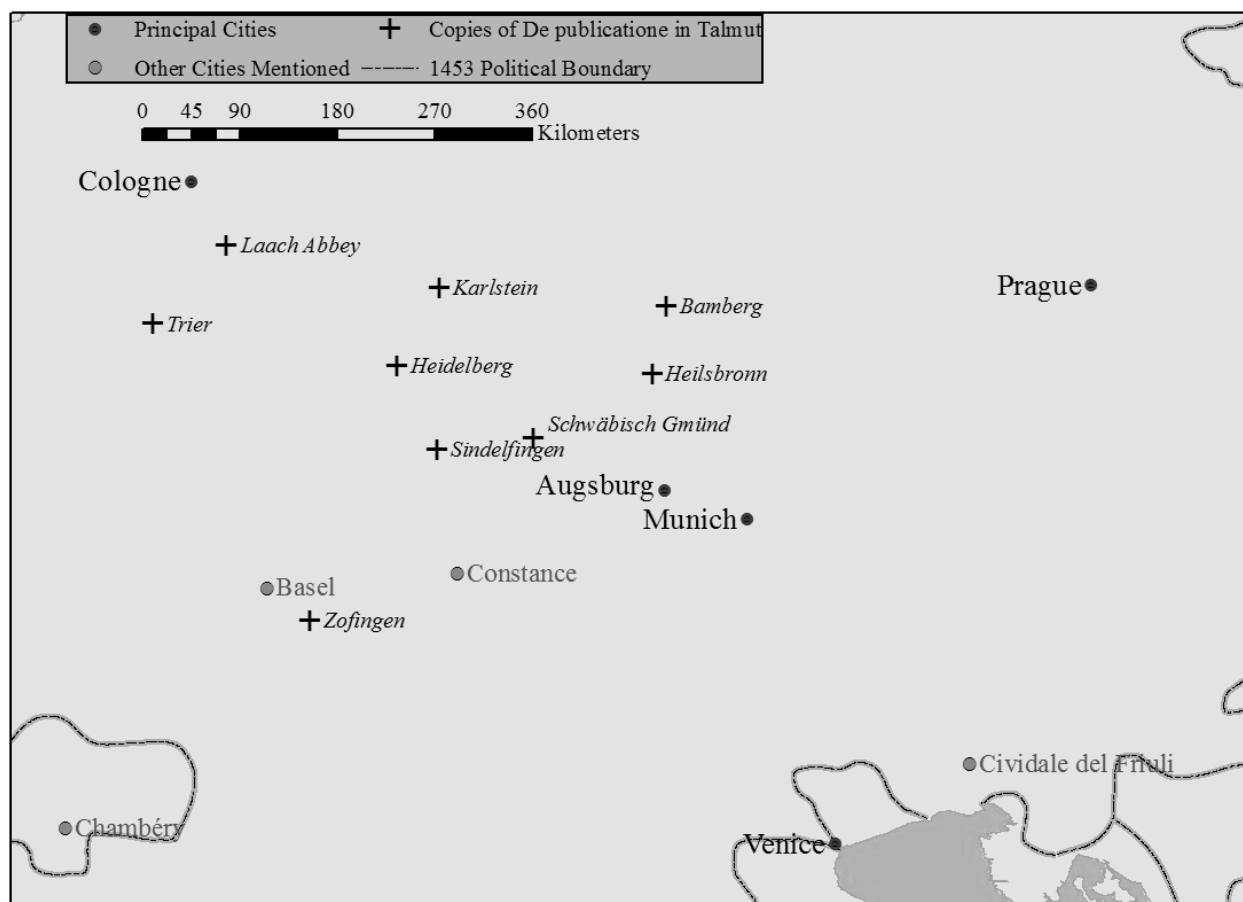
Map 5: Distribution of all copies of *De decimis* compared to those owned by Congregation of Melk libraries.



Map 6: Distribution of copies of *De decimis* owned by secular clergy, canons regular, and friars.



Map 7: Distribution of all copies of *De decimis* compared to distribution of the "conclusions" variant.



Map 8: Distribution of copies of *De publicatione haeresum contentarum in libro Talmut*.

WORKS CITED

Manuscripts

- Bamberg, Staatsbibliothek Bamberg, MS Msc. theol. 107
- Barcelona, Archivo Capitular de La Santa Iglesia Catédral, MS Cod. 16
- Eichstätt, Eichstätt Universitätsbibliothek, MS Cod. St 470
- Einsiedeln, Stiftsbibliothek des Klosters Einsiedeln, MS cod. 224
- Erlangen, Universitätsbibliothek Erlangen-Nürnberg, MS Cod. 542
- Lambach, Stiftsbibliothek Lambach, MS Cod. Lambacensis Chartaceus 131
- London, British Library, MS Add. 38787
- Melk, Stiftsbibliothek, MS Codex Mellicensis 824
- Munich, Bayerische Staatsbibliothek, MS Clm 3238
- Munich, Bayerische Staatsbibliothek, MS Clm 4687
- Munich, Bayerische Staatsbibliothek, MS Clm 12296
- Munich, Bayerische Staatsbibliothek, MS Clm 14232
- Munich, Bayerische Staatsbibliothek, MS Clm 15543
- Munich, Bayerische Staatsbibliothek, MS Clm 15561
- Munich, Bayerische Staatsbibliothek, MS Clm 17510
- Munich, Bayerische Staatsbibliothek, MS Clm 19539
- Munich, Bayerische Staatsbibliothek, MS Clm 23978
- Munich, Bayerische Staatsbibliothek, MS Clm 27458
- Munich, Universitätsbibliothek, MS Fol. 63

Nuremberg, Stadtbibliothek Nürnberg, MS Inc. 469 fol.

Philadelphia, University of Pennsylvania Rare Book & Manuscript Library, MS Codex 1215

Vatican, Biblioteca Apostolica Vaticana, MS Ott. Lat. 983

Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 1026

Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4067

Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4117

Vatican, Biblioteca Apostolica Vaticana, MS Vat. Lat. 4953

Vienna, Österreichische Nationalbibliothek, MS CVP 3746

Vienna, Österreichische Nationalbibliothek, MS CVP 4139

Primary Sources and Editions

Alphonse, Peter. *Dialogi*. Edited by J-P Migne, PL 47.

Archbishop of Ragusa [Giovanni Dominici?]. “Inaquosa.” In *Nemus unionis*, edited by Dietrich of Nieheim, 4:304–51. Strasbourg: L. Zetzneri, 1609.

Bellencinus, Bartholomaeus de. *De caritativo subsidio et decima beneficiorum*. Modena: Antonio Miscomini and Dominicus Rocociolus, 1489.

Bruni, Leonardo. *Rerum suo tempore in Italia gestarum commentarius*. Lyon: Seb. Gryphius, 1539.

Dietrich von Nieheim. *Nemus unionis*. Edited by Simon Schard. Vol. 4. Strasbourg: L. Zetzneri, 1609.

Escobar, Andreas de. “Colles reflexi.” In *Nemus unionis*, edited by Dietrich von Nieheim, 4:352–80. Strasbourg: L. Zetzneri, 1609.

———. *De decimis*. Edited by Francisco Ziletti. Venice, 1584.

———. *Gubernaculum conciliorum*. Edited by Hermann von der Hardt. Helmstadt: Salomon Schnorr, 1700.

- . *Tractatus polemico-theologicus de Graecis errantibus*. Edited by Manuel Candal. Concilium Florentinum, Documenta et Scriptores IV-1. Rome-Madrid: Pontificium Institutum Orientalium Studiorum, 1952.
- Gall, Franz, ed. *Die Matrikel der Universität Wien I: 1337-1450*. Quellen zur Geschichte der Universität Wien, I. Graz: Böhlau, 1954.
- Gregory IX. “Archiepiscopis per Regnum Francie Constitutis.” Edited by Solomon Grayzel. *The Church and the Jews in the XIIIth Century*, June 9, 1239.
- Gregory the Great. *Moralia in Job*, PL 75-76.
- Hoffmann, Georg. *Fragmenta protocolli, diari privata, sermones*. Vol. III, fasc. II. Concilium Florentinum, Documenta et Scriptores, Series A. Rome: Pontificium Institutum Orientalium Studiorum, 1951.
- Hostiensis (Henry of Susa). *Summa Aurea*. Vol. 3. 5 vols. Venice, 1574.
- Pacios Lopez, Antonio, ed. *La Disputa de Tortosa, 2: Actas*. Madrid: Instituto Arias Montano, 1957.
- Tertullian. *Tertullian's Homily on Baptism*. Edited and translated by Ernest Evans. London: S.P.C.K., 1964.
- Torquemada, Juan de. *Apparatus super decretum Florentinum unionis Graecorum. Ad fidem manuscriptorum edidit, introductione, notis, indicibus ornavit Emmanuel Candal*. Edited by Emmanuel Candal. Rome: Pontificium Institutum Orientalium Studiorum, 1942.

Secondary Works

- Academia Caesarea Vindobonensis. *Tabulae codicum manu scriptorum praeter Grecos et Orientales in Bibliotheca Palatina Vindobonensi asservatorum*. Vol. III. Vienna: Caroli Geroldi Filius, 1869.
- Achten, Gerard. *Die theologischen lateinischen Handschriften in Quarto der Staatsbibliothek Preussischer Kulturbesitz Berlin*. Vol. 1. Wiesbaden: Harrassowitz, 1979.
- Allen, Stephen A. “Escobar, Andrés (Andreas) de (1367-c. 1439).” Edited by Clayton J. Drees. *The Late Medieval Age of Crisis and Renewal, 1300-1500: A Biographical Dictionary*. Westport, Conn.: Greenwood Press, 2001.

- Antonio, Nicolás. *Bibliotheca Hispana vetus sive Hispani scriptores qui ab Octaviani Augusti aevo ad annum Christi MD. floruerunt*. Vol. 2. Madrid: Herederos de Joaquín Ibarra, 1788.
- Barbosa Machado, Diôgo. *Bibliotheca Lusitana historica, critica, e cronologica*. Vol. 1. Lisbon: Antonio Isidoro da Fonseca, 1741.
- Bardelle, Thomas. *Juden in einem Transit- und Brückenland: Studien zur Geschichte der Juden in Savoyen-Piemont bis zum Ende her Herrschaft Amadeus VIII*. Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen 5. Hannover: Hahnsche, 1998.
- Bataillon, Louis Jacques. "Distinctions, Biblical." Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- Benart, Haim. "Disputation of Tortosa." Edited by Cecil Roth. *Encyclopedia Judaica*. New York: Macmillan, 2007.
- Black, Antony. *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage*. London: Burns & Oates, 1979.
- . *Political Thought in Europe, 1250-1450*. Cambridge: Cambridge University Press, 1992.
- Blunt, John Henry. *Dictionary of Doctrinal and Historical Theology*. London: Rivingtons, 1872.
- Boureau, Alain. "Golden Legend." Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- Brandmüller, Walter. *Das Konzil von Pavia-Siena, 1423-1424*. 2 vols. Vorreformationsgeschichtliche Forschungen 16. Münster: Aschendorff, 1968-1974.
- Briggs, Charles F. "Literacy, Reading, and Writing in the Medieval West." *Journal of Medieval History* 26, no. 4 (2000): 397–420.
- Chazan, Robert. *Barcelona and beyond: The Disputation of 1263 and Its Aftermath*. Berkeley, Calif.: University of California Press, 1992.
- . "Tortosa, Disputation of." In *The Oxford Dictionary of the Jewish Religion*, edited by Adele Berlin and Maxine Grossman. Oxford: Oxford University Press, 2011.
- Cohen, Jeremy. *The Friars and the Jews: The Evolution of Medieval Anti-Judaism*. Ithaca, N.Y.: Cornell University Press, 1982.
- Cottineau, Laurent Henri. *Répertoire topo-bibliographique des abbayes et prieurés*. Mâcon: Protat frères, 1935.

- Courtenay, William J. "The Course of Studies in the Faculty of Theology at Paris in the Fourteenth Century." In *"Ad Ingenii Acuitionem": Studies in Honour of Alfonso Maierù*, edited by Stephan Caroti, Ruedi Imbach, Zenón Kaluza, Loris Sturlese, and Giorgio Stabile, 67–92. FIDEM: Textes et études du Moyen Âge 38. Louvain-la-Neuve: Collège Cardinal Mercier, 2006.
- Creighton, Mandell. *A History of the Papacy from the Great Schism to the Sack of Rome*. Second ed. 6 vols. London: Longmans, Green, and Co., 1897-1923.
- Crowder, C. M. D. *Unity, Heresy and Reform, 1378-1460: The Conciliar Response to the Great Schism*. New York: St. Martin's Press, 1977.
- Daileader, Philip. *Saint Vincent Ferrer, His World and Life: Religion and Society in Late Medieval Europe*. The New Middle Ages. New York: Palgrave Macmillan, 2016.
- Dessi, Rosa Maria. "John Dominici." *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- Díaz y Díaz, Manuel C. *Hispanorum index scriptorum Latinorum medii posteriorisque aevi: Autores Latinos peninsulares da época dos descobrimentos (1350 - 1560)*. HISLAMPA: Hispanorum index scriptorum Latinorum medii posteriorisque aevi. Lisboa: Imprensa Nacional-Casa da Moeda, 1993.
- Duby, Georges. *The Three Orders: Feudal Society Imagined*. Translated by Arthur Goldhammer. Chicago: University of Chicago Press, 1982.
- Duclow, Donald F. "Nicholas of Cusa (Cusanus)." In *The Oxford Dictionary of the Middle Ages*, edited by Robert E. Bjork. Oxford: Oxford University Press, 2010.
- "Eduard (Duarte), Kg. v. Portugal." *Lexikon des Mittelalters*. Stuttgart: Verlag J.B. Metzler, 1999.
- Eisenstein, Elizabeth L. *The Printing Revolution in Early Modern Europe*. Second ed. Cambridge: Cambridge University Press, 2005.
- Elbl, Martin Malcolm, and Ivana Elbl. "The Private Archive (Carteggio) of Abbot Dom Fr. Gomes Eanes (Badia Di Firenze) – An Analytical Catalogue, with Commentary, of Codex Ashburnham 1792 (Biblioteca Medicea Laurenziana, Florence), Part One." *Portuguese Studies Review* 21, no. 1 (2013): 19–151.
- Erler, Georg. *Dietrich von Nieheim: sein Leben und sein Schriften*. Leipzig: Dürr, 1887.
- Eschmann, I. T. "A Catalogue of St. Thomas's Works." In *The Christian Philosophy of Thomas Aquinas*, edited by Etienne Gilson, 381–439. New York: Random House, 1956.

- Eubel, Konrad. *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1198 usque ad annum 1431 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*. Second ed. Münster: Librariae Regensburgianae, 1913.
- . *Hierarchia catholica medii aevi, sive Summorum pontificum, S.R.E. cardinalium, ecclesiarum antistitum series ab anno 1431 usque ad annum 1503 perducta e documentis tabularii praesertim Vaticani collecta, digesta, edita*. Second ed. Münster: Librariae Regensburgianae, 1914.
- Finke, Heinrich. *Acta Concilii Constanciensis*. Vol. 2. Münster: Regensbergsche Buchhandlung, 1923.
- Fischer, Hans. *Katalog der Handschriften der Universitätsbibliothek Erlangen. 2. Band: Die Lateinischen Papierhandschriften*. Erlangen: J. M. Reindl, 1936.
- García y García, Antonio. *Estudios sobre la canonística portuguesa medieval*. Madrid: Fundacion Universitaria Española, 1976.
- . “La canonística ibérica posterior al Decreto de Graciano (I).” *Repertorio de historia de las ciencias eclesiásticas en España* 1 (1967): 397–434.
- . “La canonística ibérica posterior al Decreto de Graciano (III).” *Repertorio de historia de las ciencias eclesiásticas en España* 5 (1976): 351–402.
- Gerwing, M. “Heinrich v. Gorkum.” In *Lexikon des Mittelalters*, 4:col. 2092. Stuttgart: J.B. Metzler, 1999.
- Gómez Llauger, Núria. “Auctor et auctoritas en el tratado «Zelus Christi contra Iudaeos, Saracenos et Infideles» de Pedro de la Cavallería.” In *Auctor et auctoritas in Latinis Medii Aevi litteris*, edited by Edoardo D’Angelo and Jan Ziolkowski, 423–33. MediEVI 4. Florence: International Medieval Latin Committee, 2014.
- Green, Jonathan. “Reading in the Dark: Lost Books, Literacy, and Fifteenth-Century German Literature.” *Seminar: A Journal of Germanic Studies* 52, no. 2 (May 2016): 134–54.
- Guenée, Bernard. *Histoire et culture historique dans l’Occident médiéval*. Paris: Aubier Montaigne, 1980.
- Haller, Johannes. *Concilium Basiliense: Studien und Quellen zur Geschichte des Concils von Basel*. Vol. 1. Basel: R. Reich, 1897.
- Halm, Karl, Georg von Laubmann, and Wilhelm Meyer, eds. *Catalogus codicum latinorum Bibliothecae Regiae Monacensis*. Vol. 2, 2. Wiesbaden: Harrassowitz, 1876.

- Hankins, James. *Repertorium Brunianum: A Critical Guide to the Writings of Leonardo Bruni*. Rome: Istituto storico italiano per il Medioevo, 1997-.
- Hatch, Michael. "Vicente Ferrer and the Kings' Jews: Reassessing the Modern Image of a Medieval Dominican." Emory University, 2011.
- Hayez, Anne-Marie. "Benedict XII, Pope." Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- . "Expectative Graces." Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- . "Supplications." Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- von Hefele, Karl Joseph. *Histoire des conciles d'après les documents originaux*. Vol. 6. Paris: Letouzey, 1914-5.
- Helmholz, R. H. "Lyndwood, William (c.1375–1446)." *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004.
- Hobbins, Daniel. *Authorship and Publicity Before Print: Jean Gerson and the Transformation of Late Medieval Learning*. Philadelphia: University of Pennsylvania Press, 2009.
- Höhler, Peter, and Gerhard Stamm. *Die Handschriften von St. Blasien*. Vol. 12. Die Handschriften der Badischen Landesbibliothek in Karlsruhe. Wiesbaden: Harrassowitz, 1991.
- Holder, Alfred. *Die Reichenauer Handschriften, zweiter Band: Die Papierhandschriften, Fragmenta, Nachträge*. Vol. IV. Die Handschriften der Badischen Landesbibliothek in Karlsruhe. Wiesbaden: Harrassowitz, 1971.
- Janz, Denis R. "Thomism." *The Oxford Encyclopedia of the Reformation*. Oxford: Oxford University Press, 1996.
- Jordan, Mark D. "Theological Exegesis and Aquinas's Treatise 'Against the Greeks.'" *Church History* 56, no. 4 (December 1987): 445–56.
- Kaminsky, Howard. "The Great Schism." In *The New Cambridge Medieval History*, edited by Michael Jones, 6:674–96. Cambridge: Cambridge University Press, 1995.
- Kantorowicz, Ernst H. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, N.J.: Princeton University Press, 1957.

- Käppeli, Thomas. *Scriptores ordinis Praedicatorum Medii Aevi*. Vol. 1. Rome: Istituto Storico Domenicano, 1970.
- Kawasaki, Denise Hackett. "The Castilian Fathers at the Council of Basel." Ph.D., University of Wisconsin-Madison, 2008.
- Kayserling, Meyer. "Ibn Vives Al-Lorqui (of Lorca), Joshua Ben Joseph." *The Jewish Encyclopedia*. New York: Funk and Wagnalls, 1912.
- Kelly, J. N. D., and Michael J. Walsh. *A Dictionary of Popes*. Oxford: Oxford University Press, 2010.
- Ker, Neil Ripley. *Medieval Manuscripts in British Libraries: II, Abbotsford-Keele*. Oxford: Clarendon, 1977.
- Kirsch, Johann Peter. "Felix V." *The Catholic Encyclopedia*. New York: Robert Appleton, 1909.
- Kommission für den Gesamtkatalog der Wiegendrucke. *Gesamtkatalog der Wiegendrucke*. Vol. 2. Leipzig: K. W. Hiersemann, 1925-1938.
- König, Erich. *Kardinal Giordano Orsini (†1438): ein Lebensbild aus der Zeit der grossen Konzilien und des Humanismus*. Freiburg im Breisgau: Herder, 1906.
- Kubelbeck, William J. "The Sacred Penitentiaria and Its Relations to Faculties of Ordinaries and Priests." Catholic University of America, 1918.
- Lanteri, Josephus. *Postrema sex saecula Religionis Augustinianae: in quibus breviter recensentur illustriores visi Augustinenses qui sanctitate et doctrina floruerunt post magnam Ordinis unionem peractam a 1256 ad haec tempora*. Tolentino: ex typ. Guido, 1858.
- Leader, Ann. *The Badia of Florence: Art and Observance in a Renaissance Monastery*. Bloomington, Ind.: Indiana University Press, 2012.
- Lemaître, Jean-Loup. "Commendation." *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- Lerner, Robert E. *The Heresy of the Free Spirit in the Later Middle Ages*. Berkeley, Calif.: University of California Press, 1972.
- Lindeman, Katherine. "Fighting Words: Vengeance, Jews, and Saint Vicent Ferrer in Late-Medieval Valencia." *Speculum* 91, no. 3 (2016): 690–723.
- Livingstone, E. A., ed. *Oxford Concise Dictionary of the Christian Church*. 2nd rev. Oxford: Oxford University Press, 2006.

- Maccoby, Hyam. *Judaism on Trial: Jewish-Christian Disputations in the Middle Ages*. Littman Library of Jewish Civilization. Rutherford, N.J.: Fairleigh Dickinson University Press, 1982.
- Martin, Hervé. “Le prédicateur polonais Pérégrin d’Opole (vers 1260-vers 1330) évoque la figure de saint Adalbert.” *Revue du Nord* 356–57, no. 3 (2004): 709–17.
- Martins, Mário. *Laudes e cantigas espirituais de mestre André Dias*. Roriz: Mosteiro de Singeverga, 1951.
- McCahill, Elizabeth. *Reviving the Eternal City: Rome and the Papal Court, 1420-1447*. I Tatti Studies in Italian Renaissance History. Cambridge, Mass.: Harvard University Press, 2013.
- McCall, John P. “The Writings of John of Legnano with a List of Manuscripts.” *Traditio* 23 (1967): 415–37.
- McGrady, Deborah. *Controlling Readers: Guillaume de Machaut and His Late Medieval Audience*. Toronto: University of Toronto Press, 2006.
- McGuire, Brian Patrick. *Jean Gerson and the Last Medieval Reformation*. University Park, Pa.: Pennsylvania State University Press, 2005.
- McQuillen, John Thomas. “In Manuscript and Print: The Fifteenth-Century Library of Scheyern Abbey.” PhD, University of Toronto, 2012..
- Merchavia, Chenmelech. “A Spanish Latin MS Concerning the Opposition to the Talmud at the Beginning of the Fifteenth Century [Hebrew].” *Ḳiryat Sefer*, no. 45 (1970): 271–86; 590–606.
- Metzger, Wolfgang. “Description Cod. Theol. et Phil. 2° 10: Henricus de Oldendorp, Andreas de Escobar,” August 26, 2015.
- Meyerson, M. D. *A Jewish Renaissance in Fifteenth-Century Spain*. Jews, Christians, and Muslims from the Ancient to the Modern World. Princeton, N.J.: Princeton University Press, 2004.
- Miethke, Jürgen. “Die Konzilien als Forum der öffentlichen Meinung im 15. Jahrhundert.” *Deutsches Archiv für Erforschung des Mittelalters* 37 (1981): 736–73.
- Morard, Martin. “Psalm 5 Interpretation,” June 27, 2015.
- Müntz, Eugène, and Paul Fabre. *La Bibliothèque du Vatican au XV^e siècle d’après des documents inédits*. Paris: Ernest Thorin, 1887.

- Neddermeyer, Uwe. *Von der Handschrift zum gedruckten Buch: Schriftlichkeit und Leseinteresse im Mittelalter und in der frühen Neuzeit*. Vol. 1. Buchwissenschaftliche Beiträge. Wiesbaden: Harrassowitz, 1998.
- Neske, Ingeborg. *Die lateinischen mittelalterlichen Handschriften. Teil 4. Varia: 13.-15. und 16.-18. Jh.* Die Handschriften der Stadtbibliothek Nürnberg. Wiesbaden: Harrassowitz, 1997.
- Nieder Korn-Bruck, Meta. *Die Melker Reform im Spiegel der Visitationen*. Vienna: Oldenbourg, 1994.
- Nirenberg, David. *Anti-Judaism: The Western Tradition*. New York: W. W. Norton, 2013.
- . *Communities of Violence: Persecution of Minorities in the Middle Ages*. Princeton, N.J.: Princeton University Press, 1996.
- O’Gorman, Richard. “A Hitherto Unrecorded Confessional Manual with Texts by Jean Gerson and Andreas de Escobar.” *Manuscripta* 33, no. 1 (1989): 36–39.
- Österreichische Nationalbibliothek. “Theologische Sammelhandschrift Cod. 4139.” *ÖNB-HANNA Catalog*. Accessed February 6, 2015. <http://data.onb.ac.at/rec/AL00173325>.
- Paravicini-Bagliani, Agostino. *The Pope’s Body*. Translated by David S. Peterson. Chicago: University of Chicago Press, 2000.
- Parkes, Malcolm. “The Influence of the Concepts of *Ordinatio* and *Compilatio* on the Development of the Book.” In *Medieval Learning and Literature: Essays Presented to R. W. Hunt*, edited by Jonathan J. G. Alexander and Margaret T. Gibson, 115–41. Oxford: Clarendon, 1976.
- Pelikan, Jaroslav Jan. *Reformation of Church and Dogma (1300-1700)*. Vol. 4. The Christian Tradition: A History of the Development of Doctrine. Chicago: University Of Chicago Press, 1985.
- Pelzer, Augustus. *Bibliothecae Apostolicae Vaticanae Codices manuscripti recensiti. Codices Vaticani Latini*. Vol. II, pars prior. Vatican, 1931.
- Podlaha, Antonín. *Soupis rukopisů knihovny metropolitní kapituly pražské*. Vol. 1. Prague: Nákladem české akademie Císare Františka Josefa pro Vědy, slovesnost a umění, 1910.
- Ramirez, Oliver. “Les Juifs et le crédit en Savoie au XIVe siècle.” *Publication du Centre européen d’études bourguignonnes (XIVe-XVIe s.)* 39 (1999): 53–66.

- Robinson, P. R. "The 'Booklet': A Self-Contained Unit in Composite Manuscripts." In *Codicologica*, edited by A. Grujjs and J. P. Gumbert, 3:46–69. Litterae Textualis. Leiden: Brill, 1980.
- Röckelein, Hedwig. *Handschriftenkataloge der Universitätsbibliothek Tübingen*. Vol. 1:1. Wiesbaden: Harrassowitz, 1991.
- de La Roncière, Charles-Marie. "Antoninus of Florence." *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- do Rosário, António. "Letrados dominicanos em Portugal nos séculos XIII-XV." *Repertorio de historia de las ciencias eclesiásticas en España* 7 (1979): 509–98.
- Roth, Norman. *Conversos, Inquisition and the Expulsion of the Jews from Spain*. Madison, Wis.: University of Wisconsin Press, 1995.
- Rouse, Mary A., and Richard H. Rouse. *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts*. Notre Dame, Ind.: University of Notre Dame Press, 1991.
- . "Ordinatio and Compilatio Revisited." In *Ad litteram: Authoritative Texts and Their Medieval Readers*, edited by Mark D. Jordan and Kent Emery Jr., 113–34. Notre Dame Conferences in Medieval Studies 3. Notre Dame, Ind.: University of Notre Dame Press, 1992.
- Sägmüller, Johann Baptist. "Dietrich von Niem hat den fünften Traktat seines 'Nemus unionis' nicht 'Colles reflexi', sondern 'Calles reflexi' betitelt." *Historisches Jahrbuch* 25, no. 4 (1904): 531–35.
- Shank, Michael H. "Unless You Believe, You Shall Not Understand": *Logic, University, and Society in Late Medieval Vienna*. Princeton, N.J.: Princeton University Press, 1988.
- "Si(e)gmund, 3. Böhmen und das Reich." *Lexikon des Mittelalters*. Stuttgart: Verlag J.B. Metzler, 1999.
- Simonsohn, Max. *Die kirchliche Judengesetzgebung im Zeitalter der Reformkonzilien von Konstanz und Basel*. Breslau: S. Lilienfeld, 1912.
- Simpson, W. A. "Cardinal Giordano Orsini (+1438) as a Prince of the Church and a Patron of the Arts: A Contemporary Panegyric and Two Descriptions of the Lost Frescoes in Monte Giordano." *Journal of the Warburg and Courtauld Institutes* 29 (1966): 135–59.
- Société de Saint Jean L'Évangéliste. *Paroissien Romain contenant la messe et l'office pour les Dimanches et les fêtes*. Tournai, Belg.: Desclée & Cie, 1934.

- de Sousa Araújo, António. “António Domingues de Sousa Costa (1926-2002): Elementas para a sua bibliografia.” *Lusitania sacra, 2o série* 15 (2003): 331–58.
- de Sousa Costa, António Domingues. “D. Gomes, reformador da abadia de Florença, e as tentativas de reforma dos mosteiros portugueses no século XV.” *Studia Monastica* 5 (1963): 59–164.
- . *Mestré André Dias de Escobar, figura ecuménica do século XV*. Estudos e textos da idade média e Renascimento 2. Rome: Editorial Franciscana, 1967.
- . *O Infante D. Henrique na expansão Portuguesa*. Braga: Editorial Franciscana, 1960.
- de Sousa, Frei Luís. *Primeira parte da História de S. Domingos particular do reino de Portugal*. 3rd ed. Lisbon, 1866.
- Steiber, Joachim W. *Pope Eugenius IV, the Council of Basel, and the Secular and Ecclesiastical Authorities in the Empire*. Leiden: Brill, 1978.
- Stow, Kenneth R. “The Burning of the Talmud in 1553, in the Light of Sixteenth Century Catholic Attitudes Toward the Talmud.” *Bibliothèque d’humanisme et renaissance; travaux et documents* 34, no. 3 (1972): 435–59.
- Stump, Phillip H. “The Council of Constance (1414-1418) and the End of the Schism.” In *Companion to the Great Western Schism*, edited by Joëlle Rollo-Koster and Thomas M. Izbicki, 395–442. Leiden: Brill, 2009.
- . *The Reforms of the Council of Constance (1414-1418)*. Leiden: Brill, 1993.
- Swanson, R. N. *Universities, Academics and the Great Schism*. Cambridge Studies in Medieval Life and Thought: Third Series 12. Cambridge: Cambridge University Press, 1979.
- Synan, Edward A. *The Popes and the Jews in the Middle Ages*. New York: Macmillan, 1965.
- Tamburini, Filippo. “Penitentiary, Apostolic.” Edited by André Vauchez. *Encyclopedia of the Middle Ages*. Cambridge: James Clarke, 2002.
- Tentler, Thomas N. *Sin and Confession on the Eve of the Reformation*. Princeton, N.J.: Princeton University Press, 1977.
- Trautner-Kromann, Hanne. *Shield and Sword: Jewish Polemics Against Christianity and the Christians in France and Spain from 1100-1500*. Texts and Studies in Medieval and Early Modern Judaism 8. Tübingen: J.C.B. Mohr, 1993.
- Trithemius, Johannes. *De viris illustribus Ordinis sancti Benedicti*. Vol. II. Cologne, 1575.

- Truhlář, Josef. *Catalogus codicum manu scriptorum latinorum qui in C.R. Bibliotheca publica atque Universitatis Pragensis asservantur*. Vol. pars prior. Prague: Česká akademie věd a umění, 1905.
- Viti, Paolo. “Francesco da Montepulciano.” In *Dizionario Biografico degli Italiani*, edited by Istituto dell’Enciclopedia Italiana, Vol. 49. Rome: Istituto dell’Enciclopedia Italiana, 1997.
- Wagner, F. “Robert of Basevorn.” *Lexikon des Mittelalters*. Stuttgart: Verlag J.B. Metzler, 1999.
- Walsh, Michael J., ed. *A Dictionary of Popes*, Third. Oxford: Oxford University Press, 2015.
- Walters, Ludwig. “Andreas von Escobar, ein Vertreter der konziliaren Theorie am Anfange des 15. Jahrhunderts.” Königlichen Akademie zu Münster, 1901.
- Williams, A. Lukyn. *Adversus Judaeos: A Bird’s-Eye View of Christian Apologiae until the Renaissance*. Cambridge: Cambridge University Press, 1935.
- Wranovix, Matthew. “Ulrich Pfeffel’s Library: Parish Priests, Preachers, and Books in the Fifteenth Century.” *Speculum* 87, no. 4 (2012): 1125–55.
- Yuval, Israel Jacob. *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages*. Translated by Barbara Harshav and Jonathan Chipman. An S. Mark Taper Foundation Book in Jewish Studies. Berkeley, Calif.: University of California Press, 2008.

APPENDICES

Appendix 1: *De decimis* Copies, Part 1

Appendix 1 is a table of all known copies of *De decimis*, listed by library and manuscript shelfmark in the first column. The second column is a number code on a scale from zero to five designating the likelihood that the copy circulated as a tract. The methodology used to make this determination is described on page 213. The scale is interpreted as follows: 0, the copy is not a booklet; 1, no determination can be made based on available information; 2, the copy is probably a booklet; 3, the copy is certainly a booklet; 4, the copy is a booklet that probably circulated independently; 5, the copy is a booklet that survives as an independent manuscript. The third and fourth columns give the date of the copy, if known, and the general type or types of other works found alongside it in the manuscript.

Manuscript	Type	Date	Context
Altenburg, Stift Altenburg Bibliothek, AB 13 A 15	0	1455	pastoral
Augsburg, Staats- und Stadtbibliothek, fol. cod. 284	0		pastoral
Augsburg, Staats- und Stadtbibliothek, fol. cod. 307	0		pastoral
Augsburg, Staats- und Stadtbibliothek, fol. cod. 527	3		canon law
Bamberg, Staatsbibliothek, Msc. Patr. 154	1		miscellany
Bamberg, Staatsbibliothek, Msc. Theol. 101	1		pastoral
Berlin, Staatsbibliothek, Ms. magdeb. 22	1	1460	theology
Cambridge, Corpus Christi College, 151	1		pastoral
Cardiff, Public Library, I. 704	1		canon law
Dresden, Landesbibliothek, Mscr. Dresd. App. 2302	0		canon law, sermons
Eichstätt, Universitätsbibliothek, Cod. st 329	3	1432	pastoral, reform
Eichstätt, Universitätsbibliothek, Cod. st 470	0	1454	theology, canon law
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 440	0		exegesis, sermons
Göttweig, Stiftsbibliothek, Codex Gottwicensis 312 (350)	0		sermons
Graz, Universitätsbibliothek, Codex 230	1	1456?	sermons
Graz, Universitätsbibliothek, Codex 497	0		confession, canon law
Graz, Universitätsbibliothek, Codex 620	0	ca. 1425	sermons, pastoral
Graz, Universitätsbibliothek, Codex 951	0	1454?	sermons, liturgy
Graz, Universitätsbibliothek, Codex 1127	1	ca. 1455	sermons, pastoral
Halle, Universität- und Landesbibliothek Sachsen-Anhalt, Yc. Fol. 11	1	1462	miscellany
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 45	1		miscellany
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 49	0	1458	theology
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 66	2		sermons
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 70	2	1466	educational
Kremsmünster, Stiftsbibliothek Kremsmünster, CC 316	0		pastoral
Lambach, Stiftsbibliothek, Codex Lambacensis chartaceus 131	0	1430	sermons, confession
London, Wellcome Library, MS 505	1	1487	medical, scientific
Mainz, Stadtbibliothek, Hs. I 183	0	ca. 1480	theology, sermons
Mainz, Stadtbibliothek, Hs. II 91	2		theology
Melk, Stiftsbibliothek, 531	2		pastoral
Melk, Stiftsbibliothek, 824 (40. B 4)	0		miscellany
Melk, Stiftsbibliothek, 1558	2		monastic
Melk, Stiftsbibliothek, 1863 (211. E 1)	2	1451	sermons, theology
Michaelbeuern, Stiftsbibliothek, cart. 97	1		monastic
Munich, Bayerische Staatsbibliothek, Cgm 660	0	1448	pastoral
Munich, Bayerische Staatsbibliothek, Clm 2509	2	1458	pastoral
Munich, Bayerische Staatsbibliothek, Clm 2758	0		sermons, pastoral
Munich, Bayerische Staatsbibliothek, Clm 2832	0		pastoral
Munich, Bayerische Staatsbibliothek, Clm 3317	0	1479	sermons
Munich, Bayerische Staatsbibliothek, Clm 3334	0	1479	theology
Munich, Bayerische Staatsbibliothek, Clm 3409	4	1474	pastoral
Munich, Bayerische Staatsbibliothek, Clm 3563	0	1470	pastoral
Munich, Bayerische Staatsbibliothek, Clm 4687	0	1460	pastoral
Munich, Bayerische Staatsbibliothek, Clm 5212	4		pastoral
Munich, Bayerische Staatsbibliothek, Clm 5325	0		theology
Munich, Bayerische Staatsbibliothek, Clm 5860	4		sermons
Munich, Bayerische Staatsbibliothek, Clm 5927	0	1466	theology
Munich, Bayerische Staatsbibliothek, Clm 7423	0		canon law
Munich, Bayerische Staatsbibliothek, Clm 7747	4	1427?	pastoral
Munich, Bayerische Staatsbibliothek, Clm 8835	4	1455	theology, sermons
Munich, Bayerische Staatsbibliothek, Clm 8843	0	1441	canon law, legal docs.
Munich, Bayerische Staatsbibliothek, Clm 9740	0	1456	miscellany

Manuscript	Type	Date	Context
Munich, Bayerische Staatsbibliothek, Clm 11425	0		pastoral
Munich, Bayerische Staatsbibliothek, Clm 12296	5*	1443	canon law, legal docs.
Munich, Bayerische Staatsbibliothek, Clm 14017	0	1433	canon law
Munich, Bayerische Staatsbibliothek, Clm 14142	0	1455	theology
Munich, Bayerische Staatsbibliothek, Clm 14232	0	1429	theology
Munich, Bayerische Staatsbibliothek, Clm 14259	3	1428	sermons, theology
Munich, Bayerische Staatsbibliothek, Clm 15543	0		sermons, pastoral
Munich, Bayerische Staatsbibliothek, Clm 15560	0	1471	theology
Munich, Bayerische Staatsbibliothek, Clm 15561	0		theology
Munich, Bayerische Staatsbibliothek, Clm 15612	0	1440	pastoral
Munich, Bayerische Staatsbibliothek, Clm 16173	0		canon law
Munich, Bayerische Staatsbibliothek, Clm 16217	3	1457	theology, pastoral
Munich, Bayerische Staatsbibliothek, Clm 17510	5	1503	N/A (independent)
Munich, Bayerische Staatsbibliothek, Clm 17634	0	1466	pastoral
Munich, Bayerische Staatsbibliothek, Clm 17663	4	1447	theology
Munich, Bayerische Staatsbibliothek, Clm 19525	2		pastoral
Munich, Bayerische Staatsbibliothek, Clm 19539	4	1453	sermons
Munich, Bayerische Staatsbibliothek, Clm 21075	0	1456	theology
Munich, Bayerische Staatsbibliothek, Clm 21655	0	1460	pastoral
Munich, Bayerische Staatsbibliothek, Clm 23792	4		sermons
Munich, Bayerische Staatsbibliothek, Clm 23796	0	1439	pastoral
Munich, Bayerische Staatsbibliothek, Clm 23978	0		N/A (fragmentary)
Munich, Bayerische Staatsbibliothek, Clm 26630	3	1434	pastoral
Munich, Bayerische Staatsbibliothek, Clm 27458	5*		1 sermon
Munich, Universitätsbibliothek, fol. 56	0	1474	theology, pastoral
Munich, Universitätsbibliothek, fol. 63	0		theology, pastoral
Munich, Universitätsbibliothek, Quart. Cod. ms. 804	0	1451	canon law, theology
New York, Columbia University Rare Book and Manuscript Library, MS X336.V64	5		N/A (independent)
Ottobeuren, Kloster Ottobeuren, Ms. O. 64	1	1442	canon law
Paris, Bibliothèque Nationale, lat. 10745	1		canon law
Prague, Národní knihovna České republiky, I C 15 (C. R. Bibl. 106)	0	1462	theology
Prague, Národní knihovna České republiky, XIII G 16 (C. R. Bibl. 2383)	1		theology
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 102	0		pastoral
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 150	0		pastoral
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 240	2	1446	sermons
Sankt Paul im Lavanttal, Benediktinerst. S. Paul Bibl., Cod. S. Pauli in Carinthia 157/4	1		theology
Schlägl, Stiftsbibliothek, Codex Plagensis 133	3		pastoral
Stuttgart, Württembergische Landesbibliothek, HB VI. 117	2	1444	devotional, sermons
Tübingen, Universitätsbibliothek, Mc 108	2		canon law
Tübingen, Universitätsbibliothek, Mc 127	0	1443	miscellany
Uppsala, Universitetsbibliotek, C182	2		theology
Vienna, Österreichische Nationalbibliothek, CVP 3601	0	ca. 1450	theology
Vienna, Österreichische Nationalbibliothek, CVP 3746	0		pastoral
Vienna, Österreichische Nationalbibliothek, CVP 3778	1	1458	pastoral
Vienna, Österreichische Nationalbibliothek, CVP 3792	0		monastic
Vienna, Österreichische Nationalbibliothek, CVP 3906	0		sermons, theology
Vienna, Österreichische Nationalbibliothek, CVP 4180	0	1430	pastoral
Vienna, Österreichische Nationalbibliothek, CVP 5343	2	1462	theology
Vienna, Österreichische Nationalbibliothek, Ser. n. 3620	0		sermons
Vorau, Chorherrenstiftsbibliothek, Codex Voraviensis 157 (CCLXV)	0		theology, canon law
Vorau, Chorherrenstiftsbibliothek, Codex Voraviensis 316 (CCXXXII)	0		pastoral
Würzburg, Universitätsbibliothek, M. ch. f. 51	0		theology
Würzburg, Universitätsbibliothek, M. ch. f. 232	0	1435	canon law

Appendix 2: *De decimis* Copies, Part 2

Appendix 2 is a table of all known copies of *De decimis*, listed by library and manuscript shelfmark in the first column. The second column is the specific place of origin, where known. The third column lists the type of owning individual or institution, e.g. secular clergy, canon regular, or religious order. Abbreviations for religious orders are O. Carm., Carmelite Order; O. Cart., Carthusian Order; O. Cist., Cistercian Order; OFM, Order of Friars Minor (Franciscans); O. Praem., Praemonstratensian canons regular; OSA, Order of Saint Augustine; OSB, Order of St. Benedict; S.J., Society of Jesus (Jesuits).

Manuscript	Provenance	Type of Owner
Altenburg, Stift Altenburg Bibliothek, AB 13 A 15	Altenburg	OSB (Cong. of Melk)
Augsburg, Staats- und Stadtbibliothek, fol. cod. 284	Augsburg, SS. Ulrich & Afra	OSB (Cong. of Melk)
Augsburg, Staats- und Stadtbibliothek, fol. cod. 307	Augsburg, SS. Ulrich & Afra	OSB (Cong. of Melk)
Augsburg, Staats- und Stadtbibliothek, fol. cod. 527	Augsburg, SS. Ulrich & Afra	OSB (Cong. of Melk)
Bamberg, Staatsbibliothek, Msc. Patr. 154	Bamberg	O. Cam.
Bamberg, Staatsbibliothek, Msc. Theol. 101	Bamberg	O. Cam.
Berlin, Staatsbibliothek, Ms. magdeb. 22	Leipzig	
Cambridge, Corpus Christi College, 151		
Cardiff, Public Library, I. 704	Oxford?	
Dresden, Landesbibliothek, Mscr. Dresd. App. 2302	Saxony	
Eichstätt, Universitätsbibliothek, Cod. st 329	Freising	secular clergy
Eichstätt, Universitätsbibliothek, Cod. st 470	Augsburg diocese?	
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 440	Hilpoltstein	
Göttweig, Stiftsbibliothek, Codex Gottwicensis 312 (350)	Göttweig Abbey	OSB (Cong. of Melk)
Graz, Universitätsbibliothek, Codex 230	Seckau Abbey OSA	canons regular
Graz, Universitätsbibliothek, Codex 497	Neuberg Abbey	O. Cist.
Graz, Universitätsbibliothek, Codex 620	Seckau Abbey OSA	canons regular
Graz, Universitätsbibliothek, Codex 951	Seckau Abbey OSA	canons regular
Graz, Universitätsbibliothek, Codex 1127	Carinthia	canons regular
Halle, Universität- und Landesbibliothek Sachsen-Anhalt, Yc. Fol. 11	Zwickau	
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 45	S. Paul Lavanttal	OSB (Cong. of Melk)
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 49	S. Paul Lavanttal	OSB (Cong. of Melk)
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 66	Sankt Georgen im Lavanttal	secular clergy
Klagenfurt, Univ. für Bildungswis. Klagenfurt Universitätsbibliothek, Cart.-Hs. 70	S. Paul Lavanttal	OSB (Cong. of Melk)
Kremsmünster, Stiftsbibliothek Kremsmünster, CC 316	Kremsmünster	OSB (Cong. of Melk)
Lambach, Stiftsbibliothek, Codex Lambacensis chartaceus 131	Lambach Abbey	OSB (Cong. of Melk)
London, Wellcome Library, MS 505	Baldassare Compagni	
Mainz, Stadtbibliothek, Hs. I 183	Mainz Charterhouse	O. Cart.
Mainz, Stadtbibliothek, Hs. II 91	Mainz Jesuit college	S.J.
Melk, Stiftsbibliothek, 531	Melk Abbey	OSB (Cong. of Melk)
Melk, Stiftsbibliothek, 824 (40. B 4)	Melk Abbey	OSB (Cong. of Melk)
Melk, Stiftsbibliothek, 1558	Melk Abbey	OSB (Cong. of Melk)
Melk, Stiftsbibliothek, 1863 (211. E 1)	Melk Abbey	OSB (Cong. of Melk)
Michaelbeuern, Stiftsbibliothek, cart. 97	Michaelbeuern Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Cgm 660	Freising	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 2509	Abensberg	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 2758	Aldersbach Abbey	O. Cist.
Munich, Bayerische Staatsbibliothek, Clm 2832	Aldersbach Abbey	O. Cist.
Munich, Bayerische Staatsbibliothek, Clm 3317	Attel Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 3334	Ansbach	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 3409	Au, S. Felicitas OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 3563	Augsburg	
Munich, Bayerische Staatsbibliothek, Clm 4687	Benediktbeuern	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 5212	Burghausen Jesuit college	S.J.
Munich, Bayerische Staatsbibliothek, Clm 5325	Chiemsee	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 5860	Ebersberg Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 5927	Langkampfen	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 7423	Indersdorf Abbey OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 7747	Indersdorf Abbey OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 8835	Munich	OFM
Munich, Bayerische Staatsbibliothek, Clm 8843	Altdorf	
Munich, Bayerische Staatsbibliothek, Clm 9740	Gelterfingen	secular clergy

Manuscript	Provenance	Type of Owner
Munich, Bayerische Staatsbibliothek, Clm 11425	Polling OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 12296	Raitenbuch OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 14017	Regensburg, St. Emmeram	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 14142	Leipzig	
Munich, Bayerische Staatsbibliothek, Clm 14232	Regensburg, St. Emmeram	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 14259	Ingolstadt	
Munich, Bayerische Staatsbibliothek, Clm 15543	Rott am Inn Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 15560	Walpertskirchen	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 15561	Rott am Inn Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 15612	Rott am Inn Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 16173	Passau St. Nicholas OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 16217	Passau St. Nicholas OSA	canon regular
Munich, Bayerische Staatsbibliothek, Clm 17510	Scheyern Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 17634	Seemannshausen Abbey OSA	OSA friars
Munich, Bayerische Staatsbibliothek, Clm 17663	Seemannshausen Abbey OSA	OSA friars
Munich, Bayerische Staatsbibliothek, Clm 19525	Tegernsee Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 19539	Tegernsee Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 21075	Thierhaupten Abbey	OSB (Cong. of Melk)
Munich, Bayerische Staatsbibliothek, Clm 21655	Tuntenhausen	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 23792		
Munich, Bayerische Staatsbibliothek, Clm 23796		
Munich, Bayerische Staatsbibliothek, Clm 23978		
Munich, Bayerische Staatsbibliothek, Clm 26630	Regensburg	secular clergy
Munich, Bayerische Staatsbibliothek, Clm 27458		
Munich, Universitätsbibliothek, fol. 56	Ingolstadt Univ. theol. faculty	university
Munich, Universitätsbibliothek, fol. 63	Rott am Inn Abbey*	OSB (Cong. of Melk)
Munich, Universitätsbibliothek, Quart. Cod. ms. 804	Ingolstadt Univ.	university
New York, Columbia University Rare Book and Manuscript Library, MS X336.V64		
Ottobeuren, Kloster Ottobeuren, Ms. O. 64	Köln Univ. studium	university
Paris, Bibliothèque Nationale, lat. 10745	Salzburg, Abbey of S. Peter	OSB (Cong. of Melk)
Prague, Národní knihovna České republiky, I C 15 (C. R. Bibl. 106)	Ebelsberg	secular clergy
Prague, Národní knihovna České republiky, XIII G 16 (C. R. Bibl. 2383)	Trzebnica, "fratrum"	O. Cist.?
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 102	Sankt Florian OSA	canons regular
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 150	Sankt Florian OSA	canons regular
Sankt Florian, Augustiner-Chorherren Stift, Codex San-Florianensis XI, 240	Kronach	secular clergy
Sankt Paul im Lavanttal, Benediktinerst. S. Paul Bibl., Cod. S. Pauli in Carinthia 157/4	Sankt Paul im Lavanttal	OSB (Cong. of Melk)
Schlägl, Stiftsbibliothek, Codex Plagensis 133	Schlägl	O. Praem.
Stuttgart, Württembergische Landesbibliothek, HB VI. 117	Wiblingen Abbey	OSB (Cong. of Melk)
Tübingen, Universitätsbibliothek, Mc 108	Heidelberg Univ.	university
Tübingen, Universitätsbibliothek, Mc 127	Tübingen	OSA hermits
Uppsala, Universitetsbibliotek, C182		
Vienna, Österreichische Nationalbibliothek, CVP 3601	Mondsee, St. Michael	OSB (Cong. of Melk)
Vienna, Österreichische Nationalbibliothek, CVP 3746	Mondsee, St. Michael	OSB (Cong. of Melk)
Vienna, Österreichische Nationalbibliothek, CVP 3778	Mondsee, St. Michael	OSB (Cong. of Melk)
Vienna, Österreichische Nationalbibliothek, CVP 3792	Mondsee, St. Michael	OSB (Cong. of Melk)
Vienna, Österreichische Nationalbibliothek, CVP 3906	Mondsee, St. Michael	OSB (Cong. of Melk)
Vienna, Österreichische Nationalbibliothek, CVP 4180	Pleinting	secular clergy
Vienna, Österreichische Nationalbibliothek, CVP 5343		
Vienna, Österreichische Nationalbibliothek, Ser. n. 3620	Lambach Abbey	OSB (Cong. of Melk)
Vorau, Chorherrenstiftsbibliothek, Codex Voraviensis 157 (CCLXV)	Vorau OSA	canon regular
Vorau, Chorherrenstiftsbibliothek, Codex Voraviensis 316 (CCXXXII)	Vorau OSA	canon regular
Würzburg, Universitätsbibliothek, M. ch. f. 51	Würzburg Jesuits	S.J.
Würzburg, Universitätsbibliothek, M. ch. f. 232	Würzburg	

Appendix 3: *De publicatione haeresum contentarum in libro Talmut* Copies

Appendix 3 consists of two tables listing all known copies of *De publicatione haeresum contentarum in libro Talmut*, together with type of copy (see Appendix 1 for explanation), earliest known place and owning individual or institution, date, and types of other works found in the same manuscript. Abbreviations for religious orders are as follows: O. Cist., Cistercian Order; O. Praed., Order of Preachers (Dominicans); OSA, Order of Saint Augustine; OSB, Order of St. Benedict.

Manuscript	Type	Provenance
Bamberg, Staatsbibliothek, Msc. Theol. 107	0	Bamberg O Praed.
Einsiedeln, Einsiedeln Stiftsbibliothek, MS 224	0	Zofingen, canon regular
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 542	2	Heilsbronn, O. Cist., but probably obtained in Basel
Karlsruhe, Badischen Landesbibliothek, MS Cod. Reichenau, pap. 140	4	Johannes Spelin, master of theology at Heidelberg
London, British Library, MS Add. 38787 (short version)	0	Laach Abbey, OSB
Nuremberg, Stadtbibliothek, Inc. 469 fol.	5	Karlstein, parish priest
Prague, Knihovna Metropolitni Kapituli, MS Cap. Cath. A. 79/2	1	Basel?; bound with an incunable from Basel
Stuttgart, Württembergische Landesbibliothek, MS Cod. Theol. et Phil. 2° 10	4	Sindelfingen, Mangold Wyman, canon regular OSA
Trier, Stadtbibliothek Trier, MS 698 (short version)	0	Trier, St. German, nuns OSB
Tübingen, Universitätsbibliothek Tübingen, MS Mc 141	0	Schwäbisch Gmünd, O Praed.

Manuscript	Date	Context
Bamberg, Staatsbibliothek, Msc. Theol. 107		pastoral & theology, numerous anti-Judaic reform
Einsiedeln, Einsiedeln Stiftsbibliothek, MS 224		miscellany, related to Basel?
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 542		sermons, preaching aids, reform literature
Karlsruhe, Badischen Landesbibliothek, MS Cod. Reichenau, pap. 140	a. 1459	sermons, preaching aids, reform literature
London, British Library, MS Add. 38787 (short version)	1455	theology
Nuremberg, Stadtbibliothek, Inc. 469 fol.	1471	none
Prague, Knihovna Metropolitni Kapituli, MS Cap. Cath. A. 79/2	1463?	theology
Stuttgart, Württembergische Landesbibliothek, MS Cod. Theol. et Phil. 2° 10	a. 1491	theology
Trier, Stadtbibliothek Trier, MS 698 (short version)	a. 1499	miscellany, several other anti-Judaic works
Tübingen, Universitätsbibliothek Tübingen, MS Mc 141	1458	anti-Judaic texts

Appendix 4: *Gubernaculum conciliorum* Copies

Appendix 4 consists of two tables listing all known copies of *Gubernaculum conciliorum* by library and manuscript shelfmark. The first table also lists a number code indicating the likelihood that the copy circulated independently (see Appendix 1), the approximate date if known, and the type or types of other works in the manuscript. Those listed as “Council of Basel” or “Basel” contain works very specific to that council, such as conciliar decrees, sermons delivered at the council, etc. The second table gives whatever is known about the copy’s earliest owner, together with whether a scribal colophon or similar information indicates it was made at Basel. Abbreviations for religious orders are as follows: O. Cist., Cistercian Order; O. Praed., Order of Preachers (Dominicans); OSB, Order of St. Benedict.

Manuscript	Type	Date	Context
Barcelona, Archivo Capitular de la Santa Iglesia Catédral, cod. 16	0	p. 1440	theology
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 533	3		conciliar
Florence, Div. Annunt., MS 75			
Krakow, Biblioteka Jagiellonska, cod. 414	0	a. 1448	Council of Basel only
London, British Museum, Harl. 3767			conciliar
Munich, Bayerische Staatsbibliothek, Clm 227	3	a. 1467	reform
Munich, Bayerische Staatsbibliothek, Clm 6490 (includes Avisamenta)	4		independent
Prague, Knihovna Metropolitni Kapituli, Cap. Cath. J. 38	1		Council of Basel only
Rome, Biblioteca Naz. Vittorio Emanuele II, Fondo varia cod. 1 (671)	2	1437	conciliar, theology
Vatican, Biblioteca Apostolica Vaticana, Ott. Lat. 645	2		conciliar
Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 4117	2	1437	conciliar
Vienna, Österreichische Nationalbibliothek, CVP 4148	0	1437	conciliar
Vienna, Österreichische Nationalbibliothek, CVP 5111	3		conciliar, Basel
Vienna, Österreichische Nationalbibliothek, CVP 5448	1	ca. 1441	conciliar
Vienna, Schottenkloster, Codex Scotensis-Vindobonensis 30	0	1437	miscellany
Wolfenbüttel, Herzog-August Bibliothek, Cod. Guelf. 313 Helmst.	1	1436	conciliar

Manuscript	Provenance	Copied at Basel?
Barcelona, Archivo Capitular de la Santa Iglesia Catédral, cod. 16	Germany? Cologne? Carthusian?	no
Erlangen, Universitätsbibliothek Erlangen-Nürnberg, Ms. 533	Heilsbronn, O Cist.	no
Florence, Div. Annunt., MS 75		
Krakow, Biblioteka Jagiellonska, cod. 414	Krakow, Johannes de Kety mag. theol.	no
London, British Museum, Harl. 3767	has 3 of same texts as Vienna CSV30	no
Munich, Bayerische Staatsbibliothek, Clm 227	Füssen	no
Munich, Bayerische Staatsbibliothek, Clm 6490 (includes Avisamenta)	Freising Abbey OSB	no
Prague, Knihovna Metropolitni Kapituli, Cap. Cath. J. 38	Georgius Pontanus, praepositus, d. 1616	no
Rome, Biblioteca Naz. Vittorio Emanuele II, Fondo varia cod. 1 (671)	Abbazio di Farfa OSB, Lazio	yes
Vatican, Biblioteca Apostolica Vaticana, Ott. Lat. 645	Vienna, O Praed.	no
Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 4117	Cardinal Johannes de Turrecremata	yes
Vienna, Österreichische Nationalbibliothek, CVP 4148	Rein Abbey, O Cist.	yes
Vienna, Österreichische Nationalbibliothek, CVP 5111	Aquileia	no
Vienna, Österreichische Nationalbibliothek, CVP 5448	Univ. of Vienna arts faculty	no
Vienna, Schottenkloster, Codex Scotensis-Vindobonensis 30	Vienna Schottenkloster, OSB	yes
Wolfenbüttel, Herzog-August Bibliothek, Cod. Guelf. 313 Helmst.	Melk Abbey, OSB	yes