

**Carthusian Policy and the Council of Basel**

by

**William Paul Lundell**

**A thesis submitted in conformity with the requirements  
for the degree of Doctor of Philosophy  
Centre for Medieval Studies  
University of Toronto**

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## **Dissertation Abstract**

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**Doctor of Philosophy, 1996**

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### **Carthusian Policy and the Council of Basel**

In its long struggle with Popes Eugenius IV (†1447) and Nicholas V (†1455) the Council of Basel enjoyed widespread support among regular and mendicant clergy throughout northern Europe. Such support was particularly strong among Carthusians, a number of whom became forceful advocates of religious reform under the aegis of conciliar authority. This thesis examines the response of the order and of prominent Carthusians to this struggle and its consequences, a subject that has attracted little more than notice and brief comment in the literature of conciliarism and reform.

Chapters I-III attempt to reconstruct the history of Carthusian relations with the council by utilizing both the published contemporary records of the council and the order and certain heretofore unpublished materials (Appendices A-C). Of central importance is the decision of the 1440 general chapter to offer obedience to the council and its newly-elected pope, Felix V, formerly Duke Amedeus of Savoy (†1450). Several commentators have sought to dismiss this adhesion on the grounds that the proximity of the Carthusian motherhouse to Savoyard territory made it a

political necessity to support Felix. Such an invocation of the *cuius regio, eius religio* principle is, however, unfounded. Rather the surviving documentary evidence clearly suggests that Carthusian recognition of the council and Felix V reflects the genuine inclinations of the order.

Chapter IV, supplemented by two appendices (D and E) offering texts of previously unpublished tracts, seeks to break ground for the study of Carthusian conciliar and reform opinion as expressed in the writings, many unedited, of such notables as Bartholmeus van Maastricht, Denys van Rijkel, Jacob von Jüterbog, and Vincent von Aggsbach. These and others embraced the general council as a preeminent agent of reform, but within that broad agreement lie many peculiarities of thought that warrant further study.



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## Abbreviations

- AC* *Analecta Cartusiana*. Salzburg: Institut für Englische Sprache und Literatur, or, Institut für Anglistik und Amerikanistik, 1970-.
- CB* *Concilium Basiliense. Studien und Quellen zur Geschichte des Concils von Basel*, Herausgegeben mit Unterstützung der Historischen und Antiquarischen Gesellschaft von Basel. 8v. 1896-1936; rpt. Nendeln, Lichtenstein: Kraus Reprint, 1971.
- Epis. Pont. Conc. Florent.* *Epistolae Pontificiae ad Concilium Florentinum Spectantes*. ed. Georg Hofmann, Pars I: 1418-1438; Pars II: 1438-1439; Pars III: 1440-1453. Rome: Pontificium Institutum Orientalium Studiorum, 1940, 1944, 1946.
- MC* *Monumenta conciliorum generalium seculi decimi quinti. Concilium Basiliense. Scriptores*. ed. F. Palacky, et al. Vienna, Basel, 1857-1935.
- RTA* *Deutsche Reichstagsakten [Aeltere Reihe]*. 1898-1939; rpt. Göttingen: Vandenhoeck & Ruprecht, 1956-1957.

## Introduction

In the later Middle Ages the issue of reform was closely linked to debates regarding church governance and the locus of supreme authority. From the time of Durandus the Younger (†1330), whose call for *reformatio in capite et membris*, reformation in head and members, became a watchword of subsequent reforming interests, the conviction that a general council of the universal church promised the best forum for reform action slowly gained ground.<sup>1</sup> Disparate notions of conciliar activity and competence were galvanized in the early decades of the fifteenth century by the need to heal the Great Schism and restore the church to order with the result that the fathers of the Council of Constance (1414-1418) issued the famous decrees *Haec Sancta* (6 April 1415), proclaiming the church to be a constitutional entity administered by a pope subject to conciliar authority, and *Frequens* (9 October 1417), mandating the regular convening of councils as the surest means of rooting out abuse and maintaining the health of the church. Thus was forged the bond between the principle of conciliar supremacy and the desire for reform that helped to sustain the fathers of the Council of Basel (1431-1449) in their long and ultimately unsuccessful struggle with Pope Eugenius IV (†1447) his successor, Nicholas V (†1455) for supreme jurisdictional and spiritual power within the church. That struggle plunged the church into a schism that lasted effectively from 1437 until 1449. For much of that protracted conflict many secular and ecclesiastical

<sup>1</sup>Like his uncle Guillelmus Durandus the Elder, called the Speculator, Guillelmus Durandus the Younger was a distinguished canonist who served as Bishop of Mende (1296-1330). Durandus the Younger made his demand for reform in head and members at the Council of Vienne (1311-1312). For an excellent recent study of his career and writings, see: Constantin Fasolt, *Council and Hierarchy: the Political Thought of William Durant the Younger* [Cambridge Studies in Medieval Life and Thought, 4th series, v. 16] (Cambridge: Cambridge University Press, 1991).

authorities, most notably Charles VII of France, the German Emperors Albrecht II and his successor Friedrich III, and the Imperial Electors, observed a policy of careful neutrality. Nevertheless the Roman popes drew support from the generality of Italian clergy as well as from Henry VI of England, from Duke Philip the Good of Burgundy, and from the Italian powers with, until 1443, the important exceptions of Duke Filippo Maria Visconti of Milan and of Alfonso V, King of Aragon and a claimant to the vacant throne of Naples. The council, for its part, was long upheld by a number of secular and ecclesiastical princes in the Empire; by political and religious authorities in Brittany, Poland, Savoy, Scotland, and the Swiss Cantons; and by the universities at Cracow, Erfurt, Cologne, Paris, and Vienna. Moreover the council enjoyed widespread, though not universal, support among both regular and mendicant clergy throughout northern Europe. Such support was particularly strong among the Carthusians, a number of whom became forceful advocates of religious reform under the aegis of conciliar authority.

That support was given a unique and concrete demonstration. On 13 May 1440 a delegation of four Carthusian priors appeared before the fathers of the Council of Basel meeting in general congregation in the cathedral church of St. Michael. Having recently attended the annual general chapter of the order at the Grande-Chartreuse, located in the mountains north of Grenoble, these priors had been sent to Basel in order to notify the council formally that the order had determined to adhere to it and its newly elected pope Felix V (†1451). The fathers, locked in bitter struggle with Pope Eugenius IV, whom they had deposed on 25 June 1439 on grounds of heresy and contumacious maladministration of office, gratefully received the order's obedience and marked the occasion by celebrating a special mass of thanksgiving on the following day.

In the voluminous scholarship that has accumulated to the study of the Council of Basel there is to be found no systematic investigation of this event or of the larger question of Carthusian involvement with and attitudes towards the council.<sup>2</sup> Several factors contribute to an explanation. First is the general scholarly inattention paid Carthusians. Although the fourteenth and fifteenth centuries witnessed the apogee of its expansion and influence, the generality of church historians and historians of spirituality have traditionally tended to overlook the order.<sup>3</sup> This is so even though the order might boast of such prominent spiritual writers as Ludolf von Sachsen, Heinrich von Kalkar, Denys van Rijkel, Jacob von Jüterbog, and even an early humanist, Gregor Reisch, and despite its connections to such reform movements as the Brethren of the Common Life and Bursfeld Observant Congregation of the Benedictine Order.<sup>4</sup> There is too the relative lack of direct

<sup>2</sup>For an impressively comprehensive and thoughtful survey of this scholarship, see: Johannes Helmuth, *Das Basler Konzil, 1431-1439: Forschungsstand und Probleme* [Kölner historische Abhandlungen, Band 32] (Cologne, Vienna: Böhlau, 1987).

<sup>3</sup>Dennis D. Martin, *Fifteenth-Century Carthusian Reform: the World of Nicholas Kempf* [Studies in the History of Christian Thought, v. 49] (Leiden: E.J. Brill, 1992), 3ff. From the establishment of the Grande-Chartreuse by St. Bruno in 1084, the order experienced steady growth throughout the twelfth and thirteenth centuries. Thereafter the order experienced extremely rapid growth, more than doubling the number of its monasteries, so that by 1450 it comprised over 150 charterhouses. Although there exists no single overview of the history of the Carthusians that satisfies modern critical standards, the following may serve as a general introduction to the study of the order: [Cyprien Marie Boutrais], *La Grande Chartreuse par un Chartreux*, 8th. ed. (Paris & Grenoble: B. Arthaud, 1950). More useful is Dom Yves Gourdel's article on the order in the *Dictionnaire de Spiritualité* (Paris: Gabriel Beauchesne et ses fils, 1937), ii, 705-776. For an invaluable and comprehensive bibliography of studies devoted to every aspect of Carthusian history and practice, see: Albert Gruys, *Cartusiana: une instrument heuristique*, 3v., (Paris: Editions du Centre National de la Recherche Scientifique de France, 1976-1978). See also the ongoing series, *Analecta Cartusiana*, published under the editorship of James Hogg.

<sup>4</sup>On Carthusian relations with the Brethren, see: Willem Lourdaux, "Kartuizers—Moderne Devoten: Een Probleem van Afhankelijkheid," *Ons geestelijk Erf*, 37 (1963), 402-418. The literature on the Bursfeld movement is extensive. On

interest formerly shown by historians of the council to its relations with religious orders. To be sure anecdotal information can be gleaned from older histories of the orders themselves, but inasmuch as these have customarily been produced by religious, they have tended to downplay the involvement of regular clergy with a schismatic council and its anti-pope. Carthusian historiography provides many such examples. In wishing to praise Franciscus Maresme, prior-general of the order from 1437 until 1463, the nineteenth-century Carthusian Leone LeVasseur, observed how Maresme, deputed to the council in the early 1430s, had won such esteem from the fathers that he later received ten votes in a papal election.<sup>5</sup> What he does not relate is that the election in question is that which the fathers conducted in November 1439 subsequent to their deposition of Eugenius IV and which resulted in the election of Felix V, the former Duke Amadeus VIII of Savoy. Christophe Nicklès has suggested that Heinrich Arnoldi von Alfeld, Prior of the charterhouse of Basel in 1449-1480, left his career as a notary of the Council of Basel and entered that monastery in 1437 rather than incur excommunication by continuing to participate at the council subsequent to the

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the formative influence of Johannes Rode, O.S.B., Abbot of St. Matthias, Trier and a former Carthusian, see: Ursmer Berlière, "Jean de Rode, Abbé de St. Mathias de Trèves (1421-1429)," *Revue Bénédictine* 12 (1895), 97-122. Jacob von Jüterbog composed his *Formula reformanda religionis* (ca. 1444) for the Bursfelders. In 1452 and 1455 he delivered sermons before Bursfelder provincial synods. Jean Leclercq, in commenting on the emergence in the late middle ages of monastic and humanist critiques of scholastic theology, observes that "always in the background and sometimes to the fore is the Charterhouse", see: Jean Leclercq, O.S.B., "Monastic and Scholastic Theology in the Reformers of the Fourteenth to Sixteenth Century," in E. Rozanne Elder, ed. *From Cloister to Classroom: Monastic and Scholastic Approaches to Truth [The Spirituality of Western Christendom, III]* Kalamazoo: Cistercian Publications, Inc.: 1986), 184.

<sup>5</sup>Leone LeVasseur, *Ephemerides ordinis cartusiensis* (Monstrolii: Typis Cartusiae S. Mariae de Pratis, 1890) i, 111: "Celebratum est sub ea tempestate Basileense Concilium, ad quod R. Pater Prior Cartusiae [Guillelmus de Mota] nomine totius Ordinis convocatus fuit; at quia ipse longa senectute et aliis infirmitatibus præpeditus non poterat absque discrimine valetudinis illuc proficisci, misit Franciscum ut ibi suo nomine resideret una cum aliis Prioribus. Tantæ vero apud omnes famæ fuit ut Patres Concilii decem suffragiis ad summum fastigium Apostolicæ Sedis eum dignati fuerint quod illum religione, doctrina et cæteris ad id munus sustinendum animi dotibus necessariis præcellere viderent."



departure of the adherents of Eugenius.<sup>6</sup> But this is proved false by Hans-Jörg Gilomen, in a brief, carefully researched article demonstrating that Heinrich entered the Basel charterhouse about 13 September 1435 and that he remained on good terms with his former associates. Gilomen speculates that Nicklès was motivated by a desire to serve “the polemic against Basel conciliarism”.<sup>7</sup> Such desires to gloss over or sanitize evidence of Carthusian support for the Council of Basel are confined neither to Carthusian writers or to the distant past. As we shall see Bernard Bligny, Johannes Helmraath, and Heribert Müller all downplay or treat dismissively that evidence.<sup>8</sup>

Simply that the relations between the Carthusian Order and the Council of Basel have never been thoroughly investigated is not, of course, sufficient reason to justify that effort. But beyond the inherent interest of the order’s place in late mediaeval religious history alluded to above, there are other grounds to justify such a study. The history of the conciliar movement during the Basel period has been approached from a number of perspectives. The most well-established has treated the significance of conciliarism for the history of political ideas. Pioneered by J. N.

<sup>6</sup>Christophe Nicklès, *La chartreuse du Val Ste. Marguerite à Bâle* (Porrentruy: Société Typographique, 1903), 119: “Henri Arnold entra à la Chartreuse en 1437, c’est-à-dire à l’époque où le cardinal Nicolas Albergati et les autres partisans du Pape quittaient Bâle, parce que l’assemblée des prélats ne formait plus qu’un conciliabule schismatique, depuis que le pape Eugène IV avait lancé la sentence d’excommunication contre ceux qui en faisaient partie.” Subsequently L. Ray broadcast a slightly emended version of this opinion in an entry for the *Dictionnaire de Spiritualité* (Paris: Gabriel Beauchesne et ses fils, 1932), i, 892f.

<sup>7</sup>Hans-Jörg Gilomen, “Zum Lebenslauf des Heinricus Arnoldi von Alfeld, Priors des Basler Kartause,” *Zeitschrift für Schweizerische Kirchengeschichte* 76 (1982), 63-70, at 66: “. . . die . . . der Polemik gegen den Basler Konziliarismus dienen.” Nicklès offered his view despite Arnoldi’s consistent habit of referring to the council as *sacrum concilium Basileense* in his history of the Basel charterhouse, composed after 1480, see: *Chronica fundationis Cartusiae in Basilea minori, auctore Henrico Arnoldi de Alvelia, eiusdem domus priore*, in *Basler Chroniken herausgegeben von der historischen Gesellschaft in Basel*. hrsg. Wilhelm Vischer und Alfred Stern, (Leipzig: S. Hirzel, 1872), 248-306, *passim*.

<sup>8</sup>See below: 162f.

Figgis and in our own time carried forward by Antony Black such investigations have served to deepen understanding of the ecclesiastical roots of parliamentarism.<sup>9</sup> Latterly Black himself has turned away from a parliamentary focus to explore corporative ideas, believing that by this he should come closer to the spirit of the times. And although he has tipped his cap to the work of Brian Tierney that has illuminated the significance of the canonistic thought on corporations for the development of conciliarism, Black has maintained that Basel thinkers, at least, were driven more to collectivist notions by theological ideas and their experience of corporate life in chapter, university, and monastery, than by legal concerns.<sup>10</sup> Especially in the wake of Vatican II there has been increased attention paid to the ecclesiology of Constance and Basel thinkers. Giuseppe Alberigo, Joseph Gill, H. Hürten, Thomas Izbicki, Hubert Jedin, and Paul de Vooght to name only a few have studied and debated ecclesiological questions.<sup>11</sup> In recent years there has been a

<sup>9</sup>J. N. Figgis, *Studies in Political Thought from Gerson to Grotius, 1414-1625* (Cambridge: Cambridge University Press, 1916); Antony Black, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy, 1430-1450* (Cambridge: Cambridge University Press, 1970).

<sup>10</sup>Antony Black, *Council and Commune: the Conciliar Movement and the Fifteenth-Century Heritage* (London: Burns & Oates, 1979); Brian Tierney, *Foundations of the Conciliar Theory: the Contribution of the Medieval Canonists from Gratian to the Great Schism* (1955; rpt. Cambridge: Cambridge University Press, 1968). See also: Ludwig Buisson, *Potestas und Caritas: die päpstliche Gewalt im Spätmittelalter*, 2nd. ed. rev. [*Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht*, Band 2] (Cologne, Vienna: Böhlau, 1982).

<sup>11</sup>Giuseppe Alberigo, *Chiesa conciliare: Identità e significato del conciliarismo* (Brescia: Paideia, 1981); Joseph Gill, "The Fifth Session of the Council of Constance," *Heythrop Journal* 5 (1964), 131-143; H. Hürten, "Zur Ekklesiologie der Konzilien von Konstanz und Basel," *Theologische Revue* 59 (1963), 362-371; Thomas Izbicki, "Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present," *Church History* 55 (1986), 7-20; Hubert Jedin, *Bishöfliches Konzil oder Kirchenparlament? Ein Beitrag zur Ekklesiologie der Konzilien von Konstanz und Basel [Vorträge der Aeneas Silvius Stiftung an der Universität Basel, II]* (Basel, Stuttgart: Helbing & Lichtenhahn, 1963); Paul de Vooght, "Le conciliarisme aux conciles de Constance et de Bâle (compléments et précisions)," *Irenikon* 36 (1963), 61-75.

reaction against the so-called traditional ecclesiastical approach to the Council of Basel. The eminent historian Erich Meuthen, seconded by Johannes Helmrath, has sought to shift attention away from the council as an episode in church history, narrowly conceived, to a recognition of the council's importance for the general history of the late middle ages.<sup>12</sup> There is much that is salutary in this call. The study of diplomacy and humanism, to name just two examples, stand to be greatly enriched. There does seem, however, a danger of overreaction implicit in so wholehearted a shift of focus. Meuthen himself, irritated by the propensity of Karl August Fink, Johannes Haller and others to view the Council of Basel and its failure too strictly in terms of the *Vorreformation*, has wondered whether the subject of reform has not directly obstructed understanding of the overall significance of the council.<sup>13</sup> As a protest against facile arguments of inevitability the remark has merit; as a general comment, however, it is misguided. For it risks fracturing the vital link forged in the minds of many in the mid- and late-fifteenth century in what we might call the workaday church between hope for reform and belief in the necessity of regular convocation of general councils.

The present study is intended to begin, at least, to examine this link, at least as it pertains to the Carthusian Order. I propose to do two things: first and foremost to reconstruct the record of Carthusian relations with the Council of Basel to the extent I am presently able on the basis of published materials—principally the notarial remains of the council, the *cartae* of Carthusian general chapters, and histories of the council, of the order, and of individual charterhouses—and of such

<sup>12</sup>Erich Meuthen, *Das Basler Konzil als Forschungsproblem der europäischen Geschichte* [Vorträge/Rheinisch-Westfälische Akademie der Wissenschaften: Geisteswissenschaften, G 274] (Opladen: Westdeutscher Verlag, 1985), 6; Helmrath, 1f.

<sup>13</sup>Meuthen, *Basler Konzil*, 13: “Es ist zu fragen, ob das Reformthema den Blick für die Gesamtbedeutung des Basler Konzils nicht geradezu verstellt hat.”

unpublished materials as I have been able to acquire. Inasmuch as an authoritative history of the council itself has yet to be written this will require as well the thorough recapitulation of pertinent events there. Though serviceable, I hope, this reconstruction (Chapters I-III, Appendices A-C, F) must be provisional owing to the inaccessibility of the archives of the Grande-Chartreuse and the logistical obstacles to surveying the dispersed archives of individual charterhouses.<sup>14</sup> The second task set here is to break ground for study of the very large *corpus* of contemporary Carthusian writing on conciliarism and reform. In the mid-fifteenth century, three of the most prolific writers of the middle ages lived as Carthusian monks: Denys van Rijkel, Jacob von Jüterbog, and Johannes von Hagen. Each wrote extensively on conciliarism and reform. Others, Bartholomeus van Maastricht and Vincent von Aggsbach likewise devoted much thought to these subjects. Although some, and in the case of Denys virtually all, of the surviving works are available in printed form, many important tracts remain in manuscript. And although the study of each is furthered by the existence of some monographic literature, I am as yet far from a through-going comparative analysis. For the goal of such an inquiry ought to be

<sup>14</sup>Gruys, i, X-XI, remarks the difficulties Carthusian seclusion pose for researchers. Correspondence, scholarly or otherwise, is forbidden except in exceptional cases, and archives and libraries still under Carthusian control are all but inaccessible. "These circumstances are undoubtedly a drawback for the outside world in studying the Carthusian history, especially when it is considered that the central archives of the order also contain medieval manuscripts and copies of bulls, charters, statutes and of various archives (*sic*), in which traces of many vanished documents may be found. . . . One might even argue that not a single monastic order has such riches in its possession. Probably the archives of no other religious order in France can be compared with theirs concerning the age of the Ancient Régime, and in particular concerning the Middle Ages." (XI) The suppressions of "useless" contemplative orders beginning in the late eighteenth century have provided scholars, at least, with one benefit. Archives from many individual charterhouses were removed to libraries and depositories where they may be consulted. Gruys ii, *passim* provides an invaluable starting point for such investigations. Dennis Martin relates that, mindful that the Grande-Chartreuse had become something of a destination for the spiritually curious in the nineteenth century—Queen Victoria was a distinguished visitor—, the order has forbidden lay visitors since it reinhabited the Grande-Chartreuse in the 1940s, *Fifteenth-Century Carthusian Reform*, 3.

more than an understanding of the individual contexts of their ideas; it ought also to lead to an appreciation of the influence of their common experience, Carthusian life and practice, on their ideas. What appear here (Chapter IV, Appendices D-E), then, are but the first spadings of that undertaking.

## Chapter I

### The Carthusians and the Council until Eugenius IV's Capitulation by

*Dudum sacram* (15 December 1433)

On 1 February 1431 Pope Martin V directed Cardinal Juliano Cesarini to proceed to the free imperial city of Basel and to preside over the general council about to assemble there. The location and timing of the impending council had been determined by the poorly-attended and unproductive Council of Pavia-Siena (April 1423-March 1424) and had been confirmed subsequently by Martin.<sup>1</sup> That these arrangements had been made in fulfilment of the stipulations of the Constance decree *Frequens* Martin himself attested in the longer of the two bulls by which he commissioned his representative.<sup>2</sup> By this bull, *Dum omnis universalis gregis*,

<sup>1</sup>The decree naming Basel as the site of the future general council is given in Juan de Segovia's *Historia gestarum generalis synodi Basiliensis* in *MC* ii, 50-51. For Martin's confirmation of this decree, see: Historische und Antiquarische Gesellschaft zu Basel, *Urkundenbuch der Stadt Basel*, ed. A. Huber (Basel, 1902) vi, 176-177. The history of the Council of Pavia-Siena has received a thorough treatment, see: Walter Brandmüller, *Das Konzil von Pavia-Siena, 1423-1424* [*Vorreformationsgeschichtliche Forschungen*, 16: 1-2] (Münster: Aschendorff, 1968-1974).

<sup>2</sup>Martin relates the substance of *Frequens* in wording approximating that of the decree, without referring to it *per se*. See: *MC* ii, 53-54: "Dudum siquidem sacrum generale Constanciense concilium, ex certis causis tunc expressis, statuit et decreuit primum generale concilium in quinquennium ex tunc proxime futurum, secundum vero a fine illius immediate sequentis concilii in septennium, et deinceps de decennio in decennium perpetuo fore celebrandum in locis per Romanum pontificem per mensem ante finem cuiuslibet concilii, approbante et consenciente concilio, vel in defectum ipsius per ipsum concilium deputandis et assignandis . . ." Martin issued a second bull of commission, *Nuper siquidem cupientes generale concilium*, also dated 1 February, see: *MC* i, 67. On Cesarini's career as president of the Council of Basel, see: Gerald Christianson, *Cesarini: the Conciliar Cardinal. The Basel Years, 1431-1438* [*Kirchengeschichtliche Quellen und Studien*, Band, 10] (St. Ottilien: EOS Verlag der

Martin invested Cesarini with the fullest legatine authority, naming him *legatus a latere*, and provided him and the council over which he was to preside with an ambitious agenda: the preservation and augmentation of the faith and the circumstances of the church, the reformation in morals and life of the entire clergy and ecclesiastical estate, the reuniting with the Roman communion of the Byzantine and other churches separated from it, the fostering of peace among Christian kings and princes, and the rooting out of Hussite and other heresies.<sup>3</sup>

Cesarini received his commission in early March while at Nuremberg. He had gone there following his appointment the previous January as Martin's legate for the kingdom of Bohemia and the Marches of Moravia and Meissen to attempt to persuade the German imperial diet to vote a crusade against the Hussites.<sup>4</sup> At about the same time news of the pope's death reached the city. Martin V had died unexpectedly, apparently of a stroke, on 20 February. On 3 March his successor, Gabriele Condulmier, a nephew of the deposed pope Gregory XII, was elected after a brief conclave and took the name Eugenius IV<sup>5</sup>. Although Eugenius confirmed his

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Erzabtei, 1979). For text of *Frequens*, a decree of the thirty-ninth session of the Council of Constance (9 October 1417), see: Mansi xxvii, 1159.

<sup>3</sup>MC ii, 54: “. . . dedimus operam efficacem, tibi nomine et auctoritate nostris ipsi concilio presidendi, ac in illo pro tua sapientia illa proponendi, deliberandi, ordinandi, statuendi et decernendi que ad laudem et honorem Dei et conseruacionem et augmentum religionis et fidei christiane, statum ecclesie, reformationem totius cleri et ecclesiastici status in moribus et vita, necnon reductionem orientalis ecclesie et quorumlibet aliorum oberrantium ad gremium ecclesie militantis, et conseruacionem ecclesiastice libertatis, salutem quoque, quietem et pacem regnorum, regum, ducum, principum et quorumlibet fidelium populorum, noueris pertinere; ac etiam ibidem cum debita maturitate et deliberacione, prout in tanta re conuenit, ea omnia proponendi, decernendi, concludendi et exequendi, per que hereses et errores tam de Bohemie, quam de aliis quibuscumque regnis, prouinciis, terris et locis, in quibus sunt, penitus extirpentur.”

<sup>4</sup>MC ii, 13-14. For the text of Cesarini's initial legatine appointment, see: Augustin Theiner, *Vetera monumenta historica Hungariam sacram illustrantia*, (Rome: Typis Vaticanis, 1860) ii, 206-208.

<sup>5</sup>MC ii, 13.

predecessor's conciliar bulls on 12 March, the day after his coronation, this was not known at Nuremberg until late June. Cesarini, having secured the cooperation of the German princes for an expedition against the Hussites and, initially at least, having been convinced of their sincerity and enthusiasm for the undertaking, determined to travel throughout upper Germany, the Rhineland, and even as far as Flanders to preach the crusade that had been fixed to commence on 24 June.<sup>6</sup> In doing so the cardinal resisted the urgings of the German king Sigismund that he devote his full energies to the council arguing that he was better suited to oversee the crusade and that the new pope should name another to preside over the council.<sup>7</sup>

In the meanwhile the first delegates to the council were beginning to trickle slowly into Basel. The Benedictine abbot of Vézelay, a participant at the Council of Pavia-Siena, had arrived at Basel at the end of February and for nearly six weeks awaited other delegates.<sup>8</sup> On 12 April the abbot along with recently-arrived representatives of the University of Paris and other delegates issued a general letter urging that princes and prelates support and attend, in person or by proxy, the council.<sup>9</sup> To the copy of this letter sent to Cesarini a postscript was appended

<sup>6</sup>For texts of Eugenius' bulls of confirmation, see: Mansi xxix, 13, 561. Eugenius seems to have had concerns about the council right from the beginning. In a letter, *Certificati*, dated 31 May 1431, Eugenius emphasized that Cesarini was to go forward with the new council provided that a satisfactory number of prelates were in attendance, see: *MC* i, 106-107, at 107: “. . . si talis esset concursus et congregatio prælatorum, quod merito et rationabiliter celebrari debuisset et deberet . . .” On Cesarini's preaching mission, see Ragusa's report: *MC* i, 72-74, 84-84.

<sup>7</sup>*MC* ii, 14.

<sup>8</sup>*CB* ii, 4: “prefatus abbas solus usque ad VIII diem aprilis expectavit, si qui venirent pro concilio celebrando.”

<sup>9</sup>*CB* ii, 7; *MC* i, 71, ii, 16-17.



pressing him to come to Basel lest without its president the council be dissolved or its reforming work be delayed to the detriment of faith and morals.<sup>10</sup>

Cesarini, although not persuaded to abandon preparations for the crusade in favor of the council, did move to reassure the council, sending a representative, Johannes de Ragusa, O.P., who arrived at Basel in late April, to explain Cesarini's absence.<sup>11</sup> Then, on the eve of his departure from Nuremberg on 7 July to join the crusading army, Cesarini took steps to bolster the council: first, by writing to kings, princes, and prelates reminding them that obligation and urgent necessity required their participation at the council<sup>12</sup>, and, second, by naming Ragusa and Johannes de Palomar to preside over the council until he should arrive.<sup>13</sup> On 23 July 1431 Ragusa and Palomar presented their credentials to the city officials of Basel and, in an assembly in the cathedral of the delegates to the council, declared the council officially opened, citing the Constance decree *Frequens*, the decree of Pavia-Siena specifying Basel as the site of the next council, Martin V's bull *Dum omnis universalis gregis* appointing Cesarini legate and president of the council, and Cesarini's letter nominating them to act in his stead.<sup>14</sup> In the days that followed the two deputies

<sup>10</sup>MC i, 72: "Quod si ob absentiam præsidentis tam fructuosum concilium dissolveretur aut in præjudicium fidei et morum differetur, quod absit, quam grandia inconvenientia subsequerentur prævidere Dominationem Vestram non ambigimus."

<sup>11</sup>Ragusa, whose *Initium et prosecutio Basiliensis concilii* (MC i, 1-131) is much cited here, became, in later years, a prominent advocate and diplomat of the council. For a resume of his career and writings, supplying useful bibliography, see: Black, *Council*, 106-110.

<sup>12</sup>MC i, 90: "Ante recessum etiam de Norimberga dominus legatus ordinavit literas ad reges et principes et etiam prælatos pro convocatione, sed potius sollicitatione, ut principes mitterent et prælati venirat ad dictum concilium, prout de jure tenebantur et necessitas exigebat."

<sup>13</sup>For Cesarini's letter nominating Ragusa and Palomar: MC i, 86-87; see: MC ii, 20.

<sup>14</sup>MC i, 90-91, ii, 22-23; CB ii, 9-10.

undertook a series of initiatives designed to increase the membership of the council: additional summons were issued to princes and prelates; diplomatic efforts were launched to settle the war between the Dukes of Austria and Burgundy that made travel in the environs of Basel hazardous; and the Constance decree, *Justitiam et æquitatem exerceri non dubitatur* (6 July 1415) that threatened punishment to anyone impeding attendance at the council was reissued.<sup>15</sup> It is during this period that the first evidence of Carthusian participation at the Council of Basel may be found. On 30 July the council sent Henricus de Ludenschede, prior of the charterhouse Montis Sanctae Mariae near Strassburg, to Strassburg to make public the safe-conduct for travel to the council issued by Sigismund of Luxemburg, German king and emperor-elect.<sup>16</sup>

While the temporary presidents endeavored to hold the council together and to attract to it new delegates, Cesarini joined the crusading army marshalling near the Bohemian frontier under the command of Frederick I of Hohenzollern, Elector and Margrave of Brandenburg. This army advanced into Bohemian territory on 1 August and was routed on or about 14 August at Domažlice (Taus) by Hussite forces led by the Taborite Prokop (Procopius) Holy. Cesarini himself barely escaped the battlefield, fleeing in disguise and losing in the process his cardinal's robes and the bull by which he had been appointed legate for Bohemia.<sup>17</sup> Following the disaster at Domažlice the cardinal determined that further hostilities would not win back the

<sup>15</sup>MC i, 91-96.

<sup>16</sup>MC i, 92: "Eadem die [30 July] fuit Argentinam prior Argentinensis ordinis Carthusiensis cum salvis conductibus regiis, ut eos ibidem faceret publicari; et ita factum sollicite et diligenter, prout idem prior statim suis leteris intimavit." When Henricus joined the council has not been recorded. For letters dated 2. and 7 July 1431 by which Sigismund sanctioned and extended his protection over the council, see: MC i, 97-90.

<sup>17</sup>Christianson, 23-24.

Hussites to the church.<sup>18</sup> And so he traveled to Basel in order to take up the second of his legatine commissions: to work for the faith, peace, and reform of the church by means of a council and, as regards the Hussites, to try to gain by negotiation and persuasion that which had not been gained by the sword.

Cesarini reached Basel on 9 September 1431 and was received formally by the council in a general congregation held on 14 September. The arrival of its president strengthened a council in danger of floundering for lack of participation. One of the first tasks to which the Cardinal-legate set himself was, therefore, the recruitment of delegates. During September and October he issued a series of letters enjoining prelates and princes to come to the council or be represented there by proxies.<sup>19</sup> As in the series of letters issued the previous July, he emphasized that attendance was obligatory, but in these subsequent letters the call to duty was backed by the full weight of his legatine authority.

Wherefore we urge and beseech Your Paternities in our Lord Jesus Christ, and we warn by virtue of our authority, and we require on the strength of the oath taken by each and every one of you at your consecration, and by virtue of holy obedience and under penalty of excommunication we command by enjoining strictly that as soon as you are conveniently able you should come to this most sacred council on behalf of the universal good of all the faithful of Christ. But if by chance a bodily impediment should excuse you, as would be proper, from the journey, we wish that any such of you send in your place with a full mandate some men distinguished in manner and learning, informed concerning all the circumstances of your churches. [And] we require and admonish on our part that all prelates established in your dioceses, exempt and non-exempt, and the chapters of your

<sup>18</sup>Christianson, 24; For a resume of the futile attempts to reduce the Hussites by crusade, see: Mandel Creighton, *A History of the Papacy from the Great Schism to the Sack of Rome*, 2nd. ed. (1897; rpt. London: Longmans, Green and Co., 1919) ii, 176-190; Francis Dvornik, *The Slavs in European History and Civilization*, (New Brunswick, New Jersey: Rutgers University Press, 1962, 200-202.

<sup>19</sup>Renewed efforts to increase the membership of the council seem to have been begun the very day Cesarini formally undertook his presidency, see: *MC* i, 107: “fuerunt lectæ minutæ literarum, quæ debent mitti prælatis; et ibi fuit conclusum, quod scriberetur regibus et principibus, capitibus religionum universitatibus et aliis.”

cathedral churches, which have been accustomed to be summoned to councils, do the same.<sup>20</sup>

Although these efforts seem to have had some success, the number of delegates to the council remained small. Nevertheless the council was beginning to gain important support. On 3 September 1431 envoys representing Amadeus VIII, Duke of Savoy, arrived at Basel.<sup>21</sup> On 11 September they presented, at the council's behest, a memorandum detailing the Duke's concerns and support for the council. One of these envoys was the Carthusian prior of Pierre-châtel, Johannes Placentis.<sup>22</sup> That a Carthusian prior should perform diplomatic duties on behalf of a temporal sovereign seems at variance with the customs and statutes of the order, but the *carta* of the 1431 general chapter records that Johannes had sought and received the chapter's permission to be relieved of his duties as a visitor for that year "on account of the affairs of the lord duke".<sup>23</sup> On 17 September the council dispatched

<sup>20</sup>*MC* i, 111-112: "Quapropter Vestras Paternitates hortamur et obsecramus in domino nostro Jesu Christo, ac pro nostra auctoritate monemus, et requirimus, in vim a quolibet vestrum in sui consecratione præstiti juramenti, et in virtute sanctæ obedientiæ, et sub poena excommunicationis districte præcipiendo mandamus, quatinus quam primum commode poteritis, vos ad hoc sacratissimum concilium pro universali bono omnium Christi fidelium accedere debeatis. Quod si forsan corporale impedimentum ab itineratione vos merito excuset, volumus ut quilibet vestrum quosdam viro moribus et literatura ornatos, de omni statu vestrarum ecclesiarum instructos, loco vestro cum pleno mandato destinatis, idem ut prælati omnes, exempti et non exempti, in vestris diocesibus constituti, capitulaque ecclesiarum vestrarum cathedralium, quæ solita sunt ad concilia convocari, faciant, nostra ex parte requiratis et moneatis." Text is excerpted from a paradigm of letters sent to archbishops and their suffragans: *MC* ii, 110-112. Segovia also provides a copy of this letter, see: *MC* ii, 32-34. For references to letters sent to Charles VII of France and Henry VI of England, see: *MC* i, 110 and *MC* ii, 35.

<sup>21</sup>*CB* ii, 14; *MC* i, 103-105, ii, 29. Ragusa records the text of the memorandum, see: *MC* i, 104-105.

<sup>22</sup>*MC* i, 105, ii, 29 where the "prior Petre Castri" is mistakenly identified as a Cistercian. Marie José, *La maison de Savoie*, (Paris: Éditions Albin Michel, 1962) ii, pt.2, 147.

<sup>23</sup>*AC* 100:9, 51. Given the order's statutes governing the behavior of priors, Albert Gruys's contention (*Cartusiana* i, 113) that such diplomatic activities caused the order "grande mécontentement" is possible, but I have discovered no evidence to

him back to Savoy with a letter, the contents of which are unknown, for Amadeus. He returned to Basel in early November to convey to the council Amadeus' good will, his hopes for peace between England and France and for the extirpation of the Hussite heresy, and his belief that many in France were prepared to march against the Bohemians<sup>24</sup>.

In its efforts to increase its membership, the council had been hampered by war between the Dukes Frederick IV of Austria and Philip the Good of Burgundy.<sup>25</sup> The need to assure those called to attend the council that they might travel to Basel in safety thus forced the council to take up that part of its prescribed agenda which pertained to the maintenance of peace between Christian princes. On 19 September 1431 a letter from Frederick, in which he declared his unwillingness to make peace with Philip, was read before the council.<sup>26</sup> In response Cesarini himself issued on 22 September a sharply worded letter to Frederick ordering him to forge a truce with

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support it. LeVasseur iv, 565-566 reports, without supplying a date (was it prior to Pavia/Siena or Basel?), that Amadeus had sent Johannes to Martin V to urge him to observe *Frequens*: "Quem Amedeus VIII Sabaudiae dux delegavit ad Summum Pontificium, ut ab eo impetravet Bullam, qua mandaret observari Concilii Constantiensis ordinationes, seu Canones pro celebrandis Conciliis generalibus et provincialibus de decennio in decennium."

<sup>24</sup>*MC* i, 125: "Dominus Petrus, prior Petræ castri fecit relationem ex parte ducis Sabaudiaë, de bona ipsius affectione, primo erga concilium, deinde erga expugnationem Hussitarum, erga sollicitudinem suorum prælatorum, erga pacem Franciaë, et simpliciter erga omne bonum; et retulit etiam, quod multi militares erant optime dispositi in Francia transeundum contra Hussitas hæreticos."

<sup>25</sup>For a fuller discussion of this conflict and its relation to the long-standing hostilities between England and France, see: Noël Valois, *La crise religieuse du XVe siècle: le pape et le concile (1418-1450)*, (Paris: Librairie Alphonse Picard et Fils, 1909) i, 111-115.

<sup>26</sup>*MC* i, 110. See: *MC* i, 106 for a letter of Sigismund that paints Frederick as no friend of councils: "Sed de duce Fridrico non est admirandum, si ipse hoc concilium turbare conatur, qui etiam Constantiensis concilii fuerat perturbatur, quamvis intentum suum per gratiam non obtinuerit."

Philip.<sup>27</sup> Although it is not possible to gauge precisely the influence of the Cardinal-legate's initiative, a truce was indeed arranged in mid-October.<sup>28</sup>

In the weeks that followed Cesarini began to move the council to address other elements of its agenda. Of paramount concern was the threat Hussite heresy posed to orthodox faith and, in particular, to the church in German territories.<sup>29</sup> After more than a decade of failed crusades, the fathers of the council opted for negotiation and persuasion by issuing a letter, dated 15 October 1431, inviting the Bohemians to send representatives who would be given a free and sincere hearing.<sup>30</sup> Moreover even though the council was still struggling to establish and strengthen itself, it did not neglect its obligation to bring about reform. In early October it ordered a visitation of the regular, exempt and non-exempt alike, and secular clergy of Basel.<sup>31</sup> Ragusa reports that one of the visitators appointed to inspect regular clergy was a Carthusian, identified only as Faynaldus.<sup>32</sup>

<sup>27</sup>*MC* i, 112-113, at 113: “Quod si his nostris salubribus monitionibus, pro tanta necessitate populi Christiani justisque requisitionibus, consensum non præbueritis et operam cum effectu, quod de tam catholico principe non est aliquo serandum: oportebit nos, licet plurimum invitos, contra vos, tamquam contra perturbatorem et impeditorem sacri concilii generalis et boni publici totius populi Christiani, procedere juris remediis opportunis.”

<sup>28</sup>*MC* i, 118, 124. News reached Basel on 8 February 1432 that the dukes had later agreed to a six-year truce, see: *CB* ii, 29.

<sup>29</sup>Richard Kieckhefer, *Repression of Heresy in Medieval Germany*, (Philadelphia: University of Pennsylvania Press, 1979), 87-90. See also: Hermann Haupt, “Hussitische Propaganda in Deutschland”, *Historisches Tachschenbuch*, series 6, 7 (1888), 233-304.

<sup>30</sup>*CB* ii, 16; *MC* i, 118, ii, 38-40.

<sup>31</sup>*CB* ii, 16 dates this action to 9 October 1431: *MC* i, 115 provides a date of 6 October; see: *MC* ii, 35.

<sup>32</sup>*MC* i, 115. Neither the published notarial records (*CB* i, 16) nor Segovia's history (*MC* ii, 35) list Faynaldus among the visitators of regular clergy. Neither the published records of the council nor those of the order itself offer further information concerning Faynaldus.

By December 1431, then, the long doubtful prospects of the nascent council began to show promise. A papal legate had been installed after a considerable delay as its president. Hostilities in the neighborhood of Basel that had discouraged travel to the city had been settled peacefully. The number of delegates was increasing, albeit slowly. Overtures had been made to the Hussites that they join a co-operative search for means by which the Bohemian church might be reintegrated into Christendom. The first initiatives of reform, a task first set aside at the Council of Constance in favor of the election of an undoubted pope and then largely ignored at the subsequent Council of Pavia-Siena, had been undertaken. And on 14 December Cesarini had presided over the first public session of the council at which the opening ceremonies first performed the previous 23 July by deputies were rehearsed and the prerogatives and procedures of the council were forcefully and confidently asserted.<sup>33</sup> During the week leading up to this first session a number of new delegates had joined the council including representatives of the archbishops of Mainz and Salzburg; the bishops of Autun, Constance and Halberstadt; the cathedral chapters of Constance and Lausanne; and the observant Franciscans. Bishop Conradus of Ratisbon himself arrived accompanied by diocesan clergy. Also appearing in time to attend were two Carthusian priors described by both the council's notary and Segovia as acting for the order: Henricus von Ludenschede of Strassburg and Johannes Eselweck of Basel.<sup>34</sup>

If the first session demonstrated the council's growing confidence, that confidence was not unalloyed. At the same general congregation at which Cesarini had assumed his presidency on 14 September 1431, the council had sent Johannes

<sup>33</sup>*MC* ii, 46-62. Mansi, XXIX, 1-21.

<sup>34</sup>*CB* ii, 19; *MC* ii, 46. Henricus had acted for the council during the previous summer, see above: 14. Johannes, as had Henricus, made his profession at the charterhouse at Mainz and succeeded him as prior of Vallis sanctae Margaritae at Basel in 1429. See: Nicklès, 75, 80.

Pulchripatris, a leading member of the delegation of the University of Paris, to Rome to seek from Eugenius IV a clear declaration of his support and a specific ratification of the powers with which his predecessor, Martin V, had endowed the Cardinal-legate.<sup>35</sup> When, at the end of December 1431, the pope had made no definite reply, the council organized a second embassy.<sup>36</sup> Not until 13 January 1432 did the council learn that Eugenius had issued a bull, *Quoniam alto*, on 12 November 1431 ordering that the council be dissolved. In this bull the pope cited a number of considerations that moved him to order the council's dissolution: the deformed state of the Basilean clergy, the presence of Hussite heretics in the neighborhood of the city, the inability of an adequate number of prelates to reach the city owing to the Austro-Burgundian war and the onset of winter, and the unwillingness of the Greek emperor John VIII Palaeologus to participate in a council of reunion of the Roman and Byzantine churches unless it be held in an Italian city. In place of a council at Basel Eugenius promised that a new council, entrusted both with negotiating a reunion with the Greek church and with the reform of clergy and laity, would be convoked at Bologna in eighteen months.<sup>37</sup>

<sup>35</sup>*CB* ii, 549-551; *MC* ii, 30-32.

<sup>36</sup> *CB* ii, 555-561; *MC* ii, 43-45. The date was 28 December and the envoys named were Thomas Fiene, a Parisian master, and Jacob von Sierck, an apostolic prothonotary who was elected archbishop of Trier in 1439.

<sup>37</sup>When Eugenius learned of the council's invitation that the Hussites send representatives to Basel, he condemned its action in a revised version of *Quoniam alto*, issued on 18 December. For texts, see: *MC*, ii, 67-69, 72-75; *Epis. Pont. Conc. Florent.* i, 21-23, 24-25. In an attempt to conform to the Constance decree *Frequens* both redactions of *Quoniam alto* also stipulated that a council would meet at Avignon ten years after the promised Bologna council. For a fuller discussion of Eugenius' first attempt to dissolve the Council of Basel, see: Loy Bilderback, "Eugene IV and the first dissolution of the Council of Basel," *Church History* 36 (1967), 243-253. For a discussion of the complicated problem of which version of *Quoniam alto* was known when at Basel, see: Christianson, 31-36, 45.



The fathers at Basel, numbering then about fifty with three Carthusians, at least, among them<sup>38</sup>, greeted this news with a firm determination to resist any such attempts to dissolve, prorogue, or transfer the council. Professing that the pope would not have ordered a dissolution had he known the true facts of the council's circumstances, they communicated their resolve and their conviction that their assembly was lawful, sanctioned not only by decrees of the councils of Constance and Pavia-Siena, but also by the authority of Martin V and Eugenius himself, by an open letter to all the faithful, *Zelus domus Dei*, dated 21 January 1432:

. . . therefore by the tenor of the present letter we declare that we have decided unanimously to remain firmly in this sacred council, and with the grace of the holy spirit assisting to work diligently to accomplish the aforesaid holy work, which we have begun, and not to withdraw from here for any reason or on account of any circumstance before some efficacious remedy will have been applied to the previously stated [ills afflicting the church] since it is certainly evident that from the dissolution of this council the ruin of the catholic faith, of the state of the church, and of the whole of the Christian religion would follow. Mindful of the reputation for integrity and sanctity of life which our most holy lord Pope Eugenius IV has enjoyed up until now, we hope and hold it as certain that he will offer every favor and help for preserving this sacred council, which exists, having been begun and established, by the authority of preceding councils and by that of his predecessor and himself. Let no one in any way give credence to any persons or letters whatsoever asserting otherwise.<sup>39</sup>

<sup>38</sup>Loy Bilderback, "Proctorial Representation and Conciliar Support at the Council of Basel," *Annuario Historiae Conciliorum* 1 (1969), 140. My assumption is that Henricus de Ludenschede and Johannes Placentis were present at the council throughout January and February 1432, see below concerning their assignment to the deputation for reform, 29 February. That Johannes Eselweck was also present seems likely, given that there is no record of any request by him for permission to depart until 4 June 1432 when the council's deputation for common affairs grants such to a Carthusian "nuper fuit prior Basiliensis" (*CB* ii, 135)—an undoubted reference to Eselweck—relieved of the priorship at Basel in favor of Albertus Buer by the order's 1432 general chapter, see: *AC* 100:9:80. Whether or not the Faynaldus identified by Ragusa as one of those charged with the visitation of Basel's regular clergy participated further in the council cannot be determined.

<sup>39</sup>*MC* ii, 118-120, at 119: "ideo tenore presencium significamus nos omnino decreuisse in hoc sancto concilio firmiter permanere, et accedente gratia spiritus sancti diligentissime laborare ad predicta sancta opera, que inchoauimus, perficienda, nec ulla ex causa vel occasione hinc recedere, antequam aliquod efficax remedium

Having asserted their right to continue and warned of the dire consequences that would result from the dissolution of the council, the fathers then recounted conciliar initiatives that betokened the benefits of continuance for the church and the faithful. Already their plan for leading back the Hussites from heresy was showing positive results; it had been learned that their letters inviting Hussite representatives to the council had been favorably received. Moreover they had begun to involve themselves in negotiations to end the long struggle over the French crown that fueled the so-called Hundred Years' War. For their success in these and other endeavors the fathers sought the prayers of the faithful and issued yet again a general summons "under penalty of law" to all those obligated to do so to join the council as quickly as possible.

Following upon this declaration of defiance, the fathers of the Council of Basel began to equip themselves for conflict. Soon after the publication at Basel of *Quoniam alto* the fathers sent an embassy to Rome to announce to Eugenius their intention to disregard his order of dissolution, to inform him that the impediments to a successful council cited in his decree did not exist, and to persuade him to rescind it. This embassy was further instructed to proceed to Rome by way of the courts of the Dukes of Savoy and Milan and that of the Emperor-elect Sigismund, then at Piacenza, at each stop to appeal for support.<sup>40</sup> Additional appeals were ordered by a general congregation that met on 8 February: ambassadors were dispatched to the Duke of Burgundy and the King of France, and instructions were issued that letters to

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circa predicta adhibitum fuerit; cum euidenter constare possit ex dissolucione huius concilii secutura fidei catholice, status ecclesiastici et tocius christiane religionis ruina. Speramus et pro certo tenemus, attenta integritatis et sanctitatis vite fama, qua huc vsque nunc vixit sanctissimus dominus noster Eugenius papa quartus, ipsum omnem fauorem et auxilium daturum ad conseruandum hoc sacrum concilium, quod auctoritate precedencium conciliorum, et sui antecessoris, et ipsius inchoatum ac stabilitum extitit. Nec quisquam aliquo modo credat quibuscumque personis aut litteris aliud asserentibus."

<sup>40</sup>*CB* ii, 24; *MC* ii, 84-88.

the King of Poland and the German princes be drawn up. In each case the council enjoined that the kings and princes command the prelates of their domains to attend the council in person or by proxy.<sup>41</sup> On 11 February a committee of delegates met to discuss letters to be sent to the King of Poland, the Master-General of the Teutonic Knights, and to the remaining kings and princes of *Germania*. The notarial record reports that a delegate, identified only as a Carthusian monk, volunteered to deliver these letters and that the committee accepted his offer and assigned one of its members, a German called Henry, to meet with him concerning the necessary financial arrangements. Because the notarial entry refers to this Henry as “another” of the members of the committee, it seems probable that the unnamed Carthusian was likewise a member, but as to who he may have been and whether he carried out all or part of such a mission the published evidence provides no clue.<sup>42</sup> On 19 February a committee of delegates met to discuss the proper form of letters of appeal. Two days later presumably this same committee determined to write to kings, prelates, and universities in Spain and reviewed both forms for these letters and instructions to be issued to conciliar envoys to the dioceses of Troyes, Laon, and Verdun. And on 22

<sup>41</sup>*CB* ii, 28-29.

<sup>42</sup>*CB* ii, 32: “Similiter fuit conclusum per dictos dominos deputos, quod scriberetur regi Polonie, magistro generali Prutenorum ac ceteris regibus et principibus de Germania, et ad deferendum litteras se obtulit quidam de ordine Cartusiensi, cum quo dominus Henricus de nacione de Germania alter deputatorum debebat convenire de stipendiis et expensis. Et ad formandum litteras huiusmodi assumpsit in se onus dominus scolasticus de Warmacia.” Although the editor of these records, Johannes Haller, makes no attempt to identify the Carthusian in question, he does speculate as to the identities of Henry and the scholar from Worms: Henricus Nithard, rector at Ulm and proxy for the cathedral chapter at Constance (*CB* ii, 19, 609) and Johannes de Montemartis, proxy for the bishop and clergy of Worms (*CB* ii, 21, 614). In any event it is not likely that this unnamed Carthusian was sent to Poland inasmuch as the council named Egidius, Bishop of Risano, its envoy to the Kings of Denmark and Poland on 13 February, see: *CB* ii, 34.

February that committee met for an entire day to hammer out texts for letters “to kings, princes, prelates, universities, and communities of diverse regions”.<sup>43</sup>

Paired with these diplomatic efforts were initiatives intended to insure the internal cohesion of the members and to provide for the efficient and representative conduct of the business of the council. On 1 February 1432 the fathers instituted an oath of incorporation requiring all delegates to promise to uphold the council's honor and stability, to offer wise and salutary counsel, not to depart from the city without permission, and not to disclose the votes of other delegates if to do so would occasion scandal.<sup>44</sup> When their president, Cardinal-legate Cesarini, resigned his office on 8 February rather than execute the bull of dissolution, they elected a successor, Philibert de Montjeu, Bishop of Coutances, the very same day.<sup>45</sup> Shortly thereafter the council authorized the manufacture of its own seal. This seal, preserved in Vienna at the Kunsthistorisches Museum, bears the inscription: “Seal of the Holy General Council of Basel, representing the entire church”. It depicts God sending down his holy spirit, represented as a dove, upon an assembly of figures representing cardinals, bishops, doctors, and monks gathered in the presence of the pope: an effigy that

<sup>43</sup>*CB* ii, 39-40.

<sup>44</sup>*MC* ii, 121: “Vnde ab hoc tempore ordinata est forma iuramenti per eos qui venirent ad concilium in sua prestanda incorporacione, videlicet fideliter et diligenter laborare pro statu et honore sacri Basiliensis concilii, dare sanum et salubre consilium secundum Deum et conscienciam suam; non reuelare vota singulorum, in quantum ex huiusmodi reuelacione procederet odium vel scandalum, et non recedere a loco concilii sine licencia ab ipso concilio, vel deputatis eiusdem.”

<sup>45</sup>*MC* ii, 122. On the day (13 January 1432) that Eugenius' intention to dissolve the council was made public at Basel, Cesarini wrote to the pope to persuade him to rescind his order of dissolution, see: *MC* ii, 95-107; Christianson, 40-43. Following his resignation Cesarini remained in Basel. He wrote again to Eugenius in early February to urge him to desist and to defend the council's overtures to the Hussites, see: *MC* ii, 109-117; Christianson, 45-51.

distills the essence of the conciliar view of church government.<sup>46</sup> Then in their second public session, 15 February, the fathers sought the sanction of precedent, laying claim to their legal prerogatives and responsibilities, when they ratified the substance of the pivotal decrees of the Council of Constance *Haec Sancta* (6. April 1415)<sup>47</sup> and *Frequens* (9 October 1417).<sup>48</sup> These advanced the central tenets of the conciliar view of church governance: first, that a general council, legitimately assembled, derives its authority directly from Christ, to which authority all Christians of whatever rank, including the pope, are subject as regards faith, the rooting-out of heresy, and the reform of the church in head and members, and, second, that general councils, which should be convened at regular intervals, may not be dissolved, prorogued, or transferred without their consent.<sup>49</sup> Finally the fathers attempted to create a structure and set of procedures that would discourage its domination by political or other particularist interests. Consequently on 23 February they, rejecting the tradition observed at Constance and Pavia-Siena of organizing by nations, originated Basel's distinctive deputation system whereby members were assigned to one of four standing committees: faith, peace, reform, and common, that is, administrative, affairs to which the work of the council would be apportioned.<sup>50</sup>

<sup>46</sup>For a photograph of the seal, see: Geoffrey Barraclough, *The Medieval Papacy* (London: Thames & Hudson, 1968), 184.

<sup>47</sup>Mansi, xxvii, 590-591.

<sup>48</sup>Mansi, xxvii, 1159.

<sup>49</sup>*CB* ii, 34-36; *MC* ii, 124-126.

<sup>50</sup>*CB* ii, 41; *MC* ii, 126-135. The standard treatment of this and other aspects of the council's organization and institutional functioning is, Paul Lazarus, *Das Basler Konzil. Seine Berufung und Leitung, seine Gliederung und seine Behördenorganisation* (1912; rpt. Vaduz: Kraus Reprint Ltd., 1965).

Although this scheme was not adopted formally until 26 September 1432<sup>51</sup>, in practice these deputations did the council's work from 29 February when they were first constituted. The roster of the first deputations includes the names of two Carthusians, both assigned to the deputation for reform: Johannes Placentis, prior of Pierre-châtel and Henricus von Ludenschede, prior at Strassburg.<sup>52</sup>

Far, then, from realizing his aim, Eugenius inadvertently provided the spur the council had been lacking. By those committed to reform and to conciliar ideals, his attempted dissolution was considered precipitous, high-handed, deceitful, and uncanonical. His political rivals, principally the emperor-elect Sigismund and Filippo Maria Visconti, Duke of Milan, recognized, whatever their views on reform and church governance, an opportunity to gain advantage. And so the council's pleas for support found quick and positive responses. Sigismund, annoyed by delays of his imperial coronation and anxious that the proposed negotiations between the council and the Hussites might help him reclaim the Kingdom of Bohemia, wrote in January his encouragement to the fathers and his displeasure, in the form of *avisamenta*, to the pope.<sup>53</sup> The emperor-elect further provided the council with a protector, William, Duke of Bavaria, whom the council formally received on 3 February.<sup>54</sup> On 1 February a representative of the Duke of Milan offered the council his master's

<sup>51</sup>*CB* ii, 229; *MC* ii, 260-263.

<sup>52</sup>*CB* ii, 46-47; *MC* ii, 128. Johannes had been nominated by some of the French clergy on 26 February, see: *CB* ii, 44.

<sup>53</sup>*CB* ii, 22-23; *MC* ii, 80-84.

<sup>54</sup>*CB* ii, 26; *MC* ii, 121. On 8 March the council assigned four delegates, including Johannes Placentis, prior of Pierre-châtel, to assist William with the housing and provisioning of those attending the council, see: *CB* ii, 54: "Item in eadem congregacione fuerunt deputati ad assistendum domino duci protectori huius concilii pro conveniendo cum civibus huius civitatis de locagiis domorum et victualibus etc. domini Cumanus et Gebennensis episcopi, prior Petrecastris et magister Henricus Nithart."

adherence and obedience, urging the fathers to persevere and promising that ducal ambassadors and prelates from Milanese-held territories would soon be arriving.<sup>55</sup> Duke Amadeus VIII of Savoy, who had signalled previously his support for the council on several occasions, now too declared openly for Basel. Several of his envoys were incorporated into the council on 8 February during the same general congregation that elected Philibert de Montjeu to succeed Cesarini as president of the council. One of these addressed the assembled fathers with the words of Christ: “pray that the Lord of the harvest send out workers into the vineyard” (Mt. 9.38).<sup>56</sup> On 6 March two envoys of the council returned to Basel reporting that Duke Philip of Burgundy had promised to adhere to the council and send representatives, to write to encourage prelates and clergy of his territories to attend the council, and to urge his political allies to adhere to it.<sup>57</sup> On 4 May representatives of Louis, Count Palatine, took the oath of incorporation.<sup>58</sup> And also in early May the council learned that King Charles VII of France and the French clergy, meeting in synod from 26 February at Bourges, had determined to adhere to the council.<sup>59</sup>

As important as this support was in and of itself, it afforded the council a collateral benefit of great consequence: whether actively encouraged by secular authorities or simply emboldened by the general political acceptance of the council, an increasing number of delegates journeyed to Basel.<sup>60</sup> By mid-April the number of

<sup>55</sup>*CB* ii, 25.

<sup>56</sup>*CB* ii, 27-28; *MC* ii, 123.

<sup>57</sup>*CB* ii, 50-51.

<sup>58</sup>*CB* ii, 105.

<sup>59</sup>*CB* ii, 107; *MC* ii, 184-185; Valois I, 152-158.

<sup>60</sup>It must be emphasized that all persons incorporated into the council, that is, entitled to take part in debate and to vote on legislation, were clerics. Laymen, despite charges made later that even cooks and the like were allowed the franchise at

bishops attending the council doubled with the incorporation of the Archbishop of Milan and five bishops from Milanese-dominated territories.<sup>61</sup> Other episcopal clergy sent representatives. On 8 February proctors representing collectively the Archbishop of Magdeburg and the bishops of Merseberg and Brandenburg took the oath of incorporation.<sup>62</sup> On 16 February Nicholas Clerici, archdeacon of Neutra and canon of Gran, joined the council on behalf of the archbishop of Gran and three of his suffragans.<sup>63</sup> Proctors were also incorporated on 11 February for the bishop, chapter, and clergy of Breslau and on 14 February for the bishop and clergy of Passau.<sup>64</sup> The Archbishops of Mainz and Cologne, both imperial electors, however, did not send representatives immediately. Nevertheless the fathers cannot have feared about their intentions after word reached Basel on 18 February that each had ordered in their dioceses processions for the success of the council.<sup>65</sup>

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Basel, were strictly excluded from direct, formal participation. Bilderback relates that the imperial protector, William of Bavaria, and Sigismund himself conducted official business with the council by letter, see: "Proctorial Representation", 148. This is not to suggest, to be sure, that lay concerns were not voiced at Basel. The clerical proctors of secular rulers—and this includes the Carthusian Johannes Placentis, who served as one of the Savoyard envoys—are hardly likely to have ignored entirely the interests of their principals. By careful statistical analysis Bilderback has shown, however, that such proctorial incorporations were rare, see: "Proctorial Representation", 148.

<sup>61</sup>The Archbishop of Milan was incorporated along with the Bishop of Albenga on 16 April, see: *CB* ii, 96. For the incorporations of the bishops of Como, Novara, Lodi, and Pavia, see, respectively: *CB* ii, 40-41, 52, 57, and 65. Six bishops, of Chalon-sur-Saône, Coutances, Geneva, Lausanne, Périgueux, and Ratisbon were active at the council prior to the announcement of *Quoniam alto*.

<sup>62</sup>*CB* ii, 29. These same proctors also represented the University of Erfurt.

<sup>63</sup>*CB* ii, 36.

<sup>64</sup>*CB* ii, 31, 33-34.

<sup>65</sup>*CB* ii, 37. Proctors for the Archbishop of Mainz were incorporated, along with representatives of the bishop of Arras, on 25 April, see: *CB* ii, 99. Proctors for the Archbishop of Cologne were incorporated on 24 October, see: *CB* ii, 254. The cathedral chapter of Mainz had been represented at the council since 25 January by Theodoricus Knebel, see: *CB* ii, 25.



Monastic and mendicant clergy too now joined the council in growing numbers, and prominent among these were monks engaged in the reform of Benedictine houses. Two leaders of the reforming movement that emerged from the abbey at Melk near Vienna, Petrus von Rosenheim, Prior of Melk, and Johannes von Ochsenhausen, Abbot of the Schottenkloster in Vienna, were incorporated into the council on 12 February.<sup>66</sup> Several weeks later Johannes Rode joined the council as part of a delegation (of which Nicholas of Cusa was also a member) sent by Ulrich von Manderscheid, one of two contestants for the vacant archiepiscopal see of Trier.<sup>67</sup> Rode, who had made his original profession at the charterhouse in Trier in 1416 and who had quickly become the prior of that monastery, was transferred in 1421 by Pope Martin V to the Benedictine abbey of St. Matthias Outside the Walls at Trier and made its abbot. His fame as reformer of that monastery won him the trust of the council, which later employed him to reform monasteries in the dioceses of Speyer, Worms, and Strassburg.<sup>68</sup> As for the Carthusians, the incorporation of another, unidentified prior was recorded on 8 March. This likely, but not assuredly, was Albertus Harshusem, prior of the charterhouse Hortus Christi at Nördlingen, who was assigned, along with Johannes Placentis, prior at Pierre-châtel, and Henricus von

<sup>66</sup>*CB* ii, 33-34.

<sup>67</sup>Rode took the oath of incorporation on 29 February, see: *CB* ii, 45.

<sup>68</sup>For Carthusian treatments of Rode's life and career, see: Clemens Bohic, *Chronica ordinis cartusiensis ab anno 1084 ad annum 1510* (Parkminster, 1954) iv, 109-110; Charles LeCouteulx, *Annales ordinis cartusiensis ab anno 1084 ad annum 1429* (Monstrolii: Typis Cartusiae S. Mariae de Pratis, 1890) vii, 462-466; LeVasseur iv, 461-462; Nicholas Molin, *Historia cartusiana ab origine ordinis usque ad tempus auctoris anno 1638 defuncti* (Tournai: Typis Cartusiae S. Mariae de Pratis, 1904) ii, 72-74. Rode exercised a seminal influence on the development of the reformed Benedictine Congregation of Bursfeld, see above: 3 n. 4.

Ludenschede, prior at Strassburg, to the deputation for reform when the deputations were reconstituted on 11. April.<sup>69</sup>

When, therefore, the priors of the Carthusian Order gathered at the Grande-Chartreuse on 19 May 1432 to begin their general chapter, there were among them at least four priors who had participated at the council: Henricus von Ludenschede of Strassburg, Johannes Eselweck of Basel, Albertus Harshusem of Nördlingen, and Johannes Placentis of Pierre-châtel. Although the Council of Basel had been announced in January 1431, the *carta* of the Carthusian general chapter for that year makes no mention of it. The *carta* of the 1432 general chapter, on the other hand, discloses that the council figured prominently in the deliberations of that chapter. Undoubtedly these deliberations were informed by what the four priors who had attended the council had seen and heard. From them their brethren would have learned how the fathers of the council had declined to comply with the pope's order that they disband and how they had sent an embassy to Rome to persuade him of the necessity of a council. They would have learned also how the fathers had justified their decision principally on the basis of the Constance decrees stipulating the frequency with which councils must be convoked (*Frequens*) and proclaiming the authority, superior even to that exercised by a pope, of a duly-assembled council in matters of faith, heresy, and reform (*Haec sancta*), decrees which the fathers had renewed at their second public session on 15 February. They would have learned too that latterly, at the third public session (29. April 1432), the fathers, knowing that their envoys had failed to persuade Eugenius to relent, had reasserted *Haec sancta*

<sup>69</sup>CB ii, 52,53. For a list of the members of the deputations as of 11 April, see: CB ii, 86-87.

and, on the strength of that decree, had issued the first of what was to be a series of summonses warning Eugenius that, unless he revoke his decree of dissolution and come before the council either in person or represented by fully empowered proxies, the council, acting under the guidance of the Holy Spirit, would proceed against him to protect the church. Johannes Placentis, who was elected a diffinitor of the 1432 chapter, had, himself, participated in this general congregation as a representative of Amadeus of Savoy.<sup>70</sup> Likewise they would have heard the encouraging news that envoys of the council had succeeded in arranging with Hussite representatives a conference to take place at Cheb (Eger) to negotiate terms under which the Hussites would consent to send a delegation to Basel to discuss and defend the tenets of their beliefs as expounded in the Four Articles of Prague.<sup>71</sup> Finally they would have heard that the council was attracting prominent monastic reformers, men with whom they shared a community of interests.<sup>72</sup>

<sup>70</sup>MC ii, 180-183.

<sup>71</sup>MC ii, 152-153; MC i, 190-210. The negotiations led to such an agreement, embodied in the so-called Cheb Compacts, signed 18 May 1432. Word of this success reached Basel on 2 June, and the council issued a formal letter of invitation along with a safe-conduct at its fourth public session (20 June 1432), see: CB ii, 133, 145; MC ii, 192-198. For an entry into Hussite scholarship, see: Howard Kaminsky, *A History of the Hussite Revolution*, (Berkeley and Los Angeles: University of California Press, 1967).

<sup>72</sup>On Carthusian involvement with the Bursfelders and other reforming interests, see above: 3 n. 4. Although the following gives short shrift to the Council of Basel, see: Heinrich Rüthing, "Die Kartäuser und die spätmittelalterlichen Ordensreform," in Kaspar Elm, ed. *Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen* [*Berliner Historische Studien*, Band 14: Ordensstudien VI] (Berlin: Duncker & Humblot, 1989), 35-58. Dieter Mertens' "Reformkonzilien und Ordensreform im 15. Jahrhundert", a useful introduction to the council's participation in monastic reform generally, is to be found in this same collection of essays at 431-457.

The general chapter was the primary instrument of Carthusian governance.<sup>73</sup> Every prior of the order was required to attend this assembly, which met annually at the Grande-Chartreuse beginning the fourth Monday after Easter. Any who were not fit were obliged to send a representative. Only priors of English and remote German charterhouses, for whom the journey was particularly arduous and expensive were granted an exception: to attend quadrennial chapters, in leap years. At the outset of each chapter seven priors and one representative of the monks of the Grande-Chartreuse were elected to serve as diffinitors of the chapter. It was with this body, which operated under the presidency of the prior of the Grande-Chartreuse, in effect the prior-general of the order, that the real decision-making authority of the chapter rested.<sup>74</sup> The diffinitors were charged with formulating the ordinations of the chapter clarifying and regulating Carthusian discipline and observance. Although the diffinitors would retire periodically from the full assembly in order to deliberate and make their determinations—settled by majority vote—most of the chapter was devoted to the discussion of proposed legislation by all the participating priors. In fact the diffinitors were forbidden from pronouncing on any matter that had not been raised publicly before the entire chapter. The ordinations of a general chapter were to have force only until the succeeding chapter unless that subsequent chapter should

<sup>73</sup>For statutes pertaining to the authority and celebration of general chapters, see: *Statuta antiqua* ii, ca. xxviii-xxix [AC 99:1:215-223], *Statuta nova* ii, ca. vii [AC 99:2:305-307]. The *Statuta nova* were issued in 1368. Legislation concerning general chapters enacted between 1369 and the period under discussion in this thesis may be found in a third collection of statutes published in Basel in 1509, see: *Tertia compilatio* ca. ix [AC 99:3:359-366].

<sup>74</sup>In this study I employ the term “prior-general” to indicate the prior of the Grande-Chartreuse, the mother house of the order. I resort to this convention, which postdates the medieval period, for the sake of convenience. See below: 218-219 for discussion of the constitutional role of the prior of the Grande-Chartreuse in the polity of the order. Note too that priors were prevented from serving as diffinitors in consecutive years.

explicitly confirm them. By such confirmation ordinations were incorporated into the Statutes, the permanent legislation, of the order.

The *carta* of the 1432 general chapter exhibits an arrangement of contents typical of *cartae* of the period with which this study is concerned. It begins with a list of the seven priors and one representative of the Grande-Chartreuse who had been elected diffinitors.<sup>75</sup> Next come a list of prayers followed first by general ordinations for the entire Order and then by specific ordinations for each monastery. Then come lists of the visitators for each province, of those visitators empowered with the authority of the general chapter to act in such cases as could not be postponed until the next Chapter, and of those visitators chosen by the Prior-general to act in cases reserved to the papal see. The provincial visitators, appointed by the diffinitors of the chapter, were charged with conducting regular inspections of charterhouses to insure that the customary rigor of the order was being observed. The *carta* concludes with a list of four priors who would comprise a private chapter with which the prior-general might consult if need be during the interim before the next general chapter and with a notice of which prior was to deliver the opening sermon at the next general chapter.

In examining the 1432 *carta*, the list of prayers provides evidence of Carthusian attitudes towards the council. Listed following the memorial masses for deceased members and friends of the Order were prescribed masses and prayers to be offered in every charterhouse in favor of the pope, the prior-general, and other worthy persons, undertakings, and aspirations. It was in this way, for example, that

<sup>75</sup>The *cartae* for 1438 and subsequent general chapters contained in Paris, Bibliothèque Nationale MS Latin 10887 provide a roster of other, subordinate officers of the chapter following the list of diffinitors, *AC* 100:3:4, *passim*.

the Carthusians annually declared their detestation of the Hussite heresy.<sup>76</sup> It was in this way too that they expressed their hopes for reform. From 1410, the year that the Carthusians healed their internal schism by agreeing to recognize Alexander V as pope, general chapters stipulated that each house offer a *tricenarium Spiritus sancti*, a cycle of thirty votive masses, for the peace and reformation of the church.<sup>77</sup> In the years leading up to the Council of Basel this concern for reform began also to be expressed in the customary direction that each charterhouse offer a *tricenarium Spiritus sancti* on behalf of the pope. Beginning with the general chapter of 1424 the *tricenarium* was imposed “so that under the hand of the same governor [Martin V] God might deign to direct and reform the church entrusted to him”.<sup>78</sup> That the timing of this reflects dissatisfaction with Martin’s abrupt and, as it was perceived in reformist and conciliarist circles, improper dissolution of the short-lived and unproductive Council of Pavia-Siena some six weeks previous to the meeting of that chapter, cannot be demonstrated from its *carta*, which is otherwise silent on the matter. It may be coincidence. Conversely, it may reflect impatience with continued

<sup>76</sup>See: LeCouteulx vii, 462 under the year 1421 “. . . pro impetratione cœlestis auxilii adversus infideles et hæreticos persequentes Christianos, et maxime Ecclesiasticos, in regionibus Bohemiæ et locis vicinis, bona eorum dissipando et auferendo, et mortes crudelissimas eis inferendo, eosque a fide Jesu Christi et S.R. Ecclesiæ discedere compellendo . . . fiat in qualibet Domo Ordinis unum tricenarium de Spiritu Sancto.” A form of this stipulation may be found in every *carta* through 1440. Thereafter it was replaced by an instruction enjoining prayer for divine help against infidels and heretics.

<sup>77</sup>LeCouteulx vii, 266: “Et pro bono statu, pace et reformatione Ecclesiæ Dei et totus populi Christiano, fiat etiam tricenarium Spiritus Sancti . . .”. In point of fact the order’s internal division was not entirely composed in 1410; several Spanish charterhouses persisted in adhering to the Avignon Pope Benedict XIII until 1419. See below: 130f.

<sup>78</sup>*AC* 100:8:62: “Pro Sanctissimo domino nostro Papa Martino quinto, ut deus sub manu ipsius regiminis Ecclesiam sibi commissam dirigere et reformare dignetur fiat in qualibet domo ordinis nostri unum tricenarium de Spiritu Sancto.” This form of the suffrage persists even after the election of Eugenius, see: *AC* 100:9:44 for *carta* for 1431.

delay in realizing the promise of general reformation—a promise expected by many to be redeemed, in large part, by the regular convoking of general councils under the terms of the decree *Frequens*, a promise thought by many to have been imposed upon Martin V prior to his election and subsequently to have been accepted by him.<sup>79</sup>

However that may be, the *carta* of the general chapter suggests that by 1432 the order had come to embrace the link between council and reform expressed in *Frequens*. Where former general chapters had not dedicated such prayers to councils (at least during the fifteenth century), the 1432 chapter did, and it did so by incorporating into its then-customary prescription of votive masses in favor of ecclesiastical reform a plea for divine direction of the Council of Basel:

For the direction of the holy general council now residing in Basel, and for the reform and peace of holy mother church, for which the lord Cardinal St. Angeli, legate and president at the aforesaid council, has conceded to all celebrating mass or hearing it one hundred days' indulgence, let there be offered in every house of the order one *tricennarium* of the Holy Spirit.<sup>80</sup>

Clearly the general chapter, implicitly acknowledging, by the phrase “holy general council”, the council’s legitimacy did not accept the papal decree of dissolution. Neither, evidently, was it willing to accept as permanent Cesarini’s resignation of the presidency of the council.<sup>81</sup>

<sup>79</sup>This point was made by an anonymous Carthusian in a letter dating from about 1443, see below: 217.

<sup>80</sup>*AC* 100:9:64-65: “Pro directione Sacri Concilii generalis nunc in Basilea residentis, et reformatione et pace Sanctae Matris Ecclesiae pro qua dominus Cardinalis Sancti Angeli legatus et praesidens in praedicto concilio concessit omnibus celebrantibus missam uel audientibus eam centum dies indulgentiarum, fiat in qualibet domo ordinis unum tricennarium de Spiritu Sancto.”

<sup>81</sup>In this regard the Carthusians shared the sentiments of the council. When it became known that the council’s ambassadors had not persuaded Eugenius to rescind his decree of dissolution, the fathers, meeting in general congregation on 25 April, decided to ask Cesarini, who had remained in the city, to resume the presidency. A distinguished delegation, led by the archbishop of Milan and including the Carthusian Johannes Placentis, was despatched to Cesarini’s residence, see: *CB* ii, 100. Although it and several subsequent delegations were not immediately successful,

Further indications of Carthusian reaction to the council and its persistence in the face of papal attempts to disband it are found among the ordinations, general and particular, set down in the 1432 *carta*. Here the general chapter encouraged in strong terms every single member of the order to offer mass or pray weekly for the council for as long as it should remain in session.<sup>82</sup> Moreover the general chapter supplemented prayer with action. By a general ordination it bade every charterhouse contribute one ducat or twenty Savoyard groats for the maintenance of the priors attending the council as representatives for the entire order. Those monies were to be collected and conveyed or otherwise sent to the general chapter by the provincial visitors.<sup>83</sup>

Particular ordinations for individual charterhouses shed light on but do not resolve all questions as to the composition of the Carthusian delegation to be supported by this impost. Primary responsibility seems to have devolved upon two of those priors previously in attendance at the council: Henricus de Ludenshede of Strassburg and Albertus Harshusem of Nördlingen. To their respective monasteries the general chapter addressed the wish that their brethren exercise patience during

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Cesarini gradually became more involved in the council, consenting, finally, to take up again the presidency on 12 September, see: *CB* ii, 219; *MC* ii, 233. See: Christianson, 56-67 for discussion of Cesarini's absence from the council.

<sup>82</sup>*AC* 100:9:67: "Item consulimus et monemus in domino quod singulae personae ordinis nostri celebrantes durante Concilio generali semel in Septimana dicant missam uotiuam de uiuis pro directione ipsius Concilii generalis, et non celebrantes dicant Letaniam, et Conuersi decies Orationem dominicam cum salutatione Angelica."

<sup>83</sup>*AC* 100:9:66: "Item ordinamus quod pro contributione expensarum Priorum qui pro toto ordine resident in Concilio generali in Basilea quaelibet domus ordinis soluat unum ducatum, aut uiginti grossos monetae Sabaudiae, et iniungitur Visitoribus Prouinciarum ut dictam summam diuidant per domos Prouinciarum suarum iuxta facultatem domorum ipsarum; Qui uisitatores anno futuro apportent eam ad Capitulum generale aut mittant . . ."



their absence while “they worked for the common good”.<sup>84</sup> Henricus, one of the earliest participants at the council and the first Carthusian known to have attended,<sup>85</sup> had made his profession at the charterhouse Montis Sancti Michaelis near Mainz and had served there as vicar before becoming prior of Vallis Sanctae Margarethae at Klein-Basel in 1425. In 1429 he became prior at the Strassburg charterhouse, serving until his death on 25 September 1439.<sup>86</sup> During his tenure at Strassburg he served as convisitator of the Rhenish province in 1431-1432, 1434, visitator in 1435-1436, 1438-1439, and was elected a diffinitor of the general chapter in 1434 and 1437.<sup>87</sup> Albertus joined the council later than Henricus, probably in March 1432.<sup>88</sup> Slightly more is known about his early career than that of Henricus: his name appears on a 1392 matriculation list for the newly-founded University of Erfurt.<sup>89</sup> Although the date is not known, he made his profession at the charterhouse, called the Salvatorberg, near that same city. From 1409 until 1428 he served as prior at

<sup>84</sup>For the ordination concerning Henricus, see: *AC* 100:9:80: “Priori domus Montis Sanctae Mariae prope argentinam non fit misericordia, et obsecramus in uisceribus Iesu Christi dictae domus conuentum ut habeat patientiam de prioris sui absentia in tam manifesta necessitate pro communi bono uniuersalis Ecclesiae occupati.” The ordination concerning Albertus is less emphatically worded, see: *AC* 100:9:79: “Priori domus Horti Christi prope Nordlingam non fit misericordia, et conuentus de sua absentia habeat patientiam quia laborat pro communi bono.”

<sup>85</sup>See above: 14.

<sup>86</sup>LeVasseur iii, 350; Antonin Passmann, O.Min.Cap., “Die Kartause zu Strassburg,” *Archives de l’Eglise d’Alsace*, NS 9 (1958), 93. Henricus’ death was announced in the 1440 *carta*, see: *AC* 100:3:57.

<sup>87</sup>As prior of Basel, Henricus de Ludenshede was appointed convisitator in 1428 and visitator in 1429 of the Rhenish province and was elected a diffinitor of the 1429 general chapter. Although he left the priorship at Basel after he was elected prior of the charterhouse at Strassburg in June 1429, that is, subsequent to the general chapter of that year, it is likely that he continued to serve the Rhenish province as visitator.

<sup>88</sup>See above: 29.

<sup>89</sup>Friedrich Stöhlker, *Die Kartause Buxheim, 1402-1803*, v. 1 (Buxheim: Heimatdienst Buxheim E.V., 1974), 181-182.

Nördlingen, from 1428 to 1429 prior at Strassburg, from 1429 until 1439 again at Nördlingen, from 1439 to 1442 at Buxheim, and from 1442 until his death on 14. or 15. April 1446 prior a third time at Nördlingen.<sup>90</sup> During the Council of Basel Albertus acted as both convisitator (1432, 1434-1436) and visitator (1438-1441) of the order's lower German province. He was elected as a diffinitor of the general chapters of 1438, 1440, and 1442.<sup>91</sup> The choice of Henricus provided the order with accomplished representation. The choice of Albertus provided that and one other very valuable commodity: experience. From 1414 he had served the order as one of its delegates to the Council of Constance.<sup>92</sup>

These two priors participated in turn in the selection of a third Carthusian representative to the council. In its 1432 ordination for the charterhouse at Basel, the general chapter relieved Johannes Eselweck, who had succeeded Henricus de Ludenshede, of the priorship there and charged Henricus and Albertus to act in

<sup>90</sup> LeVasseur i, 456: "Vir in Ordine celebris quondam Prior Buxiae, Argentinae, et Nordlingen, ubi vigilantissimus Pastor diu, sapienter utiliterque clavum tenuit, donec senio et infirmitatibus gravatus abdicavit Prælaturam, qui vix obtinuit a Comitibus generalibus, tanta erat illius existimatio apud primarios Cartusiensis familiae Patres, cujus nomine adfuerat Basiliensi Concilio. Meritis dives pie decessit anno 1446, die 14 Aprilis." Harshusen's death was announced in the 1447 *carta*, see: *AC* 100:4:4.

<sup>91</sup>For notices of Albertus' service as convisitator, see: *AC* 100:9, 84 (1432), 107 (1434), 130 (1435), 150 (1436); as visitator, see: *AC* 100:3, 33 (1438), 54 (1439), 74 (1440), 93 (1441), as diffinitor, see: *AC* 100:3, 16 (1438), 56 (1440), 95 (1442). Albertus was elected a diffinitor of the 1428 general chapter as prior of Nördlingen. Subsequent to that general chapter he became prior at Strassburg. Returned to the priorship of Nördlingen by the 1429 general chapter, he was appointed convisitator of the province of Lower Germany for that year. Albertus was succeeded at Strassburg by Henricus de Ludenshede. Previous to the Basel period Albertus had served as diffinitor in 1414, 1416, 1420, 1424, 1426 and as convisitator in 1414, 1416-1417, 1420, and 1422-1427.

<sup>92</sup>Le Couteux vii, 337: "... duo ex ipsis Diffinitoribus delecti sunt: videlicet Albertus Harhusen Alemaniae inferioris Visitator et Bernardus de Benga, Domorum Horti Christi et Argentinae Priores, qui cum Rolando cartusiae Coloniensis moderatore, totius Ordinis et ipsius Prioris Cartusiae Joannis de Griffomonte nominibus adessent Concilio."

consultation with Henricus van der Laen, prior at Bruges, and Theodoricus Teerlink, prior at Antwerp and visitor of the province of Further Picardy, to provide a new prior.<sup>93</sup> Of Henricus van der Laen little is known. Theodoricus Teerlink, on the other hand, had a long and distinguished career as a provincial visitor and diffinitor of many general chapters.<sup>94</sup> Both were diffinitors of the 1432 general chapter<sup>95</sup>, and it is a measure of the importance the Order placed upon the council that they were deputed to help superintend the selection of the next prior at Basel. The man they chose was Albertus Buer. A master of arts who studied at the University of Cologne and who is reported to have been a medical doctor, Buer had professed at the charterhouse at Arnhem [Monnikuizen] and, over a thirty-year period, had served as prior of the houses at Utrecht, Roermund, Utrecht again, and Arnhem.<sup>96</sup> Henricus

<sup>93</sup>AC 100:9:80. In the mid-fifteenth century the Carthusians organized monasteries located in the region now comprising the Netherlands, Belgium, and northern France into the provinces of Nearer and Further Picardy (*Propinquier et Remotior Picardia*).

<sup>94</sup>Henricus van der Laen made his profession at the charterhouse Novae Lucis Sancti Salvatoris near Utrecht in 1422 and was elected prior there in 1426. In 1428 he became prior at Vallis Gratiae near Bruges, serving there until 1433. Thereafter he returned to the Utrecht charterhouse where he died on 4 January 1438, see: Jan de Grauwe, *Prosopographia Cartusiana Belgica (1314-1796)*, [AC 28], 140 See: AC 100:3:18 for notice of death. Prior of the charterhouse Sanctae Catherinae near Antwerp in 1406, Theodoricus Teerlink was elected a diffinitor of the general chapters of 1412, 1420, 1422, 1424, 1426, 1432, 1434, 1436, 1438, 1440, 1442, and 1444. In 1411 the general chapter named him visitor of the province of Further Picardy, an office he held until his death, still prior at Antwerp, on 11 January 1449, see: LeVasseur i, 44; Victor-Marie Doreau, O.Cart., *Les éphémérides de l'ordre des chartreux d'après les documents* (Montreuil-sur-Mer: Notre-Dame des Prés, 1899) iii, 42; de Grauwe, *Prosopographia Cartusiana Belgica (1314-1796)* [AC 28], 301 reports that Teerlink's tenure as visitor of Further Picardy was interrupted for one year when the 1430 general chapter named him convisitor of that same province.

<sup>95</sup>AC 100:9:62.

<sup>96</sup>de Grauwe, *Prosopographia Cartusiana Belgica (1314-1796)* [AC 28]. 45 LeVasseur ii, 447. H. J. J. Scholtens, "Het Roermondse kartuizerconvent vóór de 16e eeuw," *Publications de la société historique et archéologique dans le Limbourg*, 86-87 (1950-1951), 197, 215-216, 226-227. The 1431 *carta* places Buer at the

Arnoldi, who forsook a career as a notary at the Council of Basel to enter the Basel charterhouse in 1435, later serving as its prior from 1449 until his death on 5 June 1487, relates in his *Chronica foundationis Carthusiae in Basilea minori*, that the general chapter considered Johannes Eselweck to be neither sufficiently learned nor eloquent enough to represent the order at the council.<sup>97</sup> Buer, on the other hand, by virtue of his education and experience, he describes as moving easily among the prelates assembled for the council.<sup>98</sup> It may be too that the financial embarrassment the house at Basel suffered during Eselweck's priorship, the consequences of which continued to trouble it even during the priorship of Arnoldi, may have figured in the general chapter's actions. Although the records of the council indicate that Buer was an incorporated member, it is not known when he took the requisite oath. The notarial remains record that on 6 June 1432, two days after a Carthusian described as "once prior of Basel", an obvious reference to Johannes Eselweck, received permission to leave the council, an unidentified Carthusian "*religiosus*" was incorporated into the council. This may well refer to Buer, but the description of the new delegate as "*religiosus*" and not, as in the case of all previous recordings of

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charterhouse at Ghent as an *hospes*, see: *AC* 100:9:54. He served as prior at Basel until his death on 6 July 1439, see: *AC* 100:3:57.

<sup>97</sup>*Basler Chroniken*, 288: "Comperto autem quod prelibatus prior non fuit magne litterature neque sufficienter facundus, licet alias optime presideret, provisum fuit capituli generalis auctoritate ordinis de ipsius absolutione."

<sup>98</sup>*Basler Chroniken*, 290: "Post dicti prioris absolutionem successit in officio anno domini 1432 circa festum penthecostes pater multum notabilis, nomine Albertus, magister in artibus et doctor in medicinis, de Trajecto inferiori oriundus, qui antea fuit prior in domibus Trajecti et Rueramunde et in Monechusen, vir in temporalibus et spiritualibus multum expertus valdeque pacificus et pius ac in facie prelatorum concilii Basiliensis bene visus."

incorporations of Carthusian priors, as “*prior*” allows the possibility that the person in question may have been an ordinary Carthusian monk and not Albertus Buer.<sup>99</sup>

Another indication of the importance the order placed upon the council is to be found near the end of the 1432 *carta*. There, as had become traditional, provision was made for a private chapter of four priors of charterhouses near to the Grande-Chartreuse which the prior-general might convene should he require advice and counsel in any matter consideration of which could not be delayed until the next general chapter. In an addendum to the roster of the priors named to the private chapter for 1432 the general chapter added the stipulation that those priors representing the order at the council attend any celebration of the private chapter that might require their knowledge of the circumstances and doings of the council.<sup>100</sup> This stipulation, which seems to be without precedent in the surviving *cartae* of general chapters contemporaneous with the councils of Constance and Pavia-Siena, was reiterated by general chapters through 1437.<sup>101</sup>

<sup>99</sup>For Johannes Eselweck’s departure from the council, see: *CB* ii, 135. For the incorporation of an unnamed Carthusian *religiosus*, see: *CB* ii, 139. Henricus Arnoldi reports that, in addition to the designated priors representing the order, four Carthusian monks were deputed to the Basel charterhouse. We have already mentioned the statement of Leone LeVasseur that Franciscus Maresme, prior of the Grande-Chartreuse from 1437, may have been present at Basel during the early years of the council, see above: 4.

<sup>100</sup>*AC* 100:9:85: “Ad Capitulum priuatum uocabuntur Priores Sancti Hugonis, Siluae benedictae, Sellionis, et Pomerii, Et si causa in Ecclesia dei ante futurum Capitulum generale oriretur propter quam oporteret Capitulum priuatim celebrari, ad illud ueniant Priores residentes in Concilio generali Basileensi pro informatione ordinis in agendis negotiis Sanctae Matris Ecclesiae, qui una cum praedictis quatuor melius poterunt ipsa negotia pertractare tanquam triti et informati de eisdem.”

<sup>101</sup>*AC* 100:10:167 [1433], *AC* 100:9:108 [1434], *AC* 100:9:131 [1435], *AC* 100:9:151 [1436], *AC* 100:10:202-203 [1437]. Ms. Grande-Chartreuse I. Cart. 15, the main source employed here for *cartae* of the period 1411-1436, is lacking *cartae* for a number of years including 1433 and 1437. London, Lambeth Palace Ms. 413, an abstract of the full *cartae* containing information of use to English charterhouses, partially compensates. It is a somewhat superior witness to that in Rawlinson D 318 of the Bodleian Library, an abstract made for the use of the London charterhouse, see: *AC* 100:2.

The 1432 *carta* names but one other Carthusian as present at Basel. In its ordination for the house at Pierre-châtel the general chapter made provision for its prior, Johannes Placentis, to continue to attend the council. Placentis had first arrived at the council as a member of a Savoyard embassy on 3 September 1431 and, as we have seen, had acted, on several subsequent occasions, as Duke Amadeus VIII's spokesman.<sup>102</sup> In order that the affairs of the monastery not suffer during its prior's absence, the chapter ordered Johannes Maturini, newly-absolved from the priorship of the charterhouse near Beaune, to return to Pierre-châtel, the house of his profession, to serve as Placentis's vicar "in spiritual and temporal matters".<sup>103</sup> Placentis, professed at Pierre-châtel, served as its prior from 1409 until 1436, thereafter serving briefly as prior of the charterhouse Vallis viridis at Paris from 1436-1437/38. He was elected one of the diffinitors at the general chapters of 1432, 1434, and 1436 and acted as convisitator of the Burgundian province in 1434 and 1435 and visitator of the French province in 1436. Like Albertus Harshusem, Johannes Placentis had attended the Council of Constance, then, as later at Basel, as a representative of Amadeus VIII of Savoy.<sup>104</sup> Whether the general chapter counted Johannes Placentis one of its official delegates to the council (whose expenses would therefore be covered by the newly-imposed tax) remains a matter for conjecture.

<sup>102</sup>See above: 16f.

<sup>103</sup>*AC* 100:9:74-75: "Priori domus Petrae castri non fit misericordia, et domnus Ioannes Maturini nuper absolutus a domo Belnae uadat ad domum Petrae Castri suae professionis, et in absentia Prioris quamdiu est in Concilio gerat uices Prioris in Spiritualibus et temporalibus . . ."

<sup>104</sup>LeVasseur iv, 565-567. Gruys i, 113. For notices of Johannes's service as a diffinitor of the general chapter, see: *AC* 100:9, 62 (1432), 80 (1434), 132 (1436). For notices of his service as a provincial visitator, see: *AC* 100:9: 107 (1434), 130 (1435), 150 (1436). Previous to the Basel period Johannes had served as diffinitor in 1411, 1422, 1424, 1426, visitator in 1411 and 1412, and convisitator in 1426-29. Placentis was also regularly named to the prior-general's private chapter, in the 1420's, see: Gruys.

Neither the records of the council nor of the order speak definitively about this. And although the general chapter's 1432 ordination for the charterhouse at Basel commits to the priors residing there, and particularly to Placentis, judgment in an unelaborated case involving an inmate of that house,<sup>105</sup> the weight of what indirect and scattered evidence survives nevertheless makes it doubtful that he was so considered. Whenever he is identified in either Segovia's history of the council or in its notarial records as other than the Carthusian prior of Pierre-châtel it is as a representative not of his order but of Amadeus VIII of Savoy. So too the 1432 ordination providing for Placentis' absence from Pierre-châtel states only that Johannes would be "at the council" making no mention of his working for "the common good" such as is found in those 1432 ordinations justifying the absences of Henricus von Ludenschede and Albertus Harshusem from their monasteries. Moreover a passing remark in that portion of the chronicle of the charterhouse of Basel written by Henricus Arnoldi that in 1432 the official Carthusian delegation to the council was composed of two priors (presumably in addition to the prior of the Basel charterhouse) and four monks also suggests that Placentis did not represent the order at the council in an official capacity.<sup>106</sup> If this reconstruction is accurate and Placentis was not at Basel as a delegate of the order *per se*, then he would have been subject to stipulations set forth by the 1432 general chapter in its ordination for the charterhouse at Basel requiring, for as long as the council should last, all Carthusians

<sup>105</sup>*AC* 100:9:80: ". . . et de dispositione omnimoda domni reginaldi professi dictae domus committitur Prioribus ordinis in Concilio residentibus et praecipue Priori Petrae castris . . ."

<sup>106</sup>*Basler Chroniken*, 288: "Item sub ipso patre [Johannes Eselweck] sacrum generale concilium Basiliense sumpsit inicium, ad quod fuerunt vocate persone de omnibus partibus mundi de cunctisque religionibus totius Christianitatis. Quare et ordo Cartusienensis requisitus super personis mittendis, capitulum eiusdem ordinis misit expensis totius ordinis pro honore universalis ecclesie duos notabiles priores ad concilium necnon quatuor bene dispositos monachos ad domus mee subsidium." The identities of the four "well-disposed" monks are also a matter for conjecture.

visiting Basel to reside at the Basel charterhouse, provided that they might be accommodated there, and to pay their expenses in the manner prescribed by the statutes of the order.<sup>107</sup> Finally it may be that Johannes did not remain long at the council in any capacity. The last mention of him in the records of the council occurs in an entry for 13 May 1432 in which he is nominated by the deputation for peace as a member of a proposed embassy to be sent to Charles VII of France to persuade him to enter into negotiations aimed at settling the long-standing hostilities with the English crown.<sup>108</sup> This embassy, which subsequently was charged also with a visit to the court of Amadeus VIII while en route to France, returned to Basel shortly before 10 October 1432, but it was not recorded that Placentis returned with it.<sup>109</sup> In fact the published notarial records of the council do not provide any indication as to when Placentis finally withdrew from the council.<sup>110</sup> Similarly the *cartae* of the general chapters of 1434 through 1436, the year he was absolved as prior at Pierre-châtel, do

<sup>107</sup>AC 100:9:80: “. . . et uolumus quod omnes personae ordinis declinantes ad dictam ciuitatem hospitentur in dicta domo si possint ibi collocari et soluant expensas iuxta taxam Statutorum singulis diebus non obstante durante Concilio.”

<sup>108</sup>CB ii, 111. A similar embassy to Henry VI of England was also proposed. On 25 April Placentis had reported to the general congregation that the prior of the Charterhouse at London (Johannes Mayplstede?) had volunteered to approach Henry to attempt to bring him to negotiations, see: CB ii, 99-100. See: CB ii, 114 for the deputation for common affairs' sanctioning on 15 May of the proposed embassies [inaccurately attributed by the notary to the deputation for faith] and CB ii, 116 for final approval by a general congregation of the council on 16 May.

<sup>109</sup>The mission to Savoy was committed to the embassy by a general congregation on 30 May, see: CB ii, 129. For the return *noviter* of Placentis' two associates: the Bishop of Novara and the Benedictine Abbot of St. Ambrose in Milan, from their embassy, see: CB ii, 244.

<sup>110</sup>Owing to his inclusion on the roster of the first and second deputations for reform, I assume that, despite the lack of any record of his incorporation, Placentis was an incorporated member of the council and, consequently, liable, as a technical matter, to seek the permission of the council before he could depart from it.



not record when Placentis reassumed full responsibility for the affairs of his house although they do relate that Placentis remained a trusted and active prior.<sup>111</sup>

The *carta* of the 1432 general chapter reveals, then, active support for the Council of Basel. The diffinitors and the assembled priors acknowledged the council's legitimacy, describing it as "holy" and "general". They ordered charterhouses to offer masses and admonished individual members to pray for the council's success. They arranged for a delegation to represent the order at Basel, providing for its maintenance by the imposition of a general tax. And they did all these things in full awareness of the stumbling beginnings of the council, of Eugenius IV's attempts to dissolve it, and of the prominence of the Constance decrees *Haec Sancta* and *Frequens* in the justifications the Basilean fathers offered for their defiance of the pope. In light of this any significant reference—and there are three of them—to Rome, the papal court, or Eugenius himself requires careful scrutiny to detect any loosening of the close ties that had traditionally obtained between the order and the papacy. There is, for example, the curious episode where the 1432 general chapter confirmed a 1431 ordination that had appointed the prior of the charterhouse of Rome proctor at the papal *curia* and had provided him funding so that he might defend the order against petitions and slanders brought by fugitive and apostate monks and deter litigation improperly brought there by priors, only to suspend during the very same chapter that funding for reason or reasons unspecified.<sup>112</sup> While this

<sup>111</sup>The 1435 general chapter, for example, instructed Placentis, as convisitator of the Burgundian province, to undertake an urgent and difficult visitation of the nunnery at Salettes, see: *AC* 100:9:120-121: ". . . et iniungitur uisitoribus ut praedictas domos monialium quamcitus commode poterunt uisitent, et de contentione quae uertitur inter partes conuentus dictae domus certa mittitur commissio Priori Petrae castri cum socio per ipsum eligendo qui super hoc iustitiam habeant ministrare, Nec amodo aliqua habeat Reuerendus Pater Cartusiae super hoc negotio molestare."

<sup>112</sup>*AC* 100:9:66: "Item ordinationem eiusdem anni quae incipit, Item cum anno praeterito fuerit ordinatum &c. Confirmamus. . . . Ordinationem anno

action may have signaled Carthusian opinion regarding the limitations imposed by a legitimately assembled council on the purview of the Roman court, it may have arisen merely out of a practical calculation that most of those who had complaints against the order would bring them to Basel, in which case they could be opposed by the order's representatives there. Or perhaps the general chapter might simply have wished to ease the financial burden on charterhouses to blunt the impact of or even to lessen opposition, anticipated or real, to the tax to support representatives at the council. The spareness of the language of the *carta* and the lack of other evidence prevents any definitive explanation.

This same difficulty plagues the attempt to explain why, in levying the tax to support the order's representatives at Basel, the 1432 general chapter withdrew on account of this new tax and "other reasons" a tax imposed by the 1431 general chapter. This previous tax, also of one ducat or twenty Savoyard groats, had been earmarked "for payment" for a papal bull obtained from Martin V in 1430 exempting the order from tithes on properties acquired since the Council of Constance and previous to the date of the issuing of the bull.<sup>113</sup> The key question is whether the

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praeterito factam pro collecta pro procuratore in curia Romana ad praesens suspendimus donec aliter fuerit ordinatum." The 1430 general chapter had enacted an ordination establishing such a proctorship (without naming anyone to discharge the office) and providing him with funding in the amount of six ducats per province. Ms. Grande-Chartreuse l. Cart. 15 is lacking a *carta* for 1430; the general ordinations of the 1430 general chapter may be found in London, Lambeth Palace Ms. 413. For the original 1430 ordination, incipit "Ad vitandum scandala", see: *AC* 100:10:137. For the 1431 confirmation of this ordination, incipit: "Item cum anno praeterito fuerit ordinatum", wherein the prior of the Rome charterhouse is named proctor and the tax levied for his maintenance is reduced from six to two ducats per province, see: *AC* 100:9:46-47.

<sup>113</sup>*AC* 100:9:66: "et per hanc ordinationem et aliis causis nos mouentibus cesset ordinatio anni praeteriti de uno ducato pro bulla Papali." For the 1431 ordination establishing the tax for the bull, see: *AC* 100:9:46: "Ordinamus ut pro contributione Bullae impetratae in Curia romana quae constitit centum quadraginta ducatos siue Florenos de camera quaelibet domus soluat unum ducatum nunc aut futuro Capitulo generali, aut si non habent ducatos soluant uiginti grossos Sabaudiae pro ducato, et declaramus et notificamus omnibus domibus ordinis quod dicta Bulla relevat a decimis non soluendis de possessionibus quas tempore dictae Bullae domus ordinis

1431 tax had been imposed to recoup monies already paid out in the obtaining of the bull or to raise money to be sent to Rome in gratitude for the privilege already conferred upon the order. If the purpose was to recover expenses, then the likelihood is that the general chapter was moved by a desire to limit demands on the finances of charterhouses or to forestall discontent at the new tax in support of Carthusian representatives at the council. But if the ordination had been issued to raise funds to be sent to Rome, the explanation of the general chapter's action becomes more problematical. Did it act to demonstrate unhappiness with Eugenius IV for his attempt to dissolve the council? Did it act in expectation that the pope, offended by the order's support for the council, would not confirm or might diminish the order's privileges? Or did the general chapter reckon that, with a general council sitting, the issue of the order's privileges no longer rested with Eugenius?<sup>114</sup>

Although Friedrich Stöhlker, citing records of the charterhouse at Buxheim preserved in the archives of the Benedictine monastery at Ottobeuren, reports that the Council of Basel confirmed all privileges, rights, possessions, and liberties of the houses of the order on or about 5 September 1436, there is little likelihood that such a grant, if indeed it was conferred, had its genesis in this ordination of the 1432 general chapter.<sup>115</sup> It is certainly doubtful that the council, anxiously seeking support in its

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possident, et non de acquirendis post dattam dictae Bullae . . .” For text of the bull, dated 25 September 1430, see: Benedetto Tromby, *Storia critico-cronologica diplomatica del patriarca S. Brunone e del suo ordine cartusiano* (Naples, 1778), [AC 84:8] LXVIII, LXVIX.

<sup>114</sup>Despite the withdrawal of the tax for the 1430 bull and whatever its expectations may have been with respect to the consequences, the 1432 general chapter nevertheless considered the bull in force, e.g.: ordination for the charterhouse at Portes: “. . . et de decimis quas petit Ecclesia Bellicensis obseruent declarationem factam anno praeterito super Bulla nouiter impetrata de decimis non soluendis.” [AC 100:9:72].

<sup>115</sup>Stöhlker, 610, n. 10: “OBU 62; OBL 4, f. 455r: 1436 IX 5. Das Konzil von Basel bestätigt alle Privilegien, Rechte, Besitzungen und Freiheiten der Häuser des Kartäuserordens.” It should be noted that such a grant is not to be found in either the

struggle for survival, would have delayed more than four years had the order decided in 1432 to seek from it such confirmation. And there is no indication in any of the published records of the council or the order that the 1432 or any subsequent general chapter sought from the council confirmation of the order's privileges.<sup>116</sup> Again it is not possible, in the absence of other contemporary evidence, to explain the general chapter's action.

With respect to the third reference to Rome in the 1432 *carta*, however, sufficient relevant evidence exists to permit, if not a definitive, at least a probable interpretation of the text. In its ordination for the charterhouse Rivulus Sanctae Mariae near Sierck the general chapter committed to those priors representing the order at the council a proposed union between that financially strapped charterhouse and a nearly derelict, but well-endowed, Benedictine monastery near Rettel. It instructed that they should await the arrival of the prior of the charterhouse at Trier, Johannes Cover de Sule, who had journeyed to Rome to seek papal approval of the merger, submit the matter to the judgment of Cardinal Cesarini, and, should he approve, proceed with the union, providing the new foundation with a prior. This they were to do "whether the said prior [of Trier] will have brought a provision concerning this matter or no", language which might lead one to suspect that the general chapter was prepared to defy an unfavorable papal response to the prior of Trier's petition.<sup>117</sup>

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published notarial records of the council or Segovia's history of it. Neither can it be corroborated by any of the surviving fragments of the *carta* of the 1437 general chapter. Nevertheless Bohic iv, 79-80 gives the text of such a conciliar bull under year 1431, the first year of the council; see: Molin ii, 431-432.

<sup>116</sup>In fact Stöhlker reports that the obtaining of this grant of confirmation resulted from the efforts of Albertus Harshusem acting "without the participation of the leadership of the order", see: Stöhlker, 312.

<sup>117</sup>*AC* 100:9:80: "Rectori domus Riuuli Sanctae Mariae prope Syrcz non fit misericordia, et de unione monasterii sancti Sixti in Rotela prope Syrcz ad dictam nouam plantationem ordinis nostri committitur prioribus ordinis in Concilio

The incorporation of this Benedictine house dedicated to St. Sixtus into the order and the relocation of the monks at Sierck to Rettel was a matter made urgent by the hostilities that had broken out during 1431 in the environs of Trier between supporters of rival claimants of the vacant archiepiscopal see, Ulrich von Manderscheid and Raban von Helmstadt.<sup>118</sup> This rivalry infiltrated and split into factions the Carthusian communities at both Trier and Koblenz. Early in 1432 troops loyal to Ulrich, aided by their monastic confederates, looted both houses. As a result the 1432 general chapter made provision for their temporary evacuation.<sup>119</sup> This exacerbated the difficulties facing the house at Sierck, a monastery that, originally a Cistercian nunnery and incorporated into the order in 1415, had never been solvent and had become increasingly dependent upon the financial assistance of the charterhouse at Trier. With the abandonment, albeit temporary, of the house at Trier, some provision for the house at Sierck had to be made.

As it happened Johannes Cover de Sule, frustrated by the continual drain Sierck had placed upon his house at Trier, had already begun to work for the uniting of the Benedictine monastery at Rettel to the house at Sierck. In May 1431 he had won the approval of Ulrich von Manderscheid, whom he backed in the dispute over

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residentibus ut expectent aduentum prioris treuirensis a curia, et siue dictus Prior portauerit prouisionem super dicto negotio siue non, dicti Patres stent iudicio domini Cardinalis Sancti Angeli super toto negotio, et in casu quo dictum negotium bene procedat, dicti Patres habeant potestatem incorporandi dictam domum ordini et de priore prouidendi.” For 1431 general chapter’s order that the prior of Trier go himself or send some representative to Rome to gain permission for the proposed union, see: *AC* 100:9:57.

<sup>118</sup>For a brief summary of events, see: Karl Joseph Klinkhammer, S.J., *Adolf von Essen und Seine Werke. Der Rosenkranz in der Geschichtlichen Situation seiner Entstehung und in Seinem Bleibendeden Anliegen. Eine Quellenforschung*, [Frankfurter Theologische Studien, Band 13], Frankfurt am Main: Josef Knecht, 1972, 62-66.

<sup>119</sup>*AC* 100:9:79: “Priori domus Sancti Albani prope treuirim non fit misericordia, et id quod petunt de diuisione domus committitur uisitoribus.” *AC* 100:9:80: “Priori domus Montis Sancti Geati prope Confluentiam non fit misericordia, cuius domus diuisio si necesse fuerit committitur Visitoribus.”

the see of Trier. The following October the Duchess Isabella of Lorraine, whose family were patrons of both monasteries, was won for the scheme.<sup>120</sup> The general chapter, meeting from 30. April 1431, too, was persuaded and allowed the rector of the charterhouse at Sierck to accept, after consulting with Prior Johannes of Trier, the transfer of the house at Rettel and to go or send to the Roman court for ratification of its incorporation into the order. At the same time it committed to Prior Johannes exercise of the full authority of the chapter over the affairs of the house at Sierck until the general chapter of 1432.<sup>121</sup> Difficulties arose, however, when the few Benedictine monks remaining at Rettel protested their eviction. These monks found support not only among their fellow Benedictines—the renowned reformer Johannes Rode, Abbot of St. Matthias Outside the Walls near Trier, himself a former Carthusian, took up their cause—but also among a group of Carthusians who objected not so much to the fact of the annexation of the Benedictine monastery as to a process that ran roughshod over the unfortunate monks.<sup>122</sup> Led by Adolphus von Essen, vicar of the charterhouse of Trier, this group included Petrus Eselweg, rector of Sierck, whose refusal to heed the 1431 general chapter’s order that he seek papal approval of the union forced Johannes Cover de Sule to go himself to Rome.

Faced with looming financial instability and internal unrest, the 1432 general chapter must have wished to settle the issue expeditiously. So much is evident in the language of the ordination for the house at Sierck. But does that ordination,

<sup>120</sup>Klinkhammer, 65.

<sup>121</sup>*AC* 100:9:57: “Rectori domus nouae plantationis prope Syrk non fit misericordia, et concedimus sibi ut cum consilio Prioris treuirensis possit acceptare monasterium Rettel ordinis Sancti Benedicti, et etiam Curiam Romanam pro incorporatione eiusdem monasterii adire uel mittere, Committimus etiam Priori Treuirensi auctoritatem Capituli super eadem domo nouae plantationis usque ad futurum Captituli.”

<sup>122</sup>Klinkhammer, 326, n. 18.

specifically the stipulation that the priors resident at Basel submit the proposed incorporation of Rettel to Cesarini's judgment "whether the said prior [of Trier] will have brought [*portaverit*] a provision concerning this matter or no", indicate a haste that would trigger disobedience if the pope were to render an adverse decision? It is unlikely. There are no circumstances imaginable that would permit Cesarini or any other individual Christian to contradict a legitimate pope—and there is no hint, whatever irritation it may have felt over Eugenius' treatment of the council, that in 1432 the Carthusian leadership questioned his legitimacy—in an administrative matter. Nor is the likelihood of this line of interpretation increased by Karl Joseph Klinkhammer's statement that the Council of Basel approved the transfer of the monastery at Rettel to the Carthusians on 7. April 1432, some six weeks previous to the meeting of the general chapter for that year.<sup>123</sup> For if the council did issue such a ruling—it cannot be confirmed by either the published notarial remains of the council or by Segovia's history of it—and if the general chapter believed the council's authorization carried sufficient weight, it would have had no substantive reason to order its priors to seek Cardinal Cesarini's approval before proceeding with the incorporation of Rettel. Although he chose to remain at Basel while he lobbied Eugenius IV to rescind his attempt to dissolve the council, Cesarini had resigned the presidency of the council the preceding 8 February and, consequently, had no legal standing *vis-à-vis* the council when the 1432 general chapter met.<sup>124</sup> Even had he still held that office, no such decision of the council would have required his consent

<sup>123</sup>Klinkhammer, 66.

<sup>124</sup>See above: 24. This is not to deny, however, that Cesarini, during the hiatus of his presidency, continued to exercise a great personal and moral influence over the council. Throughout the summer of 1432 the council frequently consulted the legate, see below: 55-59, *passim*, for Cesarini's participation during this period in efforts of the council to resolve the Trier and Bamberg schisms.

to have force.<sup>125</sup> To speculate, alternatively, that the general chapter, anxious to proceed on the strength of (putative) conciliar approval of the proposed union, but intimidated by the prospect of a papal rejection of its design, would have sought not Cesarini's approval but simply his guidance assumes an improbability. Such a reconstruction of events would entail the untenable supposition that the general chapter believed that Cesarini, exercising all his powers of persuasion to bring Eugenius to a change of heart and cooperation with the council, would risk provoking him over so parochial a matter as the transfer of a monastery from one order to another and would mistake Carthusian simplicity for simplemindedness.

In light of these considerations, an interpretation of the ordination for the house at Sierck that renders *portaverit* simply as pertaining only to the fact of the prior of Trier's actual possession of a bull and not to the larger issue of whether or not the *curia* had granted his petition is more plausible. Such a reading construes the ordination as the general chapter's prescription for a course of action that would offset delay in the pope's rendering a decision. If the prior of Trier brought news that the pope had yet to act, the priors resident at Basel would appeal to the cardinal to rule in Eugenius' stead as papal legate. If he carried a bull authorizing the transfer, consultation with Cesarini would be a formality. Indeed only in his capacity as papal legate and in the absence of a determination of the pope would the general chapter have had reason to try to obtain Cesarini's approval. Despite, then, clear evidence of acceptance and advocacy of the claims of the fathers assembled at Basel in the 1432 *carta*, this particular ordination reveals not a lessening of Carthusian regard for papal authority, in administrative matters at least, but rather, if Klinkhammer's

<sup>125</sup>On the powers of the president and their limitations under the Basel constitution, see, especially: *De modo procedendi in concilio*, adopted 26 September 1432 at *MC* ii, 260-263 (see also *MC* ii, 271-275); Lazarus, *Das Basler Konzil*, 83-105.



information is accurate, the general chapter's reluctance to rely exclusively on the authority of the beleaguered council it supported even when it ruled in the order's favor.<sup>126</sup>

When the Carthusian representatives returned to Basel in late May or early June 1432, they rejoined a council that was gathering strength and gaining confidence. Having withstood Eugenius' initial attempts to disperse them, the fathers of the council ranged more widely to bolster their theological and legal claims for continuance with concrete demonstrations of utility. And so they intervened in an increasing number of disputes, some of them long intractable, of universal and local significance. Most important, because success would enhance greatly the council's reputation, was the effort to draw the Hussites back from heresy. Thus the council would relieve the military threat Hussite armies posed to central Europe, enable Sigismund to gain finally the Bohemian crown, and restore the doctrinal and political unity of (western) Christendom. All during the spring of 1432 the fathers had hoped, deliberated, and prepared for discussions with Hussite representatives. Once news arrived at Basel on 2 June that the council's envoys had succeeded in forging an agreement with Bohemian negotiators at Cheb that would bring a Hussite delegation to the council, the fathers were able to respond swiftly with a safe-conduct, issued at the fourth public session on 20 June.<sup>127</sup> At that same public session the council dealt

<sup>126</sup>Cesarini apparently gave ready consent to the proposed union. Albertus Harshusem and Henricus von Ludenschede incorporated the monastery at Rettel into the order on 5 June 1432 and installed Johannes von Dijpach as prior of the united houses, see: Klinkhammer, 328, n. 29. Eugenius IV did ultimately issue a bull approving the union. Albert Gruys lists an undated copy preserved in the archives of the *département de la Moselle*, see: *Cartusiana*, iii, 403.

<sup>127</sup>*CB* ii, 133, 145; *MC* ii, 192-198. This agreement, which is embodied in the so-called Cheb Compacts, signed 18 May 1432, specified the rules and procedures

with trouble of decidedly more regional concern and used the occasion to demonstrate its conviction that papal actions, even in administrative matters, were subject to its review. Claiming that intervention was warranted for the sake of peace and therefore part of its mandate, the council moved to quiet unrest at Avignon and in the Venaissin by naming its own governor, Alfonso Carillo, Cardinal of St. Eustachio, to replace the unpopular Marc Condulmier, who had been appointed in January 1432 by his uncle, Eugenius IV.<sup>128</sup>

This willingness to review and perhaps to reverse or rescind papal acts also marked the council's investigations into schism in the archdiocese of Trier, a process in which, in its early stages at least, the Carthusian priors Henricus de Ludenschede and, in particular, Albertus Harshusem took an active part. The schism, which, as has been mentioned previously, was disrupting the peace of charterhouses in the region, had its origin in a disputed election following the death of Archbishop Otto von Ziegenhain on 13 February 1430. The majority of the cathedral chapter elected Jacob von Sierck, *Domscholaster* of Trier, but the minority, led by the provost, steadfastly opposed this choice, favoring instead Ulrich von Manderschied, dean of the cathedral chapter at Cologne. Both claimants journeyed to Rome where Martin V rejected their appeals and named, on 22 March 1430, Raban von Helmstadt, Bishop of Speyer, as the new archbishop. While Jacob submitted to the pope's decision, Ulrich persisted in pressing his claim. He and Raban settled into a protracted conflict, gathering adherents, engaging in hostilities, and early in 1432 sending representatives to plead before the council.<sup>129</sup> In addition to constitutional questions, intervention

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under which conciliar and Bohemian representatives would debate the Four Articles of the Hussite faith, see: E. F. Jacob, "The Bohemians at the Council of Basel, 1433," in *Prague Essays* (1949; rpt. Freeport, N. Y.: Books for Libraries Press, 1969), 83-86.

<sup>128</sup>MC ii, 200-202; Valois i, 166-175.

<sup>129</sup>Envoys of Ulrich von Manderscheid, including Johannes Rode, O.S.B. and Nicholas of Cusa, took the oath of incorporation on 29 February 1432, see: CB ii, 45

into the Trier schism obliged the council to consider other difficult issues: papal prerogatives of provision, traditions of local ecclesiastical liberty, and potential consequences for imperial politics and, consequently, for support for the council in the empire. Thus the council moved deliberately. This spirit of caution contributed, in conjunction with the doggedness of the principals, to the lengthy proceedings that eventually led to the council's recognition in May 1434 of Raban von Helmstadt as the legitimate archbishop of Trier.

Because Erich Meuthen has so richly and skillfully detailed these complicated proceedings, they need not be rehearsed here except in so far as they provide evidence of Carthusian participation in the council.<sup>130</sup> On 13 June 1432 a general congregation of the fathers requested its erstwhile president, Cardinal-legate Cesarini, to consult with Cardinal Dominicus Firmanus, Nicolaus Stock, an envoy of the German King Sigismund, the Archbishop of Milan, and one representative from each of the deputations and advise the council what steps it might take to bring about a resolution of the schism.<sup>131</sup> Ten days later another general congregation, probably acting upon recommendations of this committee, proclaimed that an amicable solution was not in the offing, prescribed a series of initiatives to be undertaken, and began to lay the groundwork for formal judicial inquiry. It also called upon the core of this committee: Cesarini, Firmanus, Stock, and the Archbishop of Milan, as well as Johannes, abbot of Cîteaux, Johannes Pulcripatris, and "others who wished to say something on a matter of this sort" to meet at Cesarini's lodgings in order to

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and above, 29. Ambassadors of Raban von Helmstadt presented his claim, exhibiting Martin V's bull of translation, before a general congregation of the council on 22 March, see: *CB* ii, 65.

<sup>130</sup>Erich Meuthen, *Das Trierer Schisma von 1430 auf dem Basler Konzil: Zur Lebensgeschichte des Nikolaus von Kues* (Münster, Westfalen: Aschendorff, 1964).

<sup>131</sup>*CB* ii, 141. See: *MC* ii, 202.

nominate an embassy to be sent the rival claimants.<sup>132</sup> Evidently this group was slow to act so that nothing had been decided when Heinrich Kalteisen, O.P., ambassador of the archbishop of Mainz and inquisitor for Germany, addressed a general congregation on 9 July, urging that Ernestus Dusel, secretary of Raban von Helmstadt, and Nicholas of Cusa, an envoy of Ulrich von Manderschied, ought to return to their principals accompanied by delegates from the German nation.<sup>133</sup> Two days later a general congregation named Nicolaus Wenke, provost at Breslau (Wroclaw), Henricus Nithard, rector at Ulm, and Albertus Harshusem, prior of the charterhouse at Nördlingen to such an embassy.<sup>134</sup> On 17 July Henricus de Ludenschede, Carthusian prior at Strassburg, and Johannes de Valle, official of Nice, advised the deputation for common affairs on behalf of the deputation for reform that a delegation of two would suffice for the mission to the Trier rivals. They suggested that Albertus Harshusem and Nicolaus Wenke be sent and notified the deputation that Henricus Nithard had asked to be excused. The deputation for common affairs accepted these proposals.<sup>135</sup> Upon their return, Albertus and Nicolaus reported impressions gained during their unsuccessful negotiations, first to the deputation for common affairs on 19 August and, then, to a general congregation of the council on 22 August. Although the protocol of this latter event is characteristically spare, it conveys their

<sup>132</sup>*CB* ii, 147-148.

<sup>133</sup>*CB* ii, 160.

<sup>134</sup>*CB* ii, 164: "Item pro ambassiata mittenda ad pacem tractandam in ecclesia Treuerensi dominum prepositum Wratislaviensem, dominum Henrricum Nythard et priorem Orti Christi, quos precedere debent magistri Nicolaus de Cusa decanus Confluencie et dominus Warnestus etc."

<sup>135</sup>*CB* ii, 171: "Item prior Argentinensis ordinis Cartusiensis et officialis Niciensis pro deputatione reformatorii retulerunt, quod pro ambassiata mittenda pro pace reformanda inter contendentes de ecclesia Treuerensi sufficebant duo, videlicet prepositus Wratislaviensis et prior Orti Christi, attento quod dominus Henrricus Nithard se excusabat. Qui duo prenominati placuerunt dominis de communibus."

warning that if the Trier schism were not soon healed, its damaging effects might be felt not only in the Trier archdiocese but also those of Cologne and Mainz. In response the president of the council, Philibert de Montjeu, undertook to see that the council would do that which was in its power and rapidly and instructed each deputation to deliberate the matter.<sup>136</sup>

Neither the protocols nor Segovia's history of the council record that Albertus Harshusem acted again for the council fathers as the schism as Trier dragged on. This does not signify, however, an end to his service on behalf of the council. Simultaneous with his participation in the Trier matter was his involvement in the council's attempt to bring about an end to a dispute between the bishop and chapter and citizens of Bamberg. Mindful of the threat posed and devastation already wrought by Hussite raids in the region, Sigismund had granted this city near the Bohemian frontier the privilege of fortifying itself. The Bishop of Bamberg, who governed the city, and his chapter opposed the construction of city walls fearing that, once protected by battlements, the citizens of Bamberg would overthrow their clerical rulers, as had the citizens of other cities.<sup>137</sup> In late May 1432 representatives of both parties appeared in Basel. On 30 May a general congregation of the council formally took up the case, ordering that four notable doctors and jurists, one selected from each deputation, should meet with the Cardinal-legate to investigate the case or,

<sup>136</sup>*CB* ii, 200: "Item dominus Nicolaus prepositus Vratislaviensis et prior Orti Christi de gestis per eos circa tractatum pacis inter contententes de ecclesia Treuerensi erga dominos electores sacri imperii, scilicet archiepiscopos Maguntinum et Coloniensem, suam fecerunt relacionem, avisantes dominos quod nisi celeriter provideatur, nedum illa ecclesia Treuerensis, ymo eciam ecclesie Coloniensis et Maguntina detrimentum patientur. Quibus fuit per dominum presidentem responsum, quod iuxta vires concilium celeriter providebit et quod super hoc deliberarent singule deputaciones." See: *MC* ii, 220. For their appearance before the deputation for common affairs, see: *CB* ii, 196. See also: Meuthen, 126-128.

<sup>137</sup>*MC* ii, 189.

if he should prefer, that he should assemble his own committee.<sup>138</sup> Evidently Cesarini preferred a greater participation: the protocol for 31 May records that the deputation for common affairs sent word to the other deputations that they each were to nominate two delegates for investigation of the Bamberg case.<sup>139</sup> The protocol, which does not record the nominees of the deputation for faith, reveals, nevertheless, that an impressive committee was assembled: Philibertus, Bishop of Coutances and President of the council, and Henricus Fleckel, auditor of the apostolic palace, from common affairs; Franciscus, Bishop of Geneva, and Petrus Flick, *officialis* of Passau, from peace; and from reform, Berengarius, Bishop of Périgueux, and Albertus Harshusem, Carthusian prior at Nördlingen.<sup>140</sup> Unfortunately, neither the notarial remains nor Segovia's history reveal the inner workings or even the precise term of this first tribunal. It did not, however, succeed in reaching a judgment with the result that, after months of procedural wranglings and delays brought on by challenges to the integrity and propriety of the evidence and to the impartiality of the judges, the deputation for common affairs was obliged to reconstitute the tribunal

<sup>138</sup>*CB* ii, 129: "Item quo ad controversiam capituli et civium Bambergensium partes hincinde comparuerunt. . . . Super quo fuit conclusum et placuit omnibus, quod eligantur quatuor notabiles doctores et iuriste, unus de qualibet deputatione, qui huiusmodi causam unacum reverendissimo patre domino cardinali legato audiant examinent et referant, vel vocet ipse dominus cardinalis in tali numero, quos voluerit pro huiusmodi actu evocare." The *causa Bambergensis* seems to have been the first matter in which Cesarini involved himself after his return to active council membership on 19 May 1432, see: *MC* ii, 188: "Ab ea autem die XIX<sup>a</sup> mensis Maii, qua synodo incorporatus fuit cardinalis Firmanus, legatus, quamvis non vt presidens, vt tamen vnus e concilio, frequentare capit congregaciones et assistere concilialibus missis, obque reuerendam eius, et quia alias locus aptus erat, deputacio pro communibus in sua tenebatur domo."

<sup>139</sup>*CB* ii, 130-131: "Item ipse dominus Henricus et J. Champaneti fuerunt missi ad singulas deputationes, intimando eis quod deputarent duos de singulis suis deputationibus pro huiusmodi causa Bambergensi examinanda, in eadem procedendo."

<sup>140</sup>*CB* ii, 134 [for 3 June]: "Item dominus Petrus ordinis S. Benedicti retulit, dominos de reformatorio deputasse dominos Petragoricensem et priorem Orti Christi in causa Bambergensi." Nominees from the deputations for common affairs and peace are recorded, respectively, at *CB* ii, 130, 134.

on 20 October 1432.<sup>141</sup> That afternoon a second, even more distinguished committee assembled at the lodgings of Cesarini: representing the deputation for peace, Cardinal Firmanus and Bertrandus, Bishop of Uzès, for common affairs, Amadeus, Archbishop of Lyon and Ludovicus de Palude, Bishop of Lausanne, for faith, Ferrerius, Bishop of Cavaillon, and Johannes de Palomar, auditor of the Cardinal-legate, and for reform, Johannes, Bishop of Cádiz and, perhaps as the only hold-over participant, Prior Albertus Harshusem of the charterhouse at Nördlingen.<sup>142</sup> Clearly this monk from the most austere and remote of orders, the only regular clergyman in the reconstituted and the only recorded regular in the original tribunal, commanded respect within the deputation for reform and apparently worked easily in company with some of the most eminent members of the council. But again, beyond indicating that not even this imposing panel of judges could bring about a resolution of this case, which dragged on for some years, the remains of the council are unhelpful as to the subsequent history of this tribunal and the role Albertus played in its proceedings.

As regards the overarching concern of the council in 1432 and early 1433, the conflict with Eugenius IV, no Carthusian delegate is recorded to have played any prominent role. Nevertheless it is necessary to sketch out the main events of the

<sup>141</sup>CB ii, 252. Perhaps not surprisingly the impugned judge was Petrus Flick, *officialis* of Passau, itself a city on the Bohemian frontier. Flick succeeded in exonerating himself before a general congregation of the council. See: CB ii, 177-178.

<sup>142</sup>CB ii, 253: “Dicta die lune post meridiem hora tertia domini deputati singularum deputationum ad concordandum partes in causa Bambergensi et avisandum modum decidendi huiusmodi causam, videlicet domini cardinalis Firmanus et episcopus Vticensis pro pace, domini archiepiscopus Lugdunensis et episcopus Lausanensis pro communibus, Cauallicensis et auditor domini legati pro fide, et pro reformatorio episcopus Gadicensis et prior Orti Christi, convenerunt cum domino cardinali legato.”

council's struggle to resist dissolution so as to establish the climate within which the leadership of the order conducted its relations with council and pope.

On 14 August 1432 an embassy from Eugenius IV, led by Giovanni Berardi, Archbishop of Taranto, was honorably received by the council.<sup>143</sup> Any hopes the fathers entertained, however, that Berardi's arrival signaled Eugenius' willingness to make peace were soon dashed. On 23 August the archbishop addressed a general congregation of the council defending in uncompromising terms the absolute monarchy of the papacy and the papal prerogative to overrule any conciliar legislation.<sup>144</sup> The council answered with an emphatic rebuttal, *Cogitanti*, issued in a general congregation of 3 September.<sup>145</sup> This letter, a more thorough-going defense of conciliar principles of church government than that offered the previous January in *Zelus domus Dei* declared that

If the old histories be consulted, at no time has it been so necessary to celebrate a council than now and in this place; and if such histories be consulted, it will be observed that no council has ever been established by so many authorities, and, nevertheless, it is being attacked so seriously and in so many ways by the supreme pontiff.<sup>146</sup>

<sup>143</sup>*CB* ii, 194. *MC* ii, 226. Berardi was accompanied by Andreas, Archbishop of Rhodes, Bertrandus, Bishop of Maguelonne, and Anthonius de Sancto Vito, auditor of the sacred palace.

<sup>144</sup>*CB* ii, 201-202. For the full text of Berardi's speech, see: Mansi xxix: 482-492. For discussion of this speech, see: Christianson, 64-65; Valois i, 180-182; Joachim Stieber, *Pope Eugenius, the Council of Basel, and the Secular and Ecclesiastical Authorities in the Empire: the Conflict over Supreme Authority and Power in the Church* [*Studies in the History of Christian Thought*, 13] (Leiden: E. J. Brill, 1978), 15. Stieber remarks that Berardi "spoke as if the Council of Constance with its decrees on the supreme power of general councils in the church, [sic] had never taken place."

<sup>145</sup>*CB* ii, 206-207; see: *MC* ii, 234-248 for text.

<sup>146</sup>*MC* ii, 240: "Si veteres relegantur hystorie, nullo tempore fuit tam neccessarium celebrare concilium, quam modo et in hoc loco; nullumque vmquam fuisse concilium legitur tot auctoritatibus stabilitum, nichilominus a summo pontifice tam grauiter et multipliciter inpugnatur."



The Council of Basel, the fathers observe, has been brought into being in accordance with decrees of the Councils of Constance and Pavia-Siena and with the consent of Popes Martin V and Eugenius IV himself.<sup>147</sup> As such it constitutes a legitimately-assembled council; and a legitimately-assembled council, the Council of Constance had decreed (the fathers do not cite *Haec sancta* explicitly), represents the church, whose acts and customs are as inviolable as holy scripture, and draws its power immediately from Christ.<sup>148</sup> Pope Eugenius, on the other hand, occupies a great, if subordinate dignity as the undoubted ministerial head [*caput ministrale*] of the church. Invoking the traditional organic analogy of the relationship of head and body, the fathers argue that, just as a head cannot function apart from a living body, no pope is greater than the church but a part of it;<sup>149</sup> he is, therefore, subject to it and to its representative, the general council. Not only for the good of the church, but for the salvation of his own soul, Eugenius must cease his counterfeit attempts of dissolve the council and give it his full, unreserved adhesion.<sup>150</sup>

Disappointed by Eugenius' intransigence, the fathers of the council nevertheless did not let displeasure yet sway them to aggressive action against him.

<sup>147</sup>MC ii, 237.

<sup>148</sup>MC ii, 241: "Nec solum ecclesie decreta et sentencie autentice sunt, quibus et irrefragabiliter stari oportet, sed eciam eius facta et consuetudines instar habent sanctarum scripturarum. . . . Diffinitum enim est in concilio Constanciensi, quod synodus generalis in spiritu sancto legitime congregata catholicam representat ecclesiam, et potestatem a Christo immediate habet." The implied invocation of *Haec sancta* is unmistakable.

<sup>149</sup>MC ii, 243: "Nam etsi sit caput ministeriale ecclesie, non tamen est maior tota ecclesia; alioquin errante pontifice, sicut sepe contigit et contingere potest, tota erraret ecclesia, quod esse non potest. Et si caput sit et principalis prelati huius corporis mystici, est nichilominus intra corpus; nam si extra corpus esset, tunc non pertineret ad corpus, nec tunc caput esset. Corpus igitur continet, et ipsum quod dicitur caput et singula membra."

<sup>150</sup>MC ii, 256-257: "Propterea necessarium esse arbitramur tam saluti anime sue, quam vtilitati ecclesie, vt sua sanctitas dissolutionem pretensam tollat, simpliciterque recognoscat concilium, et illi tota mente adhereat."

Perhaps under the moderating influence of Cardinal Cesarini, who participated in discussions that led to the drafting of *Cogitanti* and who resumed the presidency of the council on 12 September, the council, at the sixth public session of 6 September 1432, resisted a call from its prosecutors to indict for contumacy Eugenius and those cardinals who supported him. It renewed instead its demand, first made at the third public session of the previous 29. April, that Eugenius and his cardinals submit within ninety days or risk such proceedings.<sup>151</sup> At the request of the German Electors the council extended this term yet again, this time for sixty days, at its eighth public session, 18 December 1432.<sup>152</sup> Not until the expiration of this term did the council initiate, at its tenth public session, held 19 February 1433, a formal, judicial inquiry into the actions of the recalcitrant pope.<sup>153</sup>

The deliberation with which the council moved against him did not benefit Eugenius IV. Stung by the council's resistance and the support it was accumulating among secular authorities and the clergy, abandoned by a number of his cardinals and curial officials, threatened by revolt within the Papal States and a dangerous rivalry with Filippo Maria Visconti, the Duke of Milan, the pope, determined to defend without compromise the authority and prestige of his office, embarked upon a policy whereby he would offer the council concessions respecting its location and procedures in hope of fracturing the unity of the fathers and to do so incrementally so as to suffer the minimum cost for extricating himself from his difficulties.<sup>154</sup> Already

<sup>151</sup>*CB* ii, 211-215, *MC* ii, 231-233. Gerald Christianson suggests a desire to mediate between pope and council to be at the root of Cesarini's actions, see: Christianson, 66-67. For notice of the Cardinal-legate's resumption of the presidency, see: *CB* ii, 219.

<sup>152</sup>*CB* ii, 288-289, *MC* ii, 288-291.

<sup>153</sup>*MC* ii, 326-329.

<sup>154</sup>Creighton ii, 220; see: 222 on the wavering of loyalty within the papal curia.

Eugenius had entrusted the aforementioned embassy headed by Berardi with a bull, *Inter cetera vota*, issued 26 June 1432, that offered the fathers at Basel an accelerated beginning for the new council promised in *Quoniam alto* and their choice of site so long as it was a city within the Papal States. Meanwhile it invited them to continue at Basel to work for peace, reform, and the extirpation of heresy, Hussite heresy in particular, provided that they took no action that derogated from papal dignity and authority.<sup>155</sup> To this the council had replied with *Cogitanti*.

As the year came to an end with no prospect of a rapprochement, Eugenius began to feel obliged to offer additional concessions to the fathers at Basel. His political fortunes in Italy were worsening. And he observed how Sigismund, impatient with his continued refusal to proceed with his imperial coronation and hopeful that the council's coming negotiations with the Hussites might advance his other great objective, the obtaining of the crown of Bohemia, was drawing closer to the council. Again the pope proceeded in stepwise fashion promulgating four bulls in seven weeks that were transmitted to the council by envoys he sent to Basel in late February 1433. *Inter omnes pastoralis officii curas*, issued 14 December 1432, made no mention of dissolution but ordered the transfer of the council to Bologna, offering to postpone that change of venue if the council determined that remaining at Basel would aid the conduct of its *reductio* of the Bohemian heretics.<sup>156</sup> The very next day the pope issued another bull, *Nulla maior cura*, permitting his envoys additional flexibility in negotiating a site for transfer.<sup>157</sup> With the third bull, *Sedis apostolice*

<sup>155</sup>MC ii, 217-219; see: *CB* , ii, 194.

<sup>156</sup>MC ii, 335-337.

<sup>157</sup>MC ii, 337-338. In discussing this bull Valois (211-212) and Christianson (94) both state that Eugenius stipulated that the site for transfer was to be in Italy. As reproduced in Segovia's history *Nulla maior cura* itself does not specify this. That this was, in fact, Eugenius' intention is indicated by the summary of *Nulla maior cura* contained in the succeeding bull, *Sedis apostolice*, see: n. 33.

(18 January 1433), Eugenius went even further, conveying his willingness that, if the council would not agree to a transfer to a city in Italy, it might be transferred to another site in German territories selected by a committee composed of twelve of the prelates in attendance, the imperial electors, and [clerical] ambassadors of kings, dukes, and princes provided that a series of terms be met.<sup>158</sup> Finally by the fourth of this group of bulls, *Romani pontificis conuenit*, dated 1 February 1433, Eugenius abandoned every condition and restriction set forth in the previous bulls save one: that the council might continue at any location in the German lands save Basel.<sup>159</sup>

Interrupting their discussions with Hussite representatives, the council, meeting in general congregation on 7 March 1433, received Eugenius' envoys and obtained from them the bulls just described.<sup>160</sup> On 24 April 1433 at another general congregation, Cesarini delivered the council's formal response telling the legates that the council had no intention either to move its location or to revoke any of its decrees.<sup>161</sup> Three days later at its eleventh public session the council fathers, now

<sup>158</sup>*MC* ii, 339-340. Presumably only the ecclesiastical electors could have served in person on this committee: the princely electors, as laymen, would have had to have been represented by clerical proxies. The only restriction Eugenius placed on its membership was that no prelate from the territories controlled by his political enemy, the Duke of Milan, was to participate. The principal conditions were that one archiepiscopal and one princely imperial elector serve as protectors of the council, that a minimum of seventy-five representatives of the higher clergy participate in decrees involving sensitive matters, and that the council be led by presidents acceptable to the pope.

<sup>159</sup>*MC* ii, 338. Christianson's descriptions of the third and fourth bull of this group are incomplete and inaccurate respectively, see: 94: "The third (January 18, 1433) conceded that the assembly could move anywhere in Germany if an Elector would serve as protector. And the fourth (February 1) suggested that a commission of twelve select a suitable location in Germany."

<sup>160</sup>*CB* ii, 365; *MC* ii, 335. One of these envoys was Niccolo de' Tudeschi, called Panormitanus, an eminent canon lawyer, who broke with Eugenius in September 1433 and later became a staunch defender of the council. For a brief, but useful resume of his life and views, see: Black, *Council*, 92-105.

<sup>161</sup>*MC* ii, 344.

numbering over 250, enacted a decree, *Quoniam frequens generalium conciliorum celebratio*, that elaborated the Constance decree *Frequens* in a way that signaled their recognition of and intention to guard against the strategy underlying Eugenius' concessions. If a pope, who ought himself to be present at general councils, should choose to send representatives instead, those presidents have no authority unless they have been approved by two-thirds of the cardinals.<sup>162</sup> They declared moreover that the present council at Basel could only be dissolved or transferred by a double ballot of its delegates: first two-thirds of each deputation must approve, then two-thirds of the entire membership, with the results formally reported in a public session.<sup>163</sup> And, beginning to add teeth to threats to proceed against Eugenius for contumacy, the fathers warned the pope of the consequences risked by continued opposition to the council:

But if the Roman pontiff, and other aforesaid persons, should neglect to do this [unless prevented by a legitimate impediment to attend a legitimate council in person or be represented by properly-empowered representatives] or attempt in any way to impede, change, prorogue, or dissolve such a council, and within four months shall not have offered real satisfaction, then let the Roman pontiff be suspended by the very fact from the papal administration, which papal administration would devolve by virtue of law to the sacred council, and the aforesaid persons from that of their own dignities. But if they endure with a hardened heart the aforesaid penalties for two months after the said four months, let the council proceed against the Roman

<sup>162</sup>*MC* ii, 352-353: "Inherens igitur hec sancta synodus ordinacioni decreti concilii Constanciensis, quod incipit „frequens“, cupiensque ne scandala, que proch dolor, diebus nostris contigerunt, futuris temporibus in perniciem ecclesie repullulent, statuit et decernit vt Romanus pontifex, qui primus in vinea domini laborare et alios suo exemplo ad laborandum trahere tenetur, per se vel legatum de latere aut legatos eligendum vel eligendos de consilio et assensu non auriculari duarum parcium cardinalium, in conciliis generalibus debeat interesse . . ." Segovia reports seven cardinals in attendance at the council in early May 1433, see: *MC* ii, 355.

<sup>163</sup>*MC* ii, 353: "Statuitque ex certis racionabilibus causis vt presens Basiliense concilium per neminem, eciam si papalis fuerit dignitatis, dissolui, aut de loco ad locum mutari possit, nisi de expresso consensu duarum parcium cuiuslibet deputacionis, votis singulorum scrutatis, subsequenteque approbacione duarum parcium congregacionis generalis, similiter scrutatis votis, ac demum in sessione publica facta declaracione."

pontiff as against aforesaid persons up to and including deprivation of office.<sup>164</sup>

Eugenius viewed this decree with alarm and complained of it to Sigismund. Having patched up his differences with the pope, who had at last given his consent to the King's imperial coronation, Sigismund wrote to the council on 23 May 1433 to express his own displeasure with *Quoniam frequens generalium conciliorum celebratio* and to urge the council to suspend its proceedings against the pope lest the peace of the church be disturbed.<sup>165</sup>

But if pope and emperor feared the possible consequences of this decree, many others did not. Segovia, in his history of the council, has provided an impressive list of new incorporations during May 1433.<sup>166</sup> The Carthusian general chapter, meeting from 11 May 1433, similarly showed no reservations as to the direction of the council. Because MS. Grande Chartreuse 1. Cart. 15 is incomplete, it

<sup>164</sup>*MC* ii, 352-355, at 353: "Quod si ipse Romanus pontifex, et alie predicte persone, hoc facere negliexerint, aut ipsum concilium quoquo modo de facto impedire, mutare, prorogare, dissoluere operam dederint, et infra quatuor menses cum reali satisfaccione non resipuerint, ex tunc Romanus pontifex a papali, et predicte persone a suarum dignitatum administracione sint ipso facto suspensi; que quidem papalis administracio ad sacrum concilium ipso iure deuoluatur. Quod si penas predictas per duos menses post dictos quatuor animo sustinuerint indurato, contra tam Romanum pontificem, quam predictas personas vsque ad priuacionem inclusive per concilium generale procedatur."

<sup>165</sup>*RTA* x, 2:698-699 [#413]. The less politically savvy members of the council must have found this turn of events startling. Only in January 1433 Sigismund, fearing that Eugenius might excommunicate him, had implored successfully the council to take him under its protection, see: *MC* ii, 297-298. Sigismund was crowned at St. Peter's in Rome on 31 May 1433. For an astute, brief analysis of Sigismund's policy in dealing with council and pope during this period, see: Creighton, ii, 208-225. As will be argued, however, Creighton's assessment of the 27 April decree has less value: "So far as a new constitution can be secured on paper, the Council of Basel made sure for the future the new principles of Church Government on which it claimed to act. It was a transference to ecclesiastical matters of the parliamentary opposition to monarchy which was making itself felt in European politics." (221).

<sup>166</sup>*MC* ii, 355-356.

is necessary once again to rely on the abridgment of the 1433 *carta* found in London, Lambeth Palace MS. 413. Despite limited scope, this abstract nevertheless provides evidence indicating that the order's commitment to the council had grown in the intervening year. This is not to say, however, that such a commitment was universally felt within the order. For the 1433 *carta* contains a general ordination revealing that an unspecified number of charterhouses had not paid the tax of one ducat or twenty Savoyard groats imposed the previous year for support of those priors representing the order at the council. Unfortunately this ordination does not communicate the motivations of the inmates of those monasteries, does not reveal whether a particular delinquent house sought to demonstrate its disapproval of the order's support for the council or simply its displeasure with the imposition of a tax of any sort. The administrators of those houses that were in arrears were ordered to pay to their provincial visitators the money owed by the following Christmas. It declared further, clearly anticipating and hoping to head off continued resistance, that, if after three warnings any prior, rector, or vicar of nuns had failed to surrender the tax his house owed, he would be suspended from office unless he had been hindered from so doing by circumstances arising from longstanding local hostilities. The same penalty was to be imposed if "for as long as the aforesaid council will persevere" the tax levied by one general chapter were not paid by the time the next general chapter should meet.<sup>167</sup>

<sup>167</sup>AC 100:10:164: "Ordinamus quod Priores, Rectores, et Vicarij monialium qui non soluerunt taxam anno preterito impositam pro contribuendo expensarum Priorum qui pro toto Ordine resident in Basilea in consilio generali soluant Visitatoribus prouinciarum abhinc vsque ad proximum festum Natalis Domini. Alias pro prima, secunda, & tercia monicionibus lapso termino ab officio sint suspensi exceptis domibus propter guerras diu vigentes delictas. Nichilominus dicti Priores, Rectores & Vicarij quamdiu prefatum consilium durabit sub eadem pena soluant Visitatoribus tempore Capituli quolibet anno taxam anno preterito in Carta ordinatam."

Whatever the extent and nature of opposition to this tax, the leadership of the order was not deterred from its support of the council. As in 1432 the 1433 general chapter enjoined every charterhouse to offer a *tricennarium* of the Holy Spirit for the success of the council and the reformation and peace of the church.<sup>168</sup> So too it reissued the 1432 directive that those priors representing the order at Basel attend any meeting of the prior-general's private chapter so that it might be kept abreast of activities and circumstances of the council.<sup>169</sup> The abstract of the 1433 *carta* does not relate the names of these priors, but, reckoning from the notarial remains of the council and the *carta* of the 1434 general chapter, it is likely that the order continued to be represented by Albertus Harshusem of Nördlingen, Henricus de Ludenschede of Strassburg, and Albertus Buer of Basel.<sup>170</sup> It may also be inferred from the *carta* of the 1434 general chapter that the 1433 general chapter had renewed the tax to support these priors attending the council even though the relevant general ordination did not explicitly so stipulate: in a general ordination to be discussed below that later general chapter described this tax as an obligation to be discharged annually (*pro anno*).<sup>171</sup>

Given the worsening relations between council and pope and the council's increasingly confident advocacy of its superior prerogatives, responsibilities, and

<sup>168</sup>*AC* 100:10:162. The general chapter also renewed its order that a similar observance be afforded Eugenius IV that under his rule God deign to direct and reform the church. This same injunction contained also a grateful acknowledgment of the pope's extension of the privilege that the order might absolve and dispense with cases normally reserved to papal jurisdiction, an expression of continued respect, see: *AC* 100:10:162.

<sup>169</sup>*AC* 100:10:167.

<sup>170</sup>See below: 82.

<sup>171</sup>*AC* 100:9:91: "Nihilominus Piores qui non soluerunt taxam unius ducati pro anno pro Prioribus in Basilea congregatis prout alias in carta Capituli seriose fuit ordinatum soluant quamcitius dictis uisitoribus, si ordinis indignationem et greuissimas poenas cupiunt euitare . . .". See below: p.82.



authority, such measures point to a strengthened confidence in the council on the part of the leadership of the order . If the general chapter of 1432 may have hesitated to embrace the council fully, that of 1433 did not. Another general ordination of the 1433 general chapter further illustrates this with a remarkable plainness, forbidding charterhouses to participate in certain land dealings on the grounds that they had caused houses in many provinces to suffer the taint of greed and usury. This prohibition was to stand “until such time as the Council of Basel or, in other circumstances, the church should rule” on the matter.<sup>172</sup> That the general chapter should have deferred to the council regarding such a matter is significant of itself, but even more striking is its unvarnished acceptance of one of the first principles of conciliar church government: the equation of authority wielded by the church and by its representative, a legitimately-assembled general council. With this there could be no mistaking the order’s official position.

Shortly after the Carthusian delegates would have returned to Basel, Eugenius’ envoys presented the council on 5 June 1433 with yet another bull of concession, *Ad sacram Petri sedem*.<sup>173</sup> This, the fifth in the series and promulgated on 14 February 1433, set the terms for the final stage in the council’s first struggle with the pope. Striving for a magnanimous tone, Eugenius informed the fathers that the concerns that had caused him to object to holding a council at Basel had been alleviated: the Greeks would be offered subsidies to help to defray the added expenses entailed by

<sup>172</sup>AC 100:10:164: “QuiA occasione contractum reempcionum in multis prouincijs Ordo grauiter diffamatur super auaricia et vsura seriose inhibemus ne aliqua domus de cetero aliquem contractum de huiusmodi faciat quousque per Consilium Basiliense vel alias per ecclesiam fuerit declaratum.”

<sup>173</sup>CB ii, 420-421; MC ii, 369-372, text at 370-372. See: Mansi xxix, 569-571.

traveling to Basel rather than some city in Italy, the environs of the city were no longer made dangerous by war between the dukes of Austria and Burgundy, and a more than adequate number of prelates and educated clergy were in attendance.

Proclaiming himself moved by the supplications of the (then) Roman king and imperial electors, he expressed his wish and command, notwithstanding his previous order of dissolution, “that a sacred general council be celebrated at Basel by our legates to be sent thither as quickly as possible, and who will preside there in our name.”<sup>174</sup>

Such words rang hollow with the council. Far from embracing *Ad sacram Petri sedem* as a basis for settlement, the fathers denounced it as a sham in a letter, *Speravit*, issued at a general congregation on 16 June 1433.<sup>175</sup> They perceived that were they to settle their dispute with Eugenius on the basis of this latest bull, they would risk invalidating all that they had done. For the pope had offered only to recognize a council to be celebrated at Basel by presidents he intended to send.

<sup>174</sup>MC ii, 371-372: “Greci insuper quos ipsi Basilee consistentes nos vt vocaremus ad concilium sunt hortati, commodius ad Bononiam accedere potuissent, quam Basileam, tum propter maris propinquitatem, tum quia cum ipsis Grecis conuentum erat de loco concilii in Ytalia eligendo; tum autem, quoniam nobis et ecclesie facilius eorum sustentacio extitisset, cum prefatus predecessor et nos eciam per antea expensas ipsis pro eorum accessu et recessu ad concilium obtulerimus. Verum quia ex plurimorum fidelium relacione percepimus, (quod) plurima, que tunc Basilee concilii celebrationem impediabant, vtique cessarunt, nam primum domino concedente ipsorum ducum bella sublata sunt, et aliqui pro parte Bohemorum Basileam venisse dicuntur, quod nobis est gratissimum, si contingat eos ad fidem catholicam reuerti; quodque eciam ibidem nunc est prelatorum et magistrorum maior solito numerus; et nobis per Romanorum regem prefatum ac venerabiles fratres et dilectos filios nobiles viros electores sacri imperii Romani extiterit supplicatum, vt consentire vellemus Basilee generale concilium celebrari, pro bono vniversalis ecclesie militantis, nos iudicantes non esse reprehensibile, si secundum varietatem temporum statuta quandoque varientur humana, et ne bonum, si quod Basilee fieri posset, aliquo modo impediatur, dicta dissolutione concilii iam facta non obstante, statuimus, volumus et mandamus de eorundem fratrum consilio, quod Basilee sacrum generale concilium per nostros legatos illuc quantocius transmittendos, et qui nomine nostro ibidem presideant, celebratur.”

<sup>175</sup>MC ii, 373-377.

Therefore they declared that they would admit no new presidents and implied strongly that they would continue proceedings against Eugenius for contumacy unless he revoke his order of dissolution and formally adhere to the present council acknowledging it to be and to have been from its inception legitimate.<sup>176</sup>

Although Eugenius had been no more successful with *Ad sacram Petri sedem* than with previous bulls in reaching an accommodation with the council that did not derogate from his conceptions of papal dignity and authority, the Fabian strategy he had been pursuing was not without result. From mid-June 1433 dissension began to disturb the unity of the council. While all agreed as to what Eugenius must do, disagreement arose as to how he must be made to do it. Some, including Cesarini, believed that a continuation of the patient approach relying on persuasion and the threat of eventual coercion that the council had been pursuing would ultimately bring about the pope's adhesion. Others pressed for a more aggressive posture advocating that the council initiate proceedings to suspend Eugenius from office.<sup>177</sup> After some weeks of wrangling, fears of schism and of losing the support of the newly-crowned emperor drove the council to compromise. At its twelfth public session, 13 July 1433, the fathers issued a decree that gave something to satisfy each faction. Unlike the decree of 27. April that established a general framework whereby the council

<sup>176</sup>*MC* ii, 377: "Si dominus Eugenius ecclesiam sanctam non audierit, quam hoc concilium representat, oportebit tandem haberi vt ethnicum et publicum. . . . Si declarasset hoc Basiliense concilium, per statuta generalium Constanciensis, et Senensis conciliorum ordinacionemque domini Martini et suam inchoatum, verum semper et sine interrupcione fuisse et esse concilium, et illi pure et simpliciter adhesisset, dissolutionemque pretensam iuxta decreti nostri tenorem reuocasset, suo debito et honori satisfacisset, reddidissetque se Deo et hominibus gratum, et quicquid cum Deo possemus, sicut alias oblatum est, libenter faceremus, sicut et semper offerimus. Ex predictis igitur iustissimis causis admirandum non est, si vos in presidentes non admittimus, paratos nos offerentes, cum prefatus dominus Eugenius debitum suum fecerit, cum omni modestia debitum nostrum facere; alioquin si secus fierit, et Deum et ecclesiam et ipsam fidem grauiter offenderemus, multisque scandalis daremus et nunc et futuris temporibus occasionem."

<sup>177</sup>*CB* ii, 433-434; *MC* ii, 384-386.

might proceed against a contumacious cleric, even a pope, *Sancta ecclesia in sacro Constanciensi concilio conveniens* took aim directly at Eugenius himself. Now, some seventeen months after *Quoniam alto* was first announced at Basel, the fathers for the first time ordered him to revoke formally his bull of dissolution and adhere to the Council of Basel, declaring it to have been a legitimate general council from its inception, or be suspended from office. They would allow him sixty days to comply.<sup>178</sup> No doubt to punctuate their determination to bring Eugenius to heel, the fathers chose this session to publish its first reform decree which outlawed papal reservation and provision of any benefice traditionally filled by election as well as the payment of any fee for papal confirmation of such an election.<sup>179</sup>

What view the Carthusian delegates to the council took respecting the best way to compel Eugenius to submit to the council is not known. Neither do the

<sup>178</sup>*CB* ii, 447-449; *MC* ii, 398-402, at 401: “Idcirco hec sancta synodus prefatum dominum Eugenium cum quanta potest instancia et affectu per viscera misericordie domini nostri Jhesu Christi rogat, orat, obsecrat, monet, citat et requirit, ex parte Dei omnipotentis vltimo et peremptorie mandat et precipit, vt predictam pretensam notorie scandalosam dissolucionem penitus reuocet, et hoc Basiliense concilium, per generalium Constanciensis et Senensis conciliorum statuta, approbacionemque felicis recordacionis Martini pape v. et ipsius domini Eugenii legitime inchoatum, declaret a tempore huiusmodi inchoacionis continuatum fuisse et esse, prosecucionemque semper habuisse, continuarique ac prosecucionem habere debere, et ipsi pure et simpliciter adhereat et cum effectu, et huiusmodi reuocacionem, declaracionemque et puram adhesionem per suas letteras, more curie Romane bullatas, huic sacro concilio notificet infra sexaginta dies a die presentis publice sessionis immediate sequentes. Quod si predicta omnia et singula infra prefatos dies adimpleuerit cum effectu, hec sancta synodus ex sua solita mansuetudine et clemencia ipsum dominum Eugenium, quantum cum Deo poterit, honorare, et honorari facere intendit; si vero, quod absit, in pertinacia perdurans omnia et singula predicta infra prefatos sexaginta dies realiter et cum effectu non adimpleuerit, elapsis dictis sexaginta diebus ex nunc prout ex tunc, et ex tunc prout ex nunc hec sancta synodus in virtute omnipotentis Dei, a quo super omnes Christi fideles immediate potestatem vendicat, predictum dominum Eugenium manifestum contumacem et notorie incorrigibiliterque scandalizantem ecclesiam ab omni administracione papatus in spiritualibus et temporalibus ipso facto suspendit et suspensum esse declarat, processura tandem ad vltiora vsque ad sentenciam finalem inclusiue, si opus fuerit, ipso domino Eugenio amplius non citato, prout spiritus sanctus dictauerit.”

<sup>179</sup>Text at *MC* ii, 402-405.

protocols of the council nor Segovia's history of it report that any Carthusian played a leading role in the final events of this first struggle between council and pope. This ought not surprise us. The council by mid-1433 had over four hundred members, a great many of whom were certainly more accustomed and equipped to deal with the pertinent diplomatic and legal complexities than monks of so austere an order.<sup>180</sup> Indeed, although Carthusians do not disappear from the remains of the council, they never again attained the prominence enjoyed during the first, difficult months. Henceforth recorded Carthusian participation at the council—apart from cases brought before the fathers, largely individual requests for dispensations to enter or leave the order—generally concerns, with several notable exceptions, matters of reform. So, the protocol for 16 November 1433 noted that the deputation for reform, in response to a directive from the deputation for common affairs that a visitation be undertaken in the dioceses of Cologne, Strassburg, and Basel, invited Cesarini to choose (no number is specified) from among five nominees, one of whom was Albertus Harshusem.<sup>181</sup> Another indication that in departing from the main stage the Carthusians did not retreat from the esteem of the council is that a number

<sup>180</sup>Joseph Gill, S.J., *Eugenius IV, Pope of Christian Union*, (London: Burns & Oates, 1961), 50: "By this time [June, 1433] the council mustered in Basel 7 cardinals, 2 (Latin) patriarchs, 42 bishops, 30 abbots, 311 doctors of various sorts—that is, 117 more members than on April 27 [1433]."

<sup>181</sup>*CB* ii, 522: "Item super articulo de visitacione diocesum Constanciensis Argentinensis et Basiliensis etc. placuit, quod dominus legatus eligat aliquos ex nominatis per deputatos et ad visitandum loca prefata transmittat, prout melius sibi videbitur. Et nominati sunt de illa deputacione abbas Scotorum Viennensis, prior domus Predicatorum, prepositus S. Dorothee, prior Orti Christi [Harshusem], magister Petrus de Mucia canonicorum regularium." See: *CB* ii, 517-518 for 12 November instruction of the deputation for common affairs.

of eminent council delegates chose the charterhouse there, at Klein-Basel, across the river from the city-proper, for their burial site.<sup>182</sup>

As for the resolution of the contest between council and pope, Eugenius was, for all intents and purposes, beaten with the promulgation of *Sancta ecclesia in sacro Constanciensi concilio conveniens*. The fathers had managed to master for a time those first stirrings of discord that Eugenius would eventually better exploit. Confronted with a resolute council, a deteriorating political situation in Italy, and a newly-crowned emperor determined to protect the council, the pope had little recourse. Of course he tried to counterattack. On 29 July he issued the bull, *Inscrutabilis divinae providentiae*, pronouncing all actions taken against him by the council to be illegal.<sup>183</sup> There followed on 13 September, the day the term set by the council for his submission expired, a second bull, *In arcano nostrae mentis*, condemning specifically the suspension and reform decrees of the council's twelfth public session.<sup>184</sup> But even as he was preparing the latter, troops in the pay of the Duke of Milan invaded Rome and forced him to flee the Vatican and take refuge in the church of San Lorenzo in Damaso. Although Eugenius held out against the council for some months, aided by Sigismund's equally-strong determination to prevent a new schism, he was forced to admit defeat as the year ended. On 15 December 1433 he made his capitulation with the bull *Dudum sacram*. Acknowledging that he had tried to dissolve a council legitimately assembled to treat matters of faith, peace, and reform and revoking all previous decrees against it,

<sup>182</sup>The Bishop of Worcester was buried at the Basel charterhouse on 30 August 1433, Swidegarus, Bishop-elect of Utrecht the following 13 September, see: *CB* v, 62-63. The vital organs (*intestina*) of Alfonsus de Carrillo, Cardinal deacon of St. Eustachius, were buried there following his death on 13 March 1434, see: *CB* v, 84, 396.

<sup>183</sup>*MC* ii, 566-567.

<sup>184</sup>*MC* ii, 567-568.

Eugenius pledged his adhesion in words the council had prescribed by a decree of its fourteenth public session (7 November 1433).

. . . we decree and declare that from the time of its previously stated beginning the aforesaid council has been and is legitimately continued and that it has always, continues to, and ought always to attend to those aforesaid tasks [of faith, peace, and reform] and matters pertinent to them just as if no dissolution had been attempted. Indeed declaring that dissolution void and in vain with respect to counsel and consent alike, we honor and intend to honor the same sacred, general Council of Basel, purely, simply, and, in fact, with every devotion and favor.<sup>185</sup>

A solemn procession attended by Emperor Sigismund marked the council's sixteenth public session on 5 February 1434 as the fathers celebrated the formal reading of *Dudum sacram* into the *acta* of the council.<sup>186</sup> There ensued, thereafter, two watchful years. Freed from the necessity of defending itself against dissolution the council strove to consolidate its position by more focused attention to its mandated tasks. Following the conference with Hussite representatives held at Basel from early January until mid-April 1433 negotiations continued through spring, summer, and fall by exchange of embassies. By late November 1433 the council had succeeded in driving a wedge between those Bohemians who wished to be honorably reunited with the Roman church and those had come to a complete repudiation of it. But as of February 1434 that reunion had yet to be achieved.<sup>187</sup> Of equal importance

<sup>185</sup>*MC* ii, 565-574, at 565: “. . . decernimus et declaramus prefatum generale concilium a tempore predictae inchoacionis legitime continuatum fuisse et esse, prosecutionemque semper habuisse, continuari ac prosecutionem semper habere debere ad predicta et pertinencia ad ea, perinde ac si nulla dissolucio facta fuisset, quinimo prefatam dissolucionem irritam et inanem de consilio et assensu simili declarantes, ipsum sacrum generale Basiliense concilium pure, simpliciter et cum effectu ac omni deuocione et fauore prosequimur et prosequi intendimus.” For the specifying decree of the council's fourteenth public session, see: *MC* ii, 509-511, at 510. Christianson, 99f. notes that Cesarini himself had suggested this formula in a June 1433 letter to Eugenius.

<sup>186</sup>*CB* iii, 20-21; *MC* ii, 564.

<sup>187</sup>For general accounts of the council's dealings with the Hussites in these years, see: Creighton ii, 235-261; Christianson, 70-91, 117-120.

for the prestige of the council was that it devote itself seriously and effectively to satisfying long-unfulfilled demands for ecclesiastical reform. Although the fathers had followed up the restrictions they imposed on papal reservations and provisions with a decree that sought to reinstitute and rejuvenate the practice of regular convocation of provincial and diocesan synods, they had much to do if they were to live up to their claim that only a general council could inaugurate a reform of the church in head and members.<sup>188</sup>

<sup>188</sup>*MC* ii, 525-528.



## Chapter II

### Reform and Reunion

For his part Eugenius worked to repair his strength and, beneath a veneer of measured cooperation, nursed his resolve to escape the bondage he believed himself to have been compelled to enter.<sup>1</sup> This is not to say, however, that he ceased altogether to harry the council as opportunities arose. Though it did not immediately profit him, the pope had managed by *Ad sacri Petri sedem*, his fifth bull of concession, momentarily to breed dissension among the council fathers. The memory of this likely influenced his decision, embodied in three bulls issued within days of the promulgation of *Dudum sacram*, to send the cardinals Orsini, de Foix, Albergati, and Foschi to share with Cesarini the presidency of the council.<sup>2</sup> If he could not dissolve, perhaps he might manipulate the council.

Opposition at Basel to Eugenius' nominees was immediate and strong but not unanimous, and there followed two months and more of vigorous debate. Proponents and opponents alike recognized that more was at stake than the incorporation of presidents who could be expected to attempt to foster support for the pope among the council delegates or than narrowly drawn discussions of the Constance decrees concerning the relative authority exercised by council and pope in matters pertaining to faith, peace, and reform. At its core the debate, praised by Antony Black as

<sup>1</sup>See: Stieber, *Pope Eugenius*, 22-23 for an apposite statement of Eugenius' design for abolishing *Haec sancta* and *Frequens* by a council organized and conducted on the model of the Lateran councils.

<sup>2</sup>*Cum sacrum Basiliense generale concilium* (16 December 1433), *Auctoritate presencium* (17 December 1433, and *Alta nos cura sollicitat* (1 January 1434), see: *MC* ii, 602-605; Mansi, xxix, 575-578.

“intellectually the most impressive . . . held at Basel”, turned on the question of whether council or pope exercised fulness of power within the church.<sup>3</sup> In the end Cesarini brokered a compromise: Eugenius’ nominees would be admitted if they would meet certain conditions. They must swear a special oath of incorporation by which they would specifically and formally accept *Haec sancta* for themselves as individuals (*nomibus privatis*), and, with the council mindful of the threat to its stability that concerted action of the papal nominees might pose, they were to be forbidden the exercise of coactive jurisdiction (*iurisdiccio coactiva*). The four cardinals took the prescribed oath of incorporation before a general congregation of the council on 24 April 1434 and, two days later, presided with Cesarini over the council’s seventeenth public session.<sup>4</sup> Although the new presidents made no effort, as some had feared, to obstruct or to commandeer the council, they nevertheless soon demonstrated, if only by passive means, their disapproval of the council and its claims. Cesarini presided alone when the council renewed *Haec sancta* at its eighteenth public session on 26 June 1434.<sup>5</sup>

Thus *Dudum sacram* brought about only an armistice of sorts and not a lasting settlement of the conflict between council and pope.<sup>6</sup> Whether or not the

<sup>3</sup>Black, *Council*, 54. The most important source for these events is the report, *Tractatus super presidentia*, drawn up for the council by Segovia; for the text with an introduction, see: Pascal Ladner, “Johannes von Segovias Stellung zur Präsidentenfrage des Basler Konzils,” *Zeitschrift für schweizerische Kirchengeschichte* lxii (1968), 1-113.

<sup>4</sup>*CB* iii, 80, 82; *MC* ii, 647-650. Christianson, 113-117.

<sup>5</sup>The four claimed they were unable to attend the session owing to pressing business with a Venetian delegation, see: *CB* iii, 134-135; *MC* ii, 712-713.

<sup>6</sup>Stieber, *Pope Eugenius*, 19 has aptly called the period from the promulgation of *Dudum sacram* to publication in June 1436 of the *Libellus Apologeticus*, which marked the resumption by Eugenius of a posture actively hostile to the council, “two years of uneasy truce”.

general chapter that convened at the Grande-Chartreuse on 26 April 1434 recognized this, it omitted from its *carta* any express mention of Eugenius' capitulation to the council.<sup>7</sup> In this *carta* the pope is mentioned only once in the now customary instruction that each house offer a *tricenarium de Spiritu Sancto* that God might direct and reform the church through him.<sup>8</sup> Indications that the order continued to favor the council, on the other hand, are many. Like the 1433 general chapter that of 1434 imposed on every charterhouse a *tricenarium* for the direction of the council, for the reformation and peace of the church, and for those persons participating at the council as well as those, prelates and others, not at the council who were working for that reformation.<sup>9</sup> More tellingly the chapter reaffirmed by several ordinations its acceptance of the council's claims to act with the authority of the church. In the first instance it confirmed its 1433 general ordination prohibiting charterhouses from entering into certain mortgage arrangements (*contractus reemptionum*) until the council or the church itself had declared such transactions licit and then applied it to the monasteries at Rostock and Rügenwald.<sup>10</sup>

In the second it rebuked the charterhouse at Sheen for failing to respond to a sentence of excommunication that the council had imposed upon it, an action that the general chapter claimed had brought scandal upon the order.<sup>11</sup> The ordination itself does not indicate the reason for the ban and neither the remains of the council

<sup>7</sup>As we shall see, Carthusian *cartae* seldom touch on events of the wider world.

<sup>8</sup>*AC* 100:9:89.

<sup>9</sup>*AC* 100:9:89.

<sup>10</sup>See: *AC* 100:9:90, 104 for, respectively, notice of confirmation and instructions to the named charterhouses.

<sup>11</sup>*AC* 100:9:101: “. . . et miramur ualde cum se sciat excommunicatum per Concilium Basileense et in ualuis Ecclesiae affixum in Scandalum ordinis quod non apponat remedium.”

nor Segovia's history record the event, but it is likely that the monks at Sheen incurred censure as a consequence of a quarrel with the Benedictine monastery of St. Peter's at Ghent. The 1433 general chapter had notified them that those Benedictines were threatening to take their complaint to the council and had instructed them to guard against "future injury".<sup>12</sup> The nature of this complaint is revealed by E. Margaret Thompson in her history of English Carthusians where she relates that Henry V, who had founded the house at Sheen in 1414, had endowed it with properties, both in England and in France, expropriated or taken as spoils of the long war with France from several continental monasteries.<sup>13</sup> At issue in the dispute with the monks of St. Peter's was the alien priory or manor—Thompson equivocates on this point—of Lewesham and Greenwich in Kent. According to Thompson, who, despite summarizing the 1433 ordination, does not refer to that of 1434, the council decided in favor of St. Peter's sometime after 1438 and imposed a heavy penalty on the charterhouse. The inmates of Sheen ignored the council's finding and, in the late 1440's, resisted a ruling by Pope Nicholas V in favor of St. Peter's until they succeeded in persuading the pope to change his mind in 1451.<sup>14</sup> Although the possibility cannot be discounted entirely that the intransigence that drew the 1434 general chapter's ire sprang from ideological objections on the part of the monks at

<sup>12</sup>AC 100:10:167: ". . . Et quia Abbas & conventus monasterij Sancti Petri prope Gandavum Ordinis Sancti Benedicti scripserunt Capitulo Generali querulose quod domus de Bedleem tenet certAs possessiones eis pertinentes & diu tenuerent, super quibus intendunt dictam domum convenire in consilio Basiliensi. Provideant igitur de dampno futuro." Neither the notarial records of the council nor Segovia's history mention this dispute.

<sup>13</sup>W. A. Pantin, *The English Church in the Fourteenth Century* [Mediaeval Academy Reprints for Teaching, 5] (1955; rpt. Toronto: University of Toronto Press, 1980, ), 32: ". . . during the Hundred Years War the custody of alien priories for a time brought in between 30 and 60 additional [royal] presentations annually."

<sup>14</sup>E. Margaret Thompson, *The Carthusian Order in England*, (London: Society for promoting Christian Knowledge, 1930), 239-245, esp. at 244-245.

Sheen to the council's exercise of excommunicative power, there is no direct evidence that this was the case. No doubt anxious to protect their endowment they were also constrained by a political situation that foreclosed return of the property no matter whether ordered by council or pope.

As regards the order generally, the episode suggests that Carthusian leadership in 1434 was receptive to the distinctive brand of conciliarism evolving at Basel. Signalled by the establishment beginning in summer 1432 of a comprehensive executive and judicial apparatus rivalling that at Rome, rooted in impatience with perceived papal disinterest since the close of the Council of Constance in a thoroughgoing renovation of religious life, this Basilean conciliarism began to emerge during the council's first struggle against dissolution in its justificatory letters *Cogitanti* (3 September 1432) and *Speravit* (16 June 1433) and received full articulation during the presidency debate. In defense of the council's right to sit and to determine its leadership, conciliarists at Basel forged a consensus that rejected the more restrictive notions of supremacy espoused by Gerson, d'Ailly, Zabarella and the like for a vision of the legitimately-assembled general council exercising fulness of executive, legislative, and judicial power over all aspects, even the most commonplace, of religious life.<sup>15</sup> The leadership of the order, kept informed by experienced representatives, who, as explained above, had played an active role in conciliar affairs during the preceding year, cannot have misapprehended this. Where two years previous the order may have hesitated to rely upon conciliar authority in the annexation of the monastery at Rettel, in the case of Sheen it accepted the council's exercise of coercive jurisdiction in a legal wrangle of remote significance for the faith, peace, and reform of the church.

<sup>15</sup>For discussion of the distinctive features of Basilean conciliarism, see: Black, *Council*, 49-57.

In accordance with these expressions of respect for its authority, the 1434 general chapter continued to support the council by concrete measures. It renewed provision for representatives to be present at Basel and for these to stand ready to inform any meeting of the prior-general's private chapter on events there. Its *carta* names only one delegate explicitly: Albertus Harshusem, prior at Nördlingen, but it is likely that Albertus Buer, at least, and perhaps Henricus de Ludenschede, priors at Basel and Strassburg respectively, continued also to attend in their former, official capacity<sup>16</sup> Like the previous two general chapters that of 1434 ordered that each house contribute one ducat to defray the expenses of the representatives, and for the first time it made explicit that this was to be an annual obligation (*pro anno*). It reminded priors too of the severe penalties set forth by the 1433 general chapter for non-payment.<sup>17</sup> Despite that previous ordination enjoining priors, unless prevented by poverty occasioned by protracted local warfare, to surrender the tax to their provincial visitors or face suspension from office, a few houses had balked. Refusal to pay would, of course, have constituted a direct means of protest, but there is no way to be sure that any of these particular houses were in fact demonstrating principled opposition to the council. The monks at Gertruidenberg and perhaps those at Pisa as well had written to the 1434 general chapter petitioning for relief from the tax. Both requests were denied and in neither case does the *carta* shed any light on the circumstances.<sup>18</sup> The charterhouses at Perth and Monte Benedetto, on the other hand, which simply did not make the required contribution, were likely governed by

<sup>16</sup>AC 100:9:102-103.

<sup>17</sup>AC 100:9:91. For full text of this ordination, see below: 84 n. 20.

<sup>18</sup>AC 100:9:99: "Priori domus beatae Mariae in hollandia non fit misericordia, et pro releuatione taxae pro prioribus pro toto ordine in Concilio residentibus sciat se non esse exauditum sicut nec et alii." The ordination for Pisa is cryptic but suggestive: ". . . Et de taxa a qua petit releuari non exauditur . . .", see: AC 100:9:106.

practical rather than ideological motives. The *carta* reveals that each house was encumbered by several outstanding debts in addition to that owed for support of representatives at the council.<sup>19</sup>

By such ordinations the 1434 general chapter conducted itself towards council along established lines. But by one other enactment it departed markedly from past practice. Claiming to be acting on the advice of important and experienced but unnamed men, it ordered a one-time subvention of 1700 ducats to be paid to the council, and it undertook to fix the amount of contribution required of each house and to communicate its decisions to the provincial visitators who were to carry out the collection. For such an action with no recent precedent—the order paid no similar subsidy to the Councils of Constance and Pavia/Siena—the general chapter offered several justifications. Without elaboration it stated that the subsidy was to be offered for the betterment of the order and reminded the members that it was to be given “to those at the same general Council devoting themselves to labors undertaken daily for the defense and reformation of Holy Mother Church.” And in the event that not all members could not be persuaded of the rightness of the act by spiritual argument, it offered an explanation rooted in hardbitten practical calculation: other groups within the church, it observes, will pay more to the council. Moreover the chapter announced that the order had obtained bulls from the council to be shown in future to conciliar tax collectors that by this payment of 1700 ducats the order had discharged its responsibility to support the council financially. Perhaps as much to

<sup>19</sup>For Perth, see: *AC* 100:9:100: “. . . praeterea satisfaciat Priori brugis in his quae sibi tenetur ratione expensarum factarum per se uel per suos aut alias etiam satisfaciat de taxa patrum existentium in Basilea, et de contributione pro expensis uisitorum ad Capitulum euntium, et hoc pro duobus annis.” For Monte Benedetto, see: *AC* 100:9:104: “. . . et soluat tres ducatos domui Papiae quos tenetur tam pro expensis uisitationis quam pro taxa Capituli anni 1432 hinc ad festum omnium [Sanctorum ?] et melius solito se habeat cum suis, sin autem aliter prouidebitur . . . et soluat domui Romae septem ducatos Camerae.”

reassure priors and brethren that the discomfort of this special exaction would not be exacerbated by sloppy accounting or favoritism as to secure compliance, the general chapter enjoined the visitators to be scrupulous in their calculations of amounts owed by each charterhouse and dogged in their efforts to collect.<sup>20</sup>

Neither the protocols nor Segovia's history of the council provide information about negotiations between the order and the council concerning such a payment or any bulls such as are mentioned in the ordination. The remains of the council are, however, helpful in a general way at least. The 1434 ordination refers to all members of the church, even those enjoying privileges of exemption, as having to contribute to the council. This suggests that the general chapter ordered the subvention to defray the Carthusian share of a general tax upon the church. And indeed the council imposed just such an obligation during the winter of 1434. On 8 February it levied a half-tithe (*semidecima*) on all ecclesiastical property and offices so as to finance its activities on behalf of the church and, in particular, according to

<sup>20</sup>AC 100:9:91-92: "Item ordinamus quod pro compositione mille septingentorum ducatorum in Sacro basileensi Concilio pro meliori totius ordinis magnatorum et peritorum consilio fauorabiliter appunctata et conclusa, et hoc pro incumbentibus ipsi generali Concilio oneribus pro defensione et reformatione Sanctae Matris Ecclesiae dietim subeundis, omnes domus ordinis soluant taxam eis pertinentem, et per generale Capitulum adiudicatam prout in letteris patentibus inde confectis, et sigillis appendiciis roboratis, et uisitoribus prouinciarum ad dictam taxam exigendam traditis extensius continetur; nec terreantur ex hos professores ordinis aut de hac compositione mirentur cum longe aliter omnia membra Ecclesiae etiam exempla [*sic*] fere plus in templo soluant quam ordo noster, qui hanc compositionis gratiam in oculis sacri Concilii misericorditer adinuenit, quodque concilium in fauorem dicti ordinis Bullas omnibus collectoribus per totum mundum subsidium per ipsum impositum leuantibus et exigentibus direxit, ipsos collectores aduisando quomodo per compositionem praefatam ordo Cartusiensis iam soluit, nec ab ipso ordine amplius exigant in futurum. Nihilominus Priores qui non soluerunt taxam unius ducati pro anno pro Prioribus in Basilea congregatis prout alias in carta Capituli seriose fuit ordinatum soluant quamcitus dictis uisitoribus, si ordinis sunt traditae per Capitulum Scedulae ad partem diligenter examinatae, qui priores et quantum pro dicta causa debeant soluere, quam taxam dicti uisitatores accurate et solerter exigant sub poenis et censuris in letteris praefatae compositionis eis ad partem traditis."



Segovia, its continuing efforts towards the *reductio* of the Bohemians.<sup>21</sup> This step, perhaps evidence of increased confidence on the part of the council in the aftermath of its long struggle against dissolution, had been under consideration for some time. The deputation for common affairs discussed it on 23. and again on 27 January. On that latter occasion it had ordered that the nations be assembled on the 28th to learn about the mechanics of the collection of the tax. Although the official work of the council was carried out in the deputations, the tradition of participants gathering as nations to discuss matters of common interest—previous councils including those of Pavia/Siena and Constance had, indeed, been organized by nations—continued unofficially and was occasionally sanctioned at Basel. A pertinent example of this activity, the *Avisamenta* of a committee representing the German nation, has been preserved in the *Deutsche Reichstagsakten*.<sup>22</sup> This thoroughgoing document comprises a series of recommendations for the collection, custody, and uses of a tax of twenty *Pfennige* to be levied from German, Polish, Hungarian, and Scandinavian clergy. The committee suggested that the conciliar letter that would impose the tax state the purposes to which the money was to be put: eradication of heresy, reestablishment of peace, and the common business of the council. The eventual imposition of the half-tithe would seem to have owed much to these proposals. The greatest difference was, of course, one of scale. Whereas the *Avisamenta* advanced a tax to be collected from clergy in Germanic territories, the council imposed a half-tithe on all clergy (*universaliter*). But in another sense the council enacted universally what the *Avisamenta* had first proposed: that normally exempt orders—

<sup>21</sup>*CB* iii, 22: “Quo ad semidecimam iam per deputaciones conclusam placuit, quod huiusmodi semidecima universaliter imponatur.” See: *MC* ii, 591-592 where funds for the relief of the Taborite siege of Plzeň (Pilsen) (see below: 87) are emphasized.

<sup>22</sup>*RTA* xi, 277-279.

the *Avisamenta* explicitly listed the Carthusians among others—should not be exempt from this tax.<sup>23</sup> That this was so is demonstrated by appeals directed to the council by the Teutonic Knights and the Hospitallers that, burdened by the expenses of their defense of Christendom, their exempt status be respected.<sup>24</sup> Although there is some question whether the order as a technical matter enjoyed fully exempt status in these years, it acted as though it did.<sup>25</sup> Nevertheless there is no evidence that the Carthusians sought in this instance to assert their privileged status. Rather the language of the 1434 ordination itself: assuring the members that “our order . . . in the eyes of the Holy Council has come to this favor of payment out of kindness”, conveys the impression, straining perhaps at the order’s well-earned reputation for unfaltering humility, that the general chapter regarded their action as a temporary renunciation of privilege willingly offered.<sup>26</sup> As such this ordination stands as yet another strong indication of the order’s firm support for the council.

<sup>23</sup>*RTA* xi, 278: “. . . item solvi debet de omnibus mensis patriarchalibus archiepiscopalibus episcopalibus et abbacialibus omnibusque beneficiis ecclesiasticis ac redditibus et proventibus spiritualibus, quibuscumque nominibus nuncupentur, necnon de omnibus monasteriis et conventibus ac prioratibus sive domibus exemptis et non exemptis, eciam Carthusiensium, Cisterciensium, sancti Johannis Jherusolamitani, beate Marie Theutonicorum, Anthonii et aliorum quorumcumque ordinum, qui specialiter propter eorum privilegia forsitan exprimi deberent, necnon mendicantium quorumcumque . . .”

<sup>24</sup>The deputation for common affairs ruled the Teutonic Knights exempt from the half-tithe on 5 May 1434, see: *CB* iii, 90. A letter from the Master of the Hospitallers seeking a similar exemption was read before a general congregation of the council on 21 May 1434, see: *CB* iii, 102. See: *MC* ii, 619. Records of a 2 June 1434 meeting of the deputation for common affairs seem to indicate that the Hospitallers had been successful in their request, see: *CB* iii, 111.

<sup>25</sup>See above: 46.

<sup>26</sup>*AC* 100:9:91: “. . .noster ordo. . . hanc compositionis gratiam in oculis sacri Concilii misericorditer adinuenit.”

Concomitant with the suspension of active and open hostilities with Eugenius, the council also enjoyed a sudden breakthrough in the other great trial of its early years: the *causa Bohemorum*. After the successful preliminary discussions with Hussite representatives at Basel during the winter of 1433, the council despatched negotiators, led by Cesarini's *auditor* John of Palomar, to Bohemia. As exchange of views gave way to hard bargaining, these men worked during the following months to exploit long-simmering dissensions within the Hussite movement that had been manifest even within the delegation that had come to the council. Although Hussitism had long embraced a number of factions, a polarization occurred in the aftermath of the discussions at Basel dividing those who hoped to discover the means for an honorable reconciliation with the rest of [western] Christendom from those who preferred to remain apart, believing any such settlement tantamount to capitulation. Military forces of this latter group, dominated by Taborites, many of whom espoused chiliast ideas and who linked to Bohemian utraquism a call for sweeping reform of all church traditions and practices that did not pass biblicist muster, invested Plzeň (Pilsen), the remaining Catholic stronghold in Bohemia, in August 1433 in an effort to advance by force their goal of theological and disciplinary unity within Bohemia. While the Taborites and their federates conducted a protracted siege, emissaries of the council pursued negotiations with the Calixtine party, which favored the more modest reform program laid out in their Four Articles. At a meeting of the Bohemian Diet held at the University of Prague from 17 November 1433, the council's envoys pressed for concessions on those of the Articles dealing with preaching, civil dominion, and the public suppression of sins in exchange for a pledge that communion in both kinds be permitted to laity and priests in Bohemia and Moravia. The Diet, led by a coalition of Calixtine nobility and university men, acquiesced to these proposals on 30 November 1433. In March 1434

the greater part of the Bohemian and Moravian nobility, both Catholic and Calixtine, formed a league in support of this agreement. By early May this league was actively seeking a confrontation with the Taborites and their supporters. On 30 May 1434 a league army engaged Taborite forces in a decisive battle at Lipany. In a rout the Taborite army was annihilated so that the influence of that uncompromising faction immediately withered. Although the triumphant Calixtines would soon begin to back away from the modifications of the Four Articles in the November 1433 agreement, the destruction of the Taborite movement removed a great obstacle to the return of the Bohemian church.<sup>27</sup> The fathers at Basel recognized this, celebrating tidings of Lipany with a *Te Deum* on 8 June 1434.<sup>28</sup>

The Bohemian Diet's acceptance of the council's revisions to the Four Articles was announced to a general congregation of the council on 15 February 1434. The notarial account records that Cesarini's immediate reaction to the good news was to exhort the fathers to devote themselves to the reformation of the church.<sup>29</sup> Set aside in the interests of unity at Constance, ignored at Pavia/Siena, and afforded only piecemeal attention during the first years at Basel, the most vital and most difficult task of the council still lay before it.<sup>30</sup> To be sure some reform decrees

<sup>27</sup>On Bohemian retreat, beginning in February 1434, from the November 1433 compacts, see: *MC* ii, 593-595, 596-602.

<sup>28</sup>*CB* iii, 117; *MC* ii, 674-675.

<sup>29</sup>*CB* iii, 27-28, *MC* ii, 592-593.

<sup>30</sup>The opinion that reform was the fundamental task of the council was expressed on many occasions by many participants, but never so pointedly as by Nikolaus Ragvaldi, Bishop of Växjö, when he instigated a lengthy debate in August 1434 on a draft decree against simony. See: *MC* ii, 697: "Siquidem xxi<sup>a</sup>, die Augusti Vexoniensis episcopus, ambasiator regis Dacie, nomine et de mandato nacionis Germanice, vt dicebat, compta oracione synodum alloquebatur, commemorans principaliter fuisse congregatam ad reformationem; etenim congregata quamuis fuisset ad extirpacionem heresum et pacem populo christiano (procurandam), duo hec perfecte obtineri non poterant vel diu perseuerare absque reformacio, exemplo dato,

had already been enacted: the fathers had issued a decree on elections, *Sicut in construenda domo precipua*, at their twelfth public session of 13 July 1433, the same session at which they had issued their first threat to suspend Eugenius. While allowing a papal prerogative of reservation under certain explicit and limited conditions, they tried to restore the integrity of the traditional practice of local election by forbidding papal reservation of any benefice historically filled by election.<sup>31</sup> At the fifteenth public session of 26 November 1433, they promulgated a decree, *Pridem haec sancta synodus*, mandating and regulating the regular conduct of episcopal synods and provincial councils, which were, at the local and regional level, to root out abuses and to carry forward the process of emendment and reformation *in melius*: the former to be held once or, when possible, twice per year and the latter within two years of the end of the Council of Basel and, thereafter, at least once every three years. By the same decree regular clergy, too, were ordered to honor both the sacred canons and their constitutions by the regular convening of general chapters so that regular observance might flourish in each and every monastery.<sup>32</sup>

Although these reforms were significant—the decree on synods and monastic general chapters must have appealed to the Carthusians—there was still much to do if the council were to carry out its commission to reform “the whole of the clergy

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licet fieret reduccio Bohemorum, prout desiderabat, si reformacio non fieret, vix posset durare.” See: *CB* iii, 184.

<sup>31</sup>*CB* ii, 447-449; *MC* ii, 402-405. See: Richard Zwölfer, “Die Reform der Kirchenverfassung auf dem Konzil zu Basel,” *Basler Zeitschrift für Geschichte und Alterkunde* 28 (1929), 162f.

<sup>32</sup>*CB* ii, 527; *MC* ii, 524-528: “Jubet insuper hec sancta synodus omnibus prelatibus religionum et ordinum quorumque, ad quos celebrare capitula (pertinet), quod illa statutis temporibus sub predictis penis seruent et seruari faciant, in quibus secundum canonicas sanctiones et religionum constitutiones cum omnibus studio et diligencia ad veram singularum religionum et ordinum reformationem intendant ita, vt deinceps in singulis monasteriis iuxta proprias regulas et constitutiones debite regularis vigeat observancia et precipue vt tria substantialia professionis vota omnino obseruentur.”

and of the ecclesiastical estate in life and morals".<sup>33</sup> And so Cesarini let no opportunity slip to press the council during the spring of 1434, even as the presidency debate intensified, to proceed with the work of reform. For example, he warned the fathers on 30 March that the council was falling into disrepute because of its failure to tackle reform and urged them to bring forward decrees on concubinage and simony.<sup>34</sup> And at a general congregation of 20 April at which he listened to lengthy objections to the language of a draft decree on simony expressing the fears of some prelates that they would be unduly encumbered, he deftly and ironically deflected their criticisms by offering assurances that whatever was too harsh or not severe enough would be able to be moderated by the deputations and by congratulating them for inciting the conciliar fathers to the work of reform.<sup>35</sup>

Such difficulties were too entrenched, however, to be overcome by wit alone. Indeed the plodding pace with which the draft of the simony decree moved through the deputations during the remainder of 1434 illustrates one of the several obstacles to the cause of reform at Basel: that men, even those of good will and intention, found it difficult to enact reforms that threatened their own vested interests. Segovia, a member of the household of Cardinal Cervantes during the early years of the council, relates that the Cardinal, frustrated by the parochialism that paralyzed a

<sup>33</sup>See above: 11 n. 3.

<sup>34</sup>*MC* ii, 676: "Qui feria tertia post pascha exordians concionabatur spacio vnus hore, contestatus quia presidens foret concilii et sic velut datus speculator domui Israhel, de cuius manu, nisi periculum imminens annunciaret, sanguinem populi perituri requireret Deus, item et propter amorem quem ad concilium haberet, quod ausabat patres de magna confusione et infamia toto orbe iam exorta, multis acclamantibus contra concilium propter defectum reformationis, cum tam diu iam extitissent", see: *CB* iii, 53.

<sup>35</sup>*MC* ii, 677-681, at 680-681: ". . . verumtamen si quid videretur vel nimis asperum, aut nimis leue, vel alio dicendum modo, possent omnia in deputacionibus emendari . . . In fine autem responsionis sue congratulabatur prelatibus quia per huiusmodi propositiones excitarent omnes patres de concilio ad materiam reformationis . . ." See: *CB* iii, 76.

lengthy debate on the simony decree in late August 1434, exclaimed that although he and all the other speakers were clamoring for reformation, nevertheless all were resisting whenever reformation should touch them and that, having obstructed reformation, all then continued to protest that they wished for it, a thing that mocked God.<sup>36</sup> Another hindrance was structural. As a consequence of its replication of the administrative and judicial machinery of the Roman *curia* the council had to cope with an increasing volume of petitions, appeals and the like. This threatened to sink the council in a swamp of ordinary business that would forestall meaningful reform.<sup>37</sup> Recognizing the danger, Cesarini proposed on 30 April that the deputations should discuss nothing save reform on Mondays and Tuesdays. This suggestion was adopted by the council on 20 April with the additional provision that Wednesdays should be devoted to the business of reform in those weeks when a feast day should fall on the Monday or Tuesday.<sup>38</sup> A third difficulty impeding reform was one of focus. Although the council continued to be unable to reach consensus on a decree against simony, it did succeed in issuing decrees

<sup>36</sup>*MC* ii, 696-699, at 699: “quod licet ipse et omnes clamarent reformationem, tamen cum tangerentur resistebant, sed et tunc verbo protestarentur eam velle, non vero sic erat agendum, quia Deus non irridetur.” See: *CB* iii 184-191, *passim*.

<sup>37</sup>The increasing volume from 1434 of this ordinary business is well documented in the notarial records of the council published in *CB* iii-iv, vi-vii. A number of such cases involved the Carthusian order in one way or another. Some, e.g., at *CB* iv, 25, 122, 316; vi, 86-87, 180, 278, 284, involve petitions from individuals who wished either to enter or withdraw from the order and are of no immediate significance except in that there is no evidence that the order resisted or resented or in any way regarded as improper intrusions such exercises of conciliar authority. In fact, another instance, a *concordatum* of the four deputations of the council issued on 10 June 1435 authorizing Cesarini to act, with the advice of the prior-general, in an unelaborated case in the interests of the welfare of an individual Carthusian, suggests cooperation between the order and the council, see: iii, 409, 414. In still other cases the council responded to petitions from bishops that it ratify agreements made with particular charterhouses, see: *CB* iv, 289, 294; vi, 637-638.

<sup>38</sup>*CB* iii, 53, 77.

condemning concubinage, moderating the imposition of excommunication and interdict, and fortifying local ecclesiastical courts (thereby curbing the flow of litigation to Basel) by prohibiting frivolous appeals at its twentieth public session on 22 January 1435.<sup>39</sup> Nevertheless there was abroad a sense, felt particularly by Cesarini, that the council's efforts lacked cohesion. In an effort to remedy this the Cardinal-legate requested and received permission from the council on 25 February 1435 to retire for a few weeks to the Carthusian monastery in Little Basel in order to map out a programmatic set of initiatives.<sup>40</sup>

No history of the order, contemporary or subsequent, consulted here makes any mention of Cesarini's sojourn with the Carthusians at Basel. And if the priors who gathered at the Grande-Chartreuse on 16 May 1435, remarked the occasion, the *carta* for that general chapter does not recount it. In most respects the *carta* for 1435 resembles those of the years immediately preceding. *Tricennaria de Spiritu sancto* were enjoined for the council (and for the pope) according to the latterly customary formulae.<sup>41</sup> Priors were detailed to represent the order at Basel and were instructed to attend any private chapters of the prior-general that should be convened.<sup>42</sup> Provision was made for payment of the expenses of two monks who had been residing at the Basel charterhouse "for the honor of the order and the council."<sup>43</sup> The *carta* also presents familiar indications of possible antipathy towards

<sup>39</sup>*CB* iii, 294; *MC* ii, 773-775.

<sup>40</sup>*CB* iii, 324-325; *MC* ii, 781.

<sup>41</sup>*AC* 100:9:113.

<sup>42</sup>*AC* 100:9:131.

<sup>43</sup>*AC* 100:9:126: ". . . et de Solutione expensarum duorum monachorum pro honore ordinis et concilii ibidem hospitantium committitur Venerabili Patri Francisco Maresme." Although this ordination speaks of two and not four monks, it would



the council. Like the charterhouses at Gertruidenberg and perhaps at Pisa the previous year, that at Bologna requested and was denied relief from the tax for support of those priors representing the order at the council.<sup>44</sup> What is new, however, is the apparent degree of opposition that grew up within the order to financial support of the council and the firm steps the leadership took to attempt to enforce compliance.

One of the great difficulties the Carthusian *cartae* pose for researchers is what we might term their flatness. Names are infrequently named; events and issues seldom detailed. The problem is especially acute with respect to the ordinations for individual charterhouses. A general chapter will inform a prior that his complaint, petition, or question will be answered by letter, will instruct provincial visitators to act, rarely will anything of the circumstances be revealed. The *cartae* are working documents compiled for the assistance of men with little need for the sort of contextual information the latter-day investigator desires.

In this instance, however, in the account of this confrontation between the leadership of the order and a dissenting minority, the drama of the occasion breaks through the normally utilitarian dryness of the *cartae*. A lengthy general ordination recounts how the general chapter of 1434 had required all charterhouses to contribute to a special donation to be made to the Council of Basel and how, subsequently, many houses, offering many frivolous excuses, had expressed a wish not to pay their assigned shares or had refused outright until the present general chapter should order

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seem to lend credibility to Henricus Arnoldi's recollection that those priors designated as representatives of the order to the council were accompanied to Basel by monks assigned to assist them, see above: 40 n. 98.

<sup>44</sup>*AC* 100:9:129. As in those instances the previous year when the general chapter censured charterhouses for failure to pay this tax, the *carta* provides no indication of motive.

otherwise.<sup>45</sup> In reply, the 1435 chapter, led by its diffinitors, presented a full explanation and justification of the donation and its collection and responded to those priors who spoke out against it. It then issued a revised ordination enjoining each and every house that had not fully paid its allotted share of the donation to pay or send the amount due to its provincial visitators. At the same time those houses that had failed to keep up with their duty to contribute one ducat annually for the maintenance of those priors representing the order at the council were ordered to pay the arrears to their provincial visitators, who were in turn instructed to send those monies directly to Albertus Buer, prior of St. Margaret's at Basel. Finally the chapter warned all who should be derelict in either obligation that for so long as either debt should be outstanding it would accrue interest as if it were a loan. Then so that none could thereafter claim ignorance and so avoid their responsibilities, formally and with all priors of the order in attendance, it published the ordination, caused it to be inserted into the [authoritative] copy of the *carta* for that chapter that was to remain at the Grande-Chartreuse, and ordered all priors to transcribe it into their own copies of the *carta*. And in the event that such determined measures were not enough to bring some of the dissenters to obedience, the general chapter took one additional step. It observed that many houses were legatees to a bequest of a certain Matthaëus Herleville. It ruled that the whole of that bequest was to be deposited at the Basel charterhouse. Prior Buer would then deduct from the share of any legatee house monies necessary to retire outstanding debts owed for either the half-tenth or the annual contribution to maintain representatives at the council and remit the balance to the Grande-Chartreuse for dispersal.<sup>46</sup>

<sup>45</sup>See above: 84 n. 20.

<sup>46</sup>*AC* 100:9:114-116: "Cum in Carta Capituli generalis anni proxime praeteriti 1434 fuerit ordinatum quod uisitatores prouinciarum diuiderent taxam suae

From its inception the Carthusian order cultivated a tradition of firm and uncompromising correction of transgressions, a tradition amply demonstrated in the *cartae* considered for this study. But such rancorous severity as is revealed by this ordination is striking. And its unaccustomed frankness sharpens awareness of what the *carta* does not relate. How widespread was opposition to financial support of the council? Who were the dissenting priors? The general chapter claimed as a justification for its ordination the circumstance that “many” charterhouses had not

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prouinciae eis missam per Capitulum generale super contributione compositionis factae cum Concilio generali Basileensi, quo diuisione facta per uisitatores plures domus taxam eis distributam noluerint aut neglexerint soluere, multa friuole allegantes, donec per Capitulum praesens aliter fuisset ordinatum, propter quod in praesenti Capitulo anni 1435 facta fuit ratio et declaratio omnium tangentium dictam materiam et responsio facta contra sic obloquentes, et in publica audientia praesentibus omnibus prioribus publicata et in Scriptis redacta, et in Carta originali praesentis Capituli inserta, et in domo Cartusiae remanente, ac ordinatum quod omnes praesentes in hoc Capitulo anni 1435 dictam ordinationem in copiis suis cartae Capituli generalis describant; et ulterius quod quibuscumque praedictis obiectis nonobstantibus, soluant dictis uisitatores usque ad integram solutionem summae eis taxatae, et quia non nulli praesentes propter nimiam prolixitatem dictae ordinationis anni praesentis neglexerunt dictam ordinationem scribere, ad supplementum negligentiae ipsorum his effectualiter concludendo, Ordinamus ut omnes et singulae domus ordinis quae non integraliter soluerint dictam summam eis taxatam per uisitatores soluant uel mittant uisitatores suis sub poenis et censuris in litteris confectis per Concilium generale Basileense super dicta compositione descriptis; Necnon et soluant qui non soluerent taxam pro prioribus sicut in Scedulis missis uisitatores continetur, et dicti Visitatores receptis praedictis per cambium expensis suae prouinciae mittant Basileam Priori ordinis domus beatae Margaretae in parua Basilea dicti ordinis hinc ad sequens proximum Capitulum generale; et notificatur omnibus soluere negligentibus quod interim curret pensio censualis mutui contra eos, et si quis uoluerit certificari de praedictis reperiet in Cartusia dictam ordinationem et declarationem ad longum.

Et quia plures domus habent partem in legato eis facto per dominum Matthaum Herleuille petunt legatum sibi factum, notificatur eis quod dictum legatum fuit restrictum ad minorem summam quam eis fuisset legatum certis ex causis de quibus eis fiet ratio tempore opportuno, cum de legato eis dimissio eis fiet ratio; Et ulterius eis notificatur quod summa totius legati fuit missa Basileam Priori domus beatae Margaretae in parua basilea, et fuit ordinatum quod de dicta summa cuilibet domui legata retineretur summa taxata cuilibet domui pro semidentia quae per uisitatores earum dicto Priori Basileae significaretur; Necon et detracta taxa pro Prioribus in Basilea, pro toto ordine residentibus, residuum cuilibet, mitteretur Cartusiam ubi magis opportune posset fieri Solutio; verum quia dicti Visitatores non miserunt praedictas taxas, et ideo quae petunt eis tradi nec solui possunt, Ideo habeant patientiam usque ad sequens Capitulum in quo deo praeuio omnia erunt clarificata, et tunc fiet eis solutio.”

complied with ordinations stipulating contributions to support the council and the order's participation there. Yet review of the 1435 ordinations for individual houses yields but *one* that is censured for noncompliance.<sup>47</sup> The general ordination implied that many of the houses which stood to gain from a charitable bequest were among the offending monasteries, but the *carta* provides no means to identify them. And if the *carta* is of little direct use in determining the identity of the dissenting priors, neither does it convey anything of their motivations. Did practical concerns of finance or region generally predominate? Theological or historical convictions? What mix of considerations figured in individual decisions to oppose the order's participation at and support of the council? To such questions the *carta* provides neither meaningful answers nor even useful clues.

Not only does the lack of this information hinder a fuller understanding of the internal history of the order, but it prevents relating Carthusian to church-wide objections to the council's imposition of the half-tenth. As was noted above, some groups, the Templars and perhaps the Hospitalers, won exemptions from the council.<sup>48</sup> Other elements of the church opposed or defied it. Opposition to the

<sup>47</sup>Cited by the previous chapter (see above: 83 n. 19) the monastery at Perth had evidently never paid its annual obligation to support priors participating at the council, see: *AC* 100:9:123: "...cui [priori] iniungitur ut soluat alteri visitorum tres ducatos pro tribus annis elapsis pro prioribus residentibus in Basilea . . ." This obligation and that contributing to the half-tenth figure in several other 1435 ordinations. The general chapter advised the monastery at Bologna that it should not expect to be released from either, see: *AC* 100:9:129: ". . . nec expectet gratiam de Semidecima sibi fieri, nec de contributione Priorum in Concilio residentium." It also notified the prior of the charterhouse at Rome that the prior-general of the order would remit to him monies already received in excess of the amount required to discharge his house's obligation, see: *AC* 100:9:128: ". . . et de uiginti ducatis quos petit a domo Cartusiae persoluta prius pro semidecima pro parte sibi contingente, et taxa pro prioribus ibi residentibus quod residuum fuerit Reuerendus Pater Cartusiae est paratus sibi soluere aut cui dictus Prior commiserit . . ." Finally the general chapter notified the prior at the Naples charterhouse that the prior of Basel had received his share of the half-tenth, see: *AC* 100:9:128.

<sup>48</sup>See above: 86 n. 24.

levy widespread enough to gain the council's attention emerged shortly after its imposition. It entered into a long-running dispute between ambassadors representing the German Electors and Philip of Burgundy over precedence of seating at council sessions when envoys of the Electors warned the deputation for common affairs on 3 April 1434 that their principals did not intend to contribute to the half-tenth unless their delegates were given places of greater honor.<sup>49</sup> Several weeks later the council heard in turn vigorous objections to the half-tenth from representatives of the Duke of Burgundy.<sup>50</sup> On 24 May 1434 the deputation for common affairs first recommended that steps be taken against those impeding its collection.<sup>51</sup> For nearly two months thereafter the deputations periodically discussed the issuing of a warning against such obstructionism and the form such a warning should take.<sup>52</sup> Finally on 23 July a general congregation of the council published a *monitorium*.<sup>53</sup> It was likely this document to which the 1435 general chapter referred when it threatened disobedient houses "with the penalties and censures described in a letter composed by the General Council of Basel concerning the said contribution".<sup>54</sup> Despite this *monitorium* collection of the half-tenth lagged in German territories. Duke Albrecht

<sup>49</sup>CB iii, 58. The beginnings of this dispute may be traced at least as far back as April 1433, see: CB ii, 395; see: also ii, 397-398, 419, 539-541. MC ii, 366-368, 542-543.

<sup>50</sup>CB iii, 77.

<sup>51</sup>CB iii, 105: "Contra illos qui impediunt semidecimam placuit, quod quatuor domini deputati superiores collectores huiusmodi semidecime videant de modo puniendi dictos impeditores."

<sup>52</sup>CB iii, 117-118, 122, 131, 137, 145.

<sup>53</sup>CB iii, 155. Segovia reports that on this same day the Burgundian delegates and representatives of the Electors composed their long dispute over precedence of seating, see: MC ii, 544. A comprehensive plan for the seating of all delegates had been issued on 3 July 1434, see: CB iii, 139-144, MC ii, 543-545.

<sup>54</sup>" . . . sub poenis et censuris in litteris confectis per Concilium generale Basileense super dicta compositione descriptis. . ." See above: 94 n. 46.

V of Austria, for example, confiscated half of the half-tenth collected in the dioceses of Brixen, Chiemsee, Passau, and Trent as compensation for costs incurred in the Hussite Wars.<sup>55</sup> And although never tied exclusively to the *causa Bohemorum*, the council had recognized and employed the Hussite threat as the most persuasive justification for its imposition. The destruction of the aggressive, uncompromising Taborite wing of the Hussite church at Lipany and the consequent lifting of the siege of Plzeň (Pilsen), though it did not of itself bring about immediate reunion, nevertheless lessened the urgency of the situation and doubtless compromised the efforts of those deputed by the council to collect the tax. By early December 1434 the council felt compelled to grant special authority to Cesarini to absolve the many Germans who had incurred censure and penalties for failure to pay their half-tenth.<sup>56</sup>

Opposition to the half-tenth, moreover, was not confined to Burgundian and Germanic territories. As late as June 1436 the council warned the mendicant clergy of Venice that they would be obliged to pay their half-tenth.<sup>57</sup> And Valois records that the Carmelites, Dominicans, and Franciscans of Valence in the Dauphiné (somewhat southwest of the Grande-Chartreuse) banded together in August 1434 in defiance of the *monitorium* to appeal the levy to the pope or a council *better-informed*, thus turning a common form of protest of the period on its head.<sup>58</sup> Had, then, the 1435 Carthusian general chapter for the sake of the peace of the order wished to assert the order's exempt status in an attempt to avoid the half-tenth, it would have been able to draw encouragement from the defiance exhibited by others. Instead it held fast to the council.

<sup>55</sup>Lazarus, 265, n. 19.

<sup>56</sup>CB iii, 266; MC ii, 772.

<sup>57</sup>CB iv, 188; MC ii, 819.

<sup>58</sup>Valois, i, 318, n. 3.

Of Cesarini's activities while in retreat at the Basel charterhouse the remains of the council reveal little more than the silent Carthusian sources. The notarial protocols of the council record only one episode of his active participation in council affairs during this period: a meeting with the council's steering committee (*domini de duodecim*) and other prelates in an effort to resolve still another dispute over precedence and seating pitting English against Castilian delegates.<sup>59</sup> Of the reform program he developed while there little can be known save at second hand. Although contemporary reports hint at the contents of what appears to have been an actual document, it has never been recovered, and the Cardinal-legate seems never to have presented it formally to the council. Apart from these allusions all that scholars have of contemporary evidence is the dossier of *avisamenta* and draft proposals, some of his own devising, that Cesarini had assembled by way of preparation.<sup>60</sup>

Whatever the precise dimensions of his lost reform program, the Cardinal-legate certainly exercised a guiding hand as the council fathers continued with their reform work.<sup>61</sup> At the council's twenty-first public session (9 June 1435) they issued additional reform decrees.<sup>62</sup> One, *Quicumque non violentes*, seems to have built upon the decree of the twentieth session condemning frivolous judicial appeals to declare that those who held benefices, dignities, and offices licitly should be secure in them, protected from physical and legal harrassment.<sup>63</sup> A second, wide-ranging decree, *Si*

<sup>59</sup>*CB* iii, 355; see: Christianson, 128, n. 74.

<sup>60</sup>*CB* i, 3-186, text at 33-186.

<sup>61</sup>For an attempt at reconstructing the broad lines of Cesarini's program that draws usefully on his earlier career, see: Christianson, 131-139.

<sup>62</sup>*CB* iii, 413.

<sup>63</sup>*MC* ii, 801-802.

*quis principem seculi rogaturus*, sought to reinvigorate and repair liturgical observance in cathedral and parish churches alike.<sup>64</sup> Such measures, aimed squarely at everyday failings of discipline and worship that had long occasioned much complaint and criticism, were nevertheless overshadowed by a third decree that brought to partial fruition years of fractious debate over a decree against simony. *In nomine spiritus sancti paracliti* condemned as simoniacal the collection of annates, services or other fees for collations, confirmations, investitures, provisions and the like, declared that any benefice or dignity so obtained was not held legally, and ruled that violators were to be judged by their ecclesiastical superiors. Although not targeted exclusively at the papacy, the decree explicitly prohibited (and thereby emphasized) annates and services destined for the Roman *curia* and, by submitting an offending pope to the judgment of a general council, gave practical and, in some quarters, provocative expression to conciliar claims of superior authority and dignity.<sup>65</sup> One of the most intractable obstacles that had plagued previous discussion of legislation against simony had been concern for compensation for lost revenues should the existing fees and payments be outlawed. Although various schemes relying on taxes and subsidies had been suggested, none had succeeded in winning general acceptance.<sup>66</sup> Despite the urging of Cesarini and others that compensation for revenues lost ought

<sup>64</sup>*MC* ii, 802-805; Christianson traces this decree to Cesarini's reform program, see: 134.

<sup>65</sup>*CB* iii, 408,413; *MC* ii, 801. See: Zwölfer, *Basler Zeitschrift für Geschichte und Alterkunde* 28 (1929), 203f. Christianson, 136f. is typical of most authorities, who, despite the text of the decree, treat it as if aimed solely at the papacy. Recently Phillip Stump has noted the broader focus of this decree: "It is interesting that the final version of the annate decree also outlawed most of the revenues of the ordinaries which they had tried so hard to protect in their resistance to the simony decree." See: *The Reforms of the Council of Constance (1414-1418)* [Studies in the History of Christian Thought, v. 53] (Leiden: E.J. Brill, 1994), 72.

<sup>66</sup>Cesarini, for example, had submitted to the council on 30 March 1434 a draft decree against simony containing such a proposal, see: *CB* viii, 135-139.



to be provided for the pope, cardinals and prelates, the council took no definitive step in that direction.<sup>67</sup>

The disinclination of the council to move rapidly to offer such indemnification guaranteed (and doubtless provided a pretext for) Eugenius' opposition to the decree and stirred the antagonistic rivalry that council and pope had held largely in check for more than a year. Two of the so-called papal presidents—a convention employed by Segovia—Giovanni Berardi, Archbishop of Taranto, and Pietro Donato, Bishop of Padua, had protested vigorously the failure of the deputations to authorize and include in the decree language stipulating compensation at a general congregation of the council on 3 June.<sup>68</sup> Neither they nor the other papal presidents, Cardinal Albergati and Ludovicus, Abbot of San Giustina, Padua, participated when the decree was promulgated, and Cesarini presided alone over that session. Berardi and Donato continued to speak out against the decree so that the council issued a formal warning (*monitorium*) against them on 11 August 1435 charging that their continued opposition to decrees on conciliar supremacy and annates constituted an abrogation of their oath of incorporation.<sup>69</sup> When the conciliar envoys Johannes von Bachenstein and Matthieu Meynage approached Eugenius in Florence on 9.-10 August to request that he adhere to the council's decrees prohibiting annates and the reservation of elective benefices, they implied that the council was willing to compensate him for loss of income. Unimpressed and claiming the necessity to consult with his cardinals, the pope answered Bachenstein and Meynage evasively and promised to dispatch soon to Basel representatives who

<sup>67</sup>See: *CB* iii, 408, 410 for such calls for compensation.

<sup>68</sup>*CB* iii, 408, v, 134-135.

<sup>69</sup>*MC* ii, 810-811; Mansi xxx, 923-927; Stieber, *Pope Eugenius*, 36.

would speak definitively for him.<sup>70</sup> These envoys, Ambrogio Traversari, General of the Order of Camaldoli, and Antonio di San Vito, an auditor of the Sacred Palace, arrived in Basel on 20 August 1435.<sup>71</sup> Although Traversari, a noted Graecist and Hebraeist, must have tipped the council fathers as to Eugenius' intentions in an elegant oration that advanced historical arguments and evidence to demonstrate the supreme authority wielded by the pope, superior to that exercised by a council, it was Antonio di San Vito who delivered the pope's formal response to the council's request on the following 7 October.<sup>72</sup> Through this spokesman Eugenius declared that he was unable to observe the council's decree abolishing annates unless it first would afford him satisfactory alternate revenues.<sup>73</sup> The council delayed nearly a month, until 3 November, before replying. Composed and delivered by Cesarini, and later sent to Eugenius as an official letter of the council, *Hodie in nostra generali congregacione* adopts a milder, more conciliatory tone than previous conciliar pronouncements issued during the struggle against dissolution. Without anger or provocative intent, the legate and president defended the council's abolition of annates and similar exactions by appeal to scripture and the ancient traditions and teachings of the church: we have restored the old, not made our own new law.<sup>74</sup>

<sup>70</sup>MC ii, 812-816; Mansi xxix, 454-459, xxx, 934-945.

<sup>71</sup>CB iii, 477.

<sup>72</sup>CB iii, 536-537. Traversari addressed the council on 6 September, see: CB iii, 498-499, text in Mansi xxx, 1250-1257.

<sup>73</sup>CB iii, 535-536; MC ii, 815, 816-819, at 818-819.

<sup>74</sup>CB iii, 557; MC ii, 819-823: "Quid fecimus? Decreuimus quod res spirituales sine pecunie interuentu ministrentur; at beatus Petrus, primus Christi vicarius, domini mentem cottidiana conuersacione intelligens, cum Simon Magus pro gracia spirituali pecuniam afferret, eum abhoruit, maledixit, repulit dicens 'pecunia tua tecum sit in perdicionem'. Nonne sacrorum conciliorum, sanctorum Romanorum pontificum probatorumque doctorum codices hiis prohibitionibus pleni sunt, vt videlicet pro rebus spiritualibus et ecclesiasticis nichil ante vel post ab inuito exigatur?"

Their aim, Cesarini endeavored to assure Eugenius' envoys, was not to impoverish pope and bishops. Provision for licit compensation, justly desired, would be made.<sup>75</sup>

Traversari and Antonio di San Vito left Basel within days of the Cardinal-legate's speech. When the council perceived that gentle methods of persuasion brought no sign that the pope would acquiesce and abide by its decrees, it went forward with a long-prepared, pointed demonstration of its resolve. No doubt as a test of Eugenius' willingness to observe the annates decree, the conciliar envoys Bachenstein and Meynage, had requested that he grant into their keeping the *pallium* for the newly-elected Archbishop of Rouen, Hugues d'Orges while at the papal court during the summer of 1435. When they gave a general congregation of the council an account of their mission on 2 September, they told how they were rebuffed because they had declined to pledge a payment in Hugues' name, a clear violation of the prohibition of annates.<sup>76</sup> On 3 October, the deputation for common affairs proposed that Amédée de Talaru, Archbishop of Lyons and the Primate of France, investigate the case, and, if he found Hugues' claim valid, to confer upon him the *pallium*. This suggestion was ratified by all deputations at a general congregation on 14 October.<sup>77</sup> Cesarini thought so much of the matter that he closed a long memorandum to Eugenius, dated 4 October, but making no express reference to the plan mooted the day before by the deputation for common affairs, with a request that the pope send him the *pallium* for d'Orges so that he might bestow it.<sup>78</sup> Eugenius seems never to

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Hoc fecimus, hoc statuimus; conqueratur ergo qui vult, si tamen iuste id possit, de illis qui nobis talem legem dederunt, quorum decreta renouauimus, non nostra fecimus.” (822)

<sup>75</sup>MC ii, 822-823.

<sup>76</sup>CB iii, 494.

<sup>77</sup>CB iii, 532, 541. Even the council presidents, albeit with some minor reservations, concurred.

<sup>78</sup>CB i, 387-392, at 392.

have acknowledged his legate's request or to have tried to defuse the situation so that the issue remained at a stalemate until, on 11 December 1435, Amédée de Talaru, acting with the authority of the council, conferred the *pallium* Hugues d'Orges had long sought.<sup>79</sup>

By January 1436 the council fathers, frustrated by Eugenius' resistance to their reform decrees, determined to take still stronger measures. During the course of December 1435-January 1436 they had sent letters justifying their actions and complaining of papal obstructionism to a number of secular authorities.<sup>80</sup> On 7 January they struck a committee to investigate and punish disobedience to conciliar decrees.<sup>81</sup> On 13 January all deputations agreed that Eugenius must be formally admonished to accept existing and future conciliar decrees and heard a proposal from Cesarini that an embassy for that purpose be detailed.<sup>82</sup> After further discussions at a general congregation on 20 January the council issued a *monitorium* against Eugenius on 27 January. This instructed Eugenius that he must within twenty-five days publish in public consistory a statement of prescribed form by which he would recant his criticisms of the council, accept the council's decrees, especially those concerning elections and annates, and pledge to observe them. If he should fail to do this, the council warned that it would proceed against him according to the decree of the Council of Constance.<sup>83</sup>

<sup>79</sup>*CB* iii, 589; *MC* ii, 814.

<sup>80</sup>Mansi xxx, 1044-1048.

<sup>81</sup>*CB* iv, 7.

<sup>82</sup>*CB* iv, 13, 18. Cesarini and Cardinal Aleman met with other council delegates to discuss the composition of this embassy on the following day, see: *CB* iv, 19.

<sup>83</sup>*CB* iv, 21-26, *passim*; *MC* ii, 839-842. For text of the *monitorium*, see: Mansi xxx, 1065-1071. The council fathers seem to have *Haec sancta* (Mansi xxvii, 590-591) principally in mind: "Item, declarat, quod quicumque cuiuscumque

To punctuate its resolve and prerogative to carry through reforms *in capite*, the council followed its *monitorium* with additional decrees promulgated at its twenty-third public session (24 March 1436).<sup>84</sup> By *Quondam salus populi* it sought to achieve a broad reform of the papal *curia*. The procedures of papal elections were revised so that the electing cardinals were to swear prior to casting any ballots that they would not offer obedience to any pope-elect unless he should have sworn an oath, prescribed in the decree, by which he should confess that his faith accords with the tradition established by the apostles and by the eight ancient councils and those of the Lateran, Lyon, Vienne, Constance and Basel. He must promise furthermore to work for that faith and for the rooting-out of heresy, the reform of morals, and the peace of the church—indeed to cooperate (it is implied, in a ministerial fashion) in those fundamental tasks of the council. Finally he must swear specifically to keep the decrees of Basel concerning the celebration of general councils and the confirmation of elections. What is more, the decree stipulated that the pope must renew this oath annually on either the anniversary of his election or coronation. There follows then a long disquisition on the manner and means by which the pope should properly discharge his office emphasizing charity, openness, an unwavering, unflagging commitment to reform, and the necessity that he should act at all times with the advice and consent of his cardinals. As for the cardinals themselves, charged with such important electoral and administrative responsibilities, the same decree initiated reforms concerning their selection and conduct. Their number was to be

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conditionis, status et dignitatis, etiam si papalis existat, qui mandatis, statutis seu ordinationibus, aut praeceptis huius sacrae synodi et cuiuscumque alterius concilii generalis legitime congregati, super praemissis, seu ad ea pertinentibus, factis, vel faciendis, obedire contumaciter contempserit, nisi resipuerit, condignae poenitentiae subiiciatur, et debite puniatur, etiam ad alia iuris subsidia, si opus fuerit, recurrendo.” See: *CB* iv, 21: “. . . alioquin sacrum concilium contra ipsum procedet iuxta contenta in decreto concilii Constanciensis.”

<sup>84</sup>*CB* iv, 94.

fixed at twenty-six, and they were to be drawn from all parts of Christendom with no more than one-third from any one nation. Of these, twenty-four were to be at least thirty years of age, knowledgeable, experienced, and of high character, graduates in canon or civil law with a fourth to a third of their number graduates in theology. Two others were not required to meet such standards of education so long as they were men of evident sanctity and great worth. The written consent of a majority of the Sacred College would be necessary to sustain the pope's nomination of any new cardinal with the restriction that the Basilean decree *Item cum multiplicacio* (IVth session, 20 June 1432) forbidding Eugenius to create new cardinals for the term of the council should remain in force. The cardinals were to care for and administer properly their titular churches and to eschew (as was the pope) too sumptuous a manner of life. And most importantly they were to provide fraternal correction if ever the pope should be found wanting in his duty. Should the pope ignore their admonishment, they were to bring the matter before the next ecumenical council.<sup>85</sup>

Clearly the council fathers sought by *Quondam salus populi* to strengthen the principle of conciliar superiority. With two other decrees they pressed their effort to restore the ancient constitution of the church. Having already at their twelfth public session outlawed papal reservation of benefices and dignities filled historically by election, by *Et quia multiplices ecclesiarum et beneficiorum* they forbid papal reservation of most non-elective benefices, rescinding explicitly the decretals *Execrabilis* and *Ad regimen*.<sup>86</sup> And by *Licet dudum hec sancta synodus*

<sup>85</sup>MC ii, 847-855. For text of *Item cum multiplicacio*, see: MC ii, 200. That same fourth public session also decreed that should the papacy fall vacant while the council sat, the election of a new pope must be held at the council, see: MC ii, 198-199. On these decrees generally, see: Richard Zwölfer, *Basler Zeitschrift für Geschichte und Alterskunde* 29 (1930), 15f.

<sup>86</sup>MC ii, 856. Stieber, *Pope Eugenius*, 32 interprets this decree as limiting the pope to the reservation only of the appointive benefices held by persons who happened to die within two-days journey of Rome, that is to the standard set by

they declared and attempted to strengthen the integrity of elections to benefices and dignities. In its most important provision this decree, so as to deny the pope opportunity for setting aside an election in order to fill an office by appointment, stipulated particularly that if a pope should find the outcome of an election canonical but somehow inimical to the church, he might, after a thorough investigation and with the advice of his cardinals, vacate it and order the electing body to proceed to a new election.<sup>87</sup>

Within a few days of the promulgation of these decrees the Cardinals Albergati and Cervantes arrived at the council.<sup>88</sup> But if any at Basel hoped or imagined that Eugenius had sent these envoys to compose his disagreements with the council, they were quickly disillusioned. As to the readiness of the pope, who had defied, unremarked, the council's January *monitorium*, to observe the council's reform decrees, these envoys were no more forthcoming than the last.<sup>89</sup> Their real mission was to address another increasingly contentious issue: the attempts by pope and council to arrange a council of reunion with the Greek church.

Because neither the *cartae* nor any other fifteenth-century source provides evidence of particular Carthusian interest in the question of reunion, an account of the council's efforts towards that end has been set aside so as not to detract from the discussion of the council's reform work, a matter in which the order was vitally

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Boniface VIII's constitution *Praesenti declaramus*. For a useful bibliographical summary of legislation governing papal reservations and annates, see: Stieber, *Pope Eugenius*, 370-374. *Execrabilis* (*Extravag. Johannis XXII*, tit. III, c. 1), Friedberg, ii, 1207-1209, dates from 19 November 1317. Benedict XII issued *Ad regimen* (*Extravagantes comm.*, liber III, tit. II, c. 13), Friedberg, ii, 1266-1267, on 11 January 1335.

<sup>87</sup>*MC* ii, 855-856.

<sup>88</sup>*CB* iv, 95.

<sup>89</sup>Albergati and Cervantes advised the council that Eugenius was willing to confirm the council's decree on elections but not that on annates unless it should provide compensation for pope and prelates, see: *MC* ii, 865.

interested. Nevertheless such efforts were ongoing from 2 January 1433 when, in the midst of its struggle to avoid dissolution and on the eve of the arrival of the Hussite delegation for those disputations already mentioned, the council named two envoys to open preliminary negotiations for a council of union with the Byzantine Emperor and Patriarch<sup>90</sup>. In return the Byzantines sent an embassy that arrived at Basel in mid-July 1434.<sup>91</sup> It was with these representatives that the fathers negotiated terms for such a council announced on 7 September 1434 at its nineteenth public session by its decree, *Sicut pia mater*. The council quickly agreed to the Greek request for financial assistance: it would underwrite the expenses of a Greek delegation that would include the Emperor and the Patriarch. When, however, it came to the question of the location of the union council, difficulties arose. The council desired the Greek delegation to accept Basel itself, but the envoys claimed that their instructions did not empower them to agree. In the end the council, reserving its prerogative to try to persuade the Greeks to come to Basel, accepted otherwise those sites suggested by them: Calabria, Ancona, or some other location on the Italian coast; Bologna, Milan, or some other Italian city; Buda, Vienna, or “at the most distant” (*ad ultimum*) some site in Savoy.<sup>92</sup> Shortly thereafter the council learned that Eugenius himself had opened negotiations with the Greeks during the latter half of 1433 and that his

<sup>90</sup>Antonius de Pera, O.P., Bishop of Suda (Crete) and Hieronymus de Janua, provincial of the Carmelites, see: *CB* ii, 302. On 9 January it replaced Hieronymus with Albertus de Crispis, provincial of the Augustinians in Lombardy, see: *CB* ii, 310. These envoys left Basel on 26 January, see: *CB* i, 351ff.; *MC* ii, 293.

<sup>91</sup>*CB* iii, 148.

<sup>92</sup>*CB* iii, 198. See: *MC* ii, 745-757 for Segovia’s account of events; text of decree (at 752-757).



envoy, Christoforo Garatoni, had accepted Constantinople as the site for the reunion council.<sup>93</sup>

Distrust of the pope, stirred in the wake of his capitulation by his nominating of additional presidents and by the refusal of those presidents to participate when the council renewed *Haec sancta* in June, 1434, stirred again, but Eugenius at first adopted a conciliatory stance. He sent Garatoni himself to the council in April 1435 to inform the fathers that, although he preferred Constantinople, he would not overrule the council's decree.<sup>94</sup> The council reaffirmed *Sicut pia mater* on 27 April and began to craft a proposal for a plenary indulgence to raise the monies necessary to keep its promise to transport, house, and feed a large Greek delegation.<sup>95</sup> When the council dispatched its envoys Bachenstein and Meynage to Eugenius in the summer of 1435, it charged them to obtain papal acceptance not only of its reform decrees but also of the indulgence it intended to issue in its own name. But when these envoys returned to Basel in September 1435, they reported that the pope, evasive as to his intentions regarding the reform decrees, was no more forthcoming in his reaction to the terms of the council's proposed indulgence.<sup>96</sup> Ambrogio Traversari and Antonio di San Vito, who came to Basel soon after to protest the council's annates decree, related only that the pope was considering whether the expenses of the reunion council, should it take place in the West, would be better met by an indulgence or by some

<sup>93</sup>Christianson relates that Cesarini and a few other council members knew of Eugenius' approval of the results of Garatoni's mission prior to the promulgation of *Sicut pia mater*, but chose to delay informing the council, see: 153.

<sup>94</sup>*CB* iii, 362-363; *MC* ii, 786-794.

<sup>95</sup>*CB* iii, 371-375. Even at this critical juncture Cesarini chose to urge reform upon the fathers, see: 375.

<sup>96</sup>They brought to the council a statement from Eugenius authored by the famous humanist (and papal secretary) Poggio Bracciolini, see: *CB* iii, 494; *MC* ii, 815-816.

other means.<sup>97</sup> Not until April 1436 did the council receive definite word that Eugenius was unwilling that it should issue an indulgence. Rather, explained his emissaries, the Cardinals Albergati and Cervantes, if the council insisted on funding the council in this way, the pope “was prepared by his apostolic authority and according to the precepts of the holy fathers, his predecessors, the Roman popes, and according to the custom hitherto observed in the church universal to publish plenary indulgences in proper form throughout the whole world with the holy council giving its approval”.<sup>98</sup> The council recognized this as an attack on its prestige and prerogatives so that on 14 April at its twenty-fourth public session over which Cesarini presided alone, it issued a decree proclaiming that indulgence offered crusaders and pilgrims to Rome in Jubilee years for any who would contribute to the expenses of the council of reunion.<sup>99</sup>

Whether or not those Carthusian delegates to the council would have remained at Basel long enough before departing for the order’s annual general chapter to witness the final angry attempts of the papal presidents Berardi and Donato on 12

<sup>97</sup>See above: 102. *CB* iii, 535; *MC* ii, 815, 816-819, at 817-818.

<sup>98</sup>*CB* iv, 104; *MC* ii, 860-867: “. . . si tandem domini de sacro concilio vellent vt darentur indulgencie, licet iste modus non videatur pluribus conueniens ex multis racionibus, et potissime attentis guerris et mala condicione, quibus fere tota christianitas vexatur et exhausta est, nec modus iste credatur sufficere ad tantam pecuniarum summam recuperandam, quanta opus est de presenti, tamen vt sanctitas domini nostri in hoc eciam videatur morem gerere sacro concilio, paratus est auctoritate apostolica et iuxta obseruanciam sanctorum patrum, predecessorum suorum Romanorum pontificum, et iuxta ritum hactenus in vniuersali ecclesia obseruatum indulgencias plenarias per vniuersum mundum in forma expediendi publicare sacro approbante concilio, prouiso tamen quod pecunie, que ex dacione huiusmodi indulgenciarum prouenient, in alium vsum quam reduccionis Grecorum non conuertantur.” (866) If only the council would decide not to issue an indulgence, Eugenius offered to provide ships to convey the Greek delegation to the council and monies for its maintenance, see: *MC* ii, 865-866.

<sup>99</sup>*CB* iv, 108-109; *MC* ii, 877-882, see: 872-877 for related documents, e.g., safe-conduct issued to Greek Emperor and Patriarch, bulls of Emperor and Patriarch.

April 1436 to derail the indulgence or to participate two days later in its promulgation, they would certainly have conveyed to their brethren the renewed and increasing hostility and rivalry between council and pope.<sup>100</sup> But if those priors, who convened their 1436 general chapter at the Grande-Chartreuse on 7 May, had begun to fear that another breach was imminent, it did not dissuade them from their well-established support of the council. They continued to prescribe *tricennaria* for the direction of the council (as well as for the pope and those prelates not at Basel) in their reforming work.<sup>101</sup> They instructed priors attending the council as representatives of the council to attend, when required, any meeting of the prior-general's private chapter.<sup>102</sup> They applied the 1433 ordination prohibiting monasteries from entering into *contractus reempcionum* until the church or the Council of Basel should have pronounced them licit to charterhouses at Stettin and

<sup>100</sup>, see: *CB* iv,105-108, *MC* ii, 869-870 for final discussions leading up to promulgation and last-minute attempts by partisans of Eugenius to derail the indulgence decree.

<sup>101</sup>*AC* 100:9:135.

<sup>102</sup>*AC* 100:9:151. The *carta* provides no direct evidence of the identities of these representatives. Information from other sources exists however. Records of the council (to be discussed below, 117-118) indicate that Albertus Buer, prior of the Basel charterhouse, acted as a fully enfranchised delegate in December 1436. Friedrich Stöhlker, in his history of the Buxheim charterhouse places Albertus Harshusem (then prior at Nördlingen, subsequently prior of Buxheim,1439-1442) at the council during the fall of 1435. Citing a document, dated 6 October 1435, from the archives of the charterhouse at Buxheim, now preserved in the archives of the Benedictine monastery at Ottoheuren, Stöhlker implies that the order obtained by Harshusem's agency conciliar confirmation of a privilege enjoyed by German Carthusians to be able to retain, without consideration of the means of acquisition, fiefs (*Lehen*) received from laypersons and to acquire new fiefs, see: Stöhlker, 312, 610, n. 10.. As previously stated Stöhlker definitely places Harshusem at the council during the fall of 1436 claiming, on the strength of another document perserved at Ottoheuren and dated 5 October 1436, that Harshusem obtained from the council confirmation of all privileges, rights, possessions, and liberties enjoyed by the order "without the participation of the leadership of the order", see above: 47 n. 114.

Valle di Pessio.<sup>103</sup> And they awarded a *tricenarium* to Johannes Garden in gratitude for his labors over many years while resident at St. Margaret's at Basel "for the honor and utility of the order", a probable indication of service to the order's participation at the council.<sup>104</sup>

Most telling, however, is a general ordination of the chapter that addresses its continuing determination that all houses should discharge fully their obligations to support financially the order's participation at the council. By this the chapter established a panel of four priors of different nations who were to review and certify all relevant collections. The means devised by the 1435 general chapter to collect both the established annual contribution levy for the maintenance of priors participating at the council and the levy imposed by that same chapter on every charterhouse to defray the order's share of the half-tenth levied by the council in February 1434 must have proved unworkable. Too much, perhaps, depended upon the ability of Albertus Buer, the prior of Basel, himself a delegate to the council, to dispense what seems to have been a substantial legacy in proportion to the amounts owed by the some of the beneficiary monasteries. In all of this the chapter appears to have been particularly distressed with those houses that refused to comply with the annual contribution to support priors representing the order at the council. Thus it restated this obligation yet again reiterating that it would remain in force "so long as the council will continue". Finally it complemented the more rigorous method of accounting with a more aggressive strategy of enforcement leading to harsher penalties for dereliction. Collectors for those monies owed in arrears were to be appointed and those houses—and, as the 1435 *carta*, that of 1436 provides no clear indication of their number or identity—that persisted in disobedience despite the

<sup>103</sup>*AC* 100:9:147, 148 respectively.

<sup>104</sup>*AC* 100:9:146. See above: 92 n. 43.

censures already imposed by the order would be punished by a doubling of their debt.<sup>105</sup>

While the Carthusian priors remained gathered at the Grande-Chartreuse, the gulf between council and pope, opened by contention arising from conciliar attempts at reform *in capite* and widened by competition for control of the desired council of reunion, widened further. In issuing their own indulgence to fund such a council the fathers at Basel had declined to reply directly to those statements made on behalf of Eugenius by Albergati and Cervantes that contested their authority to take just that step. But on 11 May 1436, in the presence of Cardinal Albergati and the papal presidents Berardi and Donato, they answered the pope's objections in a thoroughgoing manner. Complaining of Eugenius' obstruction of the council's efforts in pursuit of both reform and reunion, the fathers nevertheless adopted a tone of aggrieved reasonableness. Although their response cited examples of deference towards past councils by Eugenius' predecessors and the Constance decree *Haec sancta* defending the council's superior authority in these matters, its fundamental

<sup>105</sup>AC 100:9:136: "Cum Patres diffinitores Capituli anni proximo elapsi in aula ordinauerint quod fierent compota Semidecimae et legati Cameracensis, et collectae pro prioribus in Concilio residentibus seriose et districte pro pace communi domorum et prouinciarum ordini subiectarum, et praesenti anno Sedente Capitulo generali per dictos Patres fuerunt deputati quatuor de diuersis nationibus Priores dictorum compotorum auditores et examinatores qui uisis compotis et diligenter calculatis, et Prioribus prouinciarum quorum interest uel interesse poterit quomodolibet in futurum, et informationibus ad partem traditis, ordinamus quod consideratis negotiis Sanctae Matris Ecclesiae adhuc pro tempore uerisimiliter duraturis, et nonnullis aliis dietim nostro generali Capitulo occurrentibus necessariis quod quaelibet domus ordinis soluat quolibet anno unum ducatum pro prioribus in concilio residentibus quamdiu Sacrum Concilium continuabitur, et de arreragiis non solutis faciant collectoribus ad hoc deputatis plenam rationem, alias qui soluere recusauerint ultra censuram ordinis quam patientur quota duplici punientur." An ordination for the charterhouse at Perth that seems to accuse the tight-fisted prior of continued non-compliance (AC 100:9:143) is the only evidence the 1436 *carta* provides of disobedience to those ordinations mandating contributions for the council and the order's participation there.

argument was Scriptural. The fathers had proclaimed their plenary indulgence (and by implication had promulgated their reform decrees) on the strength of the fundamental *locum classicum* for conciliar claims of authority: Math. 18.18-20.

We have proceeded with this indulgence by virtue of the authority of the universal church, the presence of which in universal councils is undoubted, in the name of the Lord who said, “where two or three gather in my name, I am there in their midst”, and, “concerning whatever thing they will have agreed on earth, it will be done for them by my Father, who is in heaven”, and, “whatsoever you will have bound on earth, has been bound in heaven, and whatsoever you will have loosed on earth, has been loosed in heaven.”<sup>106</sup>

And, invoking the ideal and precedent of a council and pope united in purpose, they attributed the existing disharmony to Eugenius’ unwillingness to participate personally in the council.<sup>107</sup>

Despite the restraint shown by both parties in their formal statements, the breach between council and pope was now complete. It had only to be made official. On 21 May 1436 the papal presidents Albergati, Berardi, and Donato withdrew from

<sup>106</sup>*MC* ii, 888: “Auctoritate vniuersalis ecclesie, que in conciliis vniuersalibus adesse non dubitatur, in nomine domini qui dixit ‘vbi duo vel tres conueniunt in nomine meo, ibi ego sum in medio eorum’, et ‘de quacumque re consenserint super terram, fiet illis a patre meo, qui est in celis’, et ‘quecumque ligaueritis super terram, erunt ligata et in celo, et quecumque solueritis super terram, erunt soluta et in celo’, ad ipsas indulendas processimus.”

<sup>107</sup>*CB* iv, 130-133; *MC* ii, 883-890, text at 885-890: “Demum obtulistis suam sanctitatem, vt videatur morem gerere huic sacro concilio, paratam esse auctoritate apostolica et iuxta obseruanciam sanctorum patrum ac ritum in vniuersali ecclesia hactenus obseruatum plenarias indulgencias publicare sacro approbante concilio. . . . Ad obseruanciam vero sanctorum patrum et ritum ecclesie ipsi deputati [i.e., spokesmen for the council] alias responderunt, et recte quidem; nam in illis octo primis vniuersalibus conciliis et in reliquis, in quibus summus pontifex non per se, sed per legatos interfuit, omnia queuis, siue decisiones fidei et condempnaciones et anathematizaciones hereticorum, siue ligandi atque soluendi potestatem, siue reformationem ecclesie, siue alia quecumque ecclesiastica, communia aut priuata negocia concernencia, sub nomine synodi facta, sancita et promulgata sunt. Cur ergo alius modus in hac re modo obseruandus sit, nulla ratio dictat. Si sua sanctitas hic personaliter adesset, non diffitemur, quin ipse loqueretur pro omnibus, quemadmodum fieri solitum est, vt vnitas designetur ecclesie.”

the council and departed for Eugenius' court at Bologna.<sup>108</sup> Shortly thereafter, probably in late June, Eugenius resumed an aggressive stance and attacked the council in a memorandum commonly known as the *Libellus apologeticus*.<sup>109</sup> With this document, aimed particularly at secular authorities, Eugenius revealed the polemical strategy he was to follow in subsequent disputes with the council. Not only did he attack the Council of Basel by theological and legal arguments, but also by political means. Over and over again he sought to make common cause with the princes of Europe by hammering at their fears of political subversion: the so-called reforms instigated by the Council of Basel were no more than assaults by "inferiors" on the legitimate prerogatives of their "superior". If such remained unchecked, how long would it be until they inspired (or led) others to attack secular monarchic authority? The council's expanded franchise, allowing equal participation by a broader spectrum of the ecclesiastical estate, its organization by deputations rather than by nations that diluted the influence of prelates, and its "democratized", majoritarian decision-making procedures: Eugenius cast all in a menacing light and went so far even to link conciliar notions of church polity with Hussitism.<sup>110</sup>

For its part an emerging majority of the council fathers was coming to view further cooperation with the pope in a reunion council as ruinous. Eugenius, advocating convenience and economy, continued to lobby the Greeks, the council,

<sup>108</sup>MC ii, 885.

<sup>109</sup>Cesaris S.R.E. Cardinalis Baronii, Od. Raynaldi et Jac. Laderchii, *Annales Ecclesiastici, denuo excusi et ad nostra usque tempora perducti ab Augustino Theiner*, (Bar-le-Duc: L. Guerin, 1864-1883), xxviii, 194-221.

<sup>110</sup>See: Stieber, *Pope Eugenius*, 27-33 for brief analysis and helpful bibliography as well as Black, *Monarchy*, 88. For analysis sympathetic to Eugenius' cause, see: Valois ii, 19-22. N.B., remark of Stieber: "Even though the charge that the Council of Basel was chiefly made up of uneducated lower clergy was quite false, it has been uncritically (or maliciously) repeated by pro-papal writers on the Council of Basel to the present day." (28).

and public, that is, princely opinion for a site in Italy. Most of the council delegates recognized in this no more than a stratagem to dislodge it from Imperial territory where it enjoyed relative security and freedom of action. Once it had transferred itself to Italy, the council might the more easily fall victim to the sort of abrupt dissolution suffered by its predecessor, the Council of Pavia/Siena. From May, when the fathers, apprehensive that their indulgence would not attract sufficient funds without papal backing, inaugurated, in effect, an auction, soliciting proposals from cities willing and able to host a council of union, through the fall of 1436, when the city of Avignon emerged as an alternative that might satisfy the spirit if not the letter of the compact negotiated with the Greeks and enshrined in *Sicut pia mater*, the council searched for a means to safeguard its liberty.<sup>111</sup>

In the end, however, it became apparent that the majority did not wish to leave Basel. Perhaps they were strengthened in their resolve by a letter Sigismund had sent in mid-September, urging the council not to relocate the better to continue the work of reform and promising that he would deal with the pope and would persuade the Greek emperor to come to Basel.<sup>112</sup> By mid-November it was clear to the fathers that they could no longer delay a decision. A ballot was conducted in the deputations on 22 November. The results, although already widely-known, were announced formally at a general congregation on 5 December. By better than a two-

<sup>111</sup>*MC* ii, 902-908. The council required that interested cities pledge 70,000 ducats for the transport of the Greek delegation and guarantee adequate funds to supply and maintain the council. These monies were to be repaid eventually out of the proceeds of the indulgence.

<sup>112</sup>*CB* iv, 266; *MC* ii, 906. No doubt Sigismund worried should the council transfer itself to Avignon or to an Italian city where it might fall too much under the influence of Charles VII or Eugenius. When, in January 1437, Sigismund realized that the Greeks would not come to Basel, he offered his capital at Buda, see: *MC* ii, 929. But on 21 November his ambassador, Johannes, Bishop of Lübeck, warned the council in his name not to leave Basel lest it be dissolved and its decrees ignored, see: *CB* iv, 340.



thirds majority, the fathers voted to offer the Greeks in order Basel, Avignon, and Savoy as possible sites.<sup>113</sup> Cesarini, who had warned the fathers continually not to renege on the agreement contained in *Sicut pia mater*, voted for Florence and refused to sanction the tally. The promoters of the council then invoked the decree of the council's seventeenth public session (26 April 1434) that provided that if no president could or would confirm an act or decree, that duty would fall to the most senior prelates in order of rank. He who would consent to offer confirmation would then be made for the purpose president for that day.<sup>114</sup> After Cardinal Cervantes, who had voted with Cesarini for Florence and was next in seniority, also declined to ratify the ballot, the promoters turned to Cardinal Louis Aleman. Aleman, who, despite having voted only for Avignon, then Savoy, was gaining increasing prominence within the majority, consented.<sup>115</sup> Voting in sympathy, if not in lockstep, with that majority too was Albertus Buer, prior of the charterhouse at

<sup>113</sup>*CB* iv, 341-358, see: 348-358 for votes of individual members; *MC* ii, 918-920. The council conducted what was essentially a free ballot. Although a slate: Basel, Avignon, Savoy, seems to have been proposed, at least unofficially, delegates were permitted to and did name such sites as seemed best to them, see: *CB* iv, 358; *MC* ii, 921. A close study of the incorporation of delegates at the council by Bilderback, *Membership* (33ff.) has demonstrated the charge levelled first by Johannes de Torquemada, *Responsio in blasphemiam* (Mansi xxxi, 109) and echoed by more recent commentators—for example, Creighton (ii, 297) Gill, *Council* (70-71), Valois (ii, 44) and others—that the ballot was skewed by the “packing” of the council with local clergy to be false. Certainly the roster of actual voters does not sustain such an opinion. Creighton, however, is on firmer ground with his analysis of the significance of the vote: “Basel had been already refused by the Greeks. The Duke of Savoy had not offered to provide money for the Council. The vote was really given for Avignon alone.” (ii, 297).

<sup>114</sup>*MC* ii, 649-650.

<sup>115</sup>*CB* iv, 358-360; *MC* ii, 921-923. The coalescence of an anti-Eugenian majority during these months led ultimately to a change in the leadership of the council. On Cesarini, whose efforts to salvage unity between council and pope left him increasingly out of step with that majority, see: Christianson, 162-166; on Cardinal Louis Aleman, who succeeded Cesarini in the leadership of the council, see, generally, Gabriel Pérouse, *Le Cardinal Louis Aleman et la fin du grand Schisme*, (Lyon: Paul Legendre & C<sup>ie</sup>, 1904), here, particularly, 209-220.

Basel, who, perhaps in recognition of the unlikelihood of the Greeks agreeing to come to Basel and perhaps also out of a desire to adhere in some degree to *Sicut pia mater* voted, in order, for Savoy, then Avignon.<sup>116</sup>

Apart from its overwhelming rejection of any notion that the council would transfer itself to Italy, this ballot did nothing to clarify matters. Rather the situation grew more and more muddled in the months that followed. The citizens of Avignon, unwilling to put up the required funds without a promise from the council of security in addition to revenues obtained from the indulgence, resisted offering any firm commitment. Agents of the pope, in the meanwhile, lobbied both within the council and in the courts of Europe for an Italian site for the council with the Greeks. Such events have received thorough scholarly treatment and need not be detailed here.<sup>117</sup> What is most salient with respect to the history of Carthusian attitudes and conduct towards the Council of Basel is that the fathers had broken openly into polarized camps: a large majority that continued to favor Avignon or some alternative site safe from papal influence and power, and a minority that advanced Florence or Udine in support of Eugenius, by the time Buer (and, perhaps, Albertus Harshusem) would have departed Basel in order to make his annual journey to the Grande-Chartreuse.

Regrettably no full *carta* for the general chapter that assembled on 29 April 1437 exists. As in the case of the 1433 general chapter, we are obliged to resort to that abridgment of the complete *carta* made for English charterhouses now found in

<sup>116</sup>*CB* iv, 352. Although evidence previously discussed (see above: 47 n. 114) places Albertus Harshusem at the council during the fall of 1436, the prior of the charterhouse at Nördlingen does not appear to have taken part in this ballot.

<sup>117</sup>For the council's attempts during the period December 1436 through early May 1437 to bring about a council at Avignon and of the competing diplomatic efforts by Eugenius and his followers to derail them, see: *MC* ii, 924ff.; Christianson, 166-168; Creighton ii, 297-301; Gill, *Council* 71-73; Perouse, 220-228; Valois ii, 46-55.

London, Lambeth Palace MS. 413.<sup>118</sup> Although it does not provide particular ordinations for individual charterhouses other than those of the English and the two Picard provinces, it does provide a nearly complete account of those elements of the *carta* of universal importance. It confirms that the 1437 general chapter continued to offer the council support along the lines established by recent chapters.<sup>119</sup> Thus it reveals that the chapter imposed the same liturgical obligations, ordering *tricennaria* for the reforming efforts of council and pope and renewed the requirement that priors representing the order at the council should attend, when summoned, meetings of the prior-general's private chapter.<sup>120</sup> More importantly, perhaps, it attests that the 1437 general chapter confirmed the 1436 ordination providing for auditors and collectors of the several exactions levied on behalf of the council and the order's participation there and making more severe the punishment risked by those priors and monasteries that attempted to evade the continuing duty to contribute annually for as long as the holy council should continue.<sup>121</sup>

Yet that such actions had become recently customary should not detract from the proper evaluation of their significance in light of the altered circumstances confronting the 1437 general chapter. The general chapters of 1434-1436 had imposed on every charterhouse a contribution to the council's 1434 half-tenth, had continued to demand that every charterhouse underwrite the expenses of the order's

<sup>118</sup>See above: 66f.

<sup>119</sup>The extant notarial records of the council contain one instance of recognition of conciliar authority by an individual charterhouse during the interim between the 1436 and 1437 general chapters. On 18 August 1436 the deputations issued a *concordatum* assigning Amédée de Talaru, Archbishop of Lyon, to deal with a petition from the charterhouse at Noyon that its privileges be confirmed and renewed, see: *CB* iv, 218, 249.

<sup>120</sup>*AC* 100:10:200, 202. The abridgment does not reveal the number or identities of those representatives sent to the council by the 1437 general chapter.

<sup>121</sup>*AC* 100:10:201, 10:160, see above: 113 n. 105.

delegates to the council, and had enjoined increasingly severe methods of collection and punishment in the face of opposition to each exaction. But they had done all this during a time when cooperation, at least in a formal sense, obtained between council and pope. Assuming, not unreasonably, that the 1437 general chapter was well-informed as to the climate at Basel in late April of that year, it cannot but have anticipated that council and pope would soon again be openly and unreservedly at odds. True, the 1432 general chapter had initially determined that the order should have an official presence at the council and that all charterhouses should bear an equal responsibility for the consequent expense at a moment when the nascent council was struggling to survive Eugenius' attempt to force its dissolution. Then its small membership was united, had the public sympathy, if not actual leadership, of the pope's own legate, and claimed a broadly defined mandate (reform, peace, reunion) that was widely accepted and, in many quarters, revered. In the spring of 1437, however, the circumstances were profoundly changed: the council was split, perhaps irremediably, over an issue that did not seem to have the same resonance as had pent up hunger for reform and the military and spiritual threat of Hussitism. Moreover its president, Cardinal-legate Cesarini, was leading the minority party and staunchly advocating that the council remove to an Italian location. In those darkening days actions in support of the council and its majority carried a greater and graver weight.

## Chapter III

### Schism and Carthusian Adhesion to Basel

The rupture brewing between the majority and minority factions of the council since November 1436 occurred likely before the Carthusian delegates were able to return to Basel. On 26 April the parties announced competing decrees advocating their choices for the location of the council with the Greeks. There followed some ten days when the factions by turns jockeyed for advantage and strove for some last-minute compromise.<sup>1</sup> Then, on 7 May 1437, the fathers met together for a public session. When a final attempt at compromise failed, each faction proclaimed its decree and departed the cathedral in disorderly confusion.<sup>2</sup> By the council's established rules of procedure that of the majority was the valid decree. Segovia, who, according to the testimony of Piccolomini, had sided reservedly with the minority, himself recognized it as such.<sup>3</sup> Nevertheless the minority refused to submit, claiming that it should prevail as the "saner part". Within weeks Cesarini sent a notarized but unsealed copy of the minority decree to Eugenius at Bologna.<sup>4</sup> By mid-summer both Eugenius and the council, i.e. the majority faction, had each sent embassies to Constantinople each to persuade the Greek Emperor and Patriarch

<sup>1</sup>*MC* ii, 959-965.

<sup>2</sup>*MC* ii, 965-969, texts of majority and minority decrees are at, respectively, 966-969 and 980-981. The majority decree echoed officially the decision of 5 December 1436, naming Basel, Avignon, and Savoy. See: Stieber, *Pope Eugenius*, 35-37 (with excellent bibliography) as well as the general accounts in Christianson, 167-169; Creighton, 300-302; Perouse, 228-233; and Valois, ii, 55-60.

<sup>3</sup>Mansi xxxi A, 225.

<sup>4</sup>*MC* ii, 976, 982.

to accept its principal as representing the western church, entitled and with sufficient political backing to conduct the reunion council.<sup>5</sup>

The pope confirmed the minority decree transferring the council to Florence or Udine by a bull dated 30 May.<sup>6</sup> When the council learned of this, it determined to move against him. At its twenty-sixth public session (31 July 1437) it initiated a formal judicial process by issuing a citation (*citatorium*) enjoining Eugenius to come before the council within sixty days to defend himself against some 150 charges of misconduct stemming from his failure to adhere to the council and obey the council's reform decrees.<sup>7</sup> When Eugenius failed to heed its citation, the council, immediately upon the expiry of this term, declared him contumacious (*contumax*) at its twenty-eighth session on 1 October 1437. In the meanwhile Eugenius had published on 18 September the bull *Doctoris gentium* by which he transferred the Council of Basel, not to Florence or Udine as had been stipulated in the minority decree he had confirmed months before, but to Ferrara, a city under his control.<sup>8</sup> Within days of promulgating *Doctoris gentium* Eugenius sent letters to many prominent ecclesiastical and secular authorities, including Amadeus VIII of Savoy, as well as to the universities of Europe, calling upon them to send delegates to his council. A selection of these letters have been abstracted or edited in the *Epistolae Pontificae ad Concilium Florentinum Spectantes*.<sup>9</sup> Also included in the same collection are letters sent to the ministers-general of the Franciscan and Dominican orders ordering each

<sup>5</sup>For an overview of the complex diplomatic manoeuvrings of the period, see: (with caution owing to the author's anti-conciliar views), Gill, *Council*, 74-84.

<sup>6</sup>*Epis.Pont.Conc.Florent.* i, 64-70.

<sup>7</sup>*MC* ii, 1010-1013.

<sup>8</sup>*MC* ii, 1033-1040; *Epis.Pont.Conc.Florent.* i, 91-99.

<sup>9</sup>*Epis.Pont.Conc.Florent.* i, 101ff.

to send representatives to Ferrara. In comments appended to the text of the latter letter Georg Hofmann notes that similar injunctions were sent to the leaders of virtually every other monastic and mendicant order. Absent from that listing, however, are the Carthusians.<sup>10</sup> Of course it cannot be argued from this that Eugenius purposefully neglected to write to the Carthusians; such a letter may simply not have survived. Nevertheless the possibility that Eugenius did not call for Carthusian participation is intriguing, suggesting the further possibility that Eugenius believed that such a summons would go unheeded.

Alarmed by the current of events, Sigismund, as he had during 1432-1433 attempted to bring council and pope to conciliation. On 7 October the council accepted his offer of mediation and consented to halt legal action against Eugenius for his obstruction of its reform decrees until 14 December.<sup>11</sup> This promise notwithstanding, the council reacted vigorously when it learned of *Doctoris gentium*. At its twenty-ninth public session of 12 October 1437 it retaliated against Eugenius' attempt to transfer it. Thus it confirmed again the Constance decrees *Haec sancta* and *Frequens* and reaffirmed decrees of the eighth, that only one council might be in

<sup>10</sup>*Epis. Pont. Conc. Florent.* i, 104-105: "Similiter scribitur sequentibus . . . generalibus magistris Heremitanorum, Carmelitarum, Humiliatorum, Servorum, Camaldulensium . . . generalibus magistris miliciarum, Rhodi, scilicet sancti Iohannis Ierosolymitani, Prutenorum, scilicet beate Marie Theutonicorum, sancti Jacobi de Spata, de Alcantara, de Chalatrava, de Visio . . . abbatibus Cisterciensium, Cluniacensium, sancti Antonii Viennensis, Celestinorum, Premonstratensium, preceptorum Sancti Spiritus in Saxia." (105)

<sup>11</sup>*RTA* xii, 254-257. See: Stieber, *Pope Eugenius*, 118 for plausible speculation that anxiety for the formal resolution of the final theological obstacles to the *reductio* of the Hussites strongly influenced Sigismund's offer of mediation. See: Creighton, ii, 307-315. Segovia devotes much of the twelfth book of his history of the council to events leading to the promulgation on 23 December 1437 of the council's decree *Vt lucidius videatur* that declared communion in both kinds permissible to Christians but not necessary for salvation. This decree removed the last doctrinal impediment to full acceptance by Catholics and Hussites alike of the Compacts of Jihlava (Iglau) (5 July 1436) and was thus the last step in the theological settlement of the Hussite schism, see: *MC* ii, 1061-1112, text at 1112.

existence at any time, and eleventh public sessions, that any cleric, even the pope, who should try to impede a general council in any way, would be punished by suspension, and, if he persisted, deposition from office.<sup>12</sup> By this action the council prepared a second line of prosecution against Eugenius. But having renounced for a time active judicial action against the pope, the council turned to the court of public opinion. On 19 October it issued a letter addressed to all the faithful, *Ecclesiam suam Christus Deus noster*, in which it reviewed its relations with Eugenius, emphasizing his obstructions of its reform decrees, his interference with conciliar attempts to arrange a council of reunion with the Greeks, and his subsequent, recent effort to transfer the council without its consent. These actions it claimed to be in violation of the superior authority of a legitimately assembled general council, an authority it defended largely on theological as opposed to legal grounds.<sup>13</sup>

The death of the Emperor Sigismund on 9 December 1437 at Znojmo (Znaim) in Moravia brought to an end his attempts at mediation. The council, spurred on by Eugenius' disregard of its citation and by his issuing of a second bull transferring the council to Ferrara and announcing that the first session of that council would be held on 8 January 1438, rejected on 17 January 1438 a mediation

<sup>12</sup>These confirmations were contained within the bull, *Compaciens hec synodus*, see: *MC* ii, 1043-1048. The council had confirmed both Constance decrees at its second public session (15 February 1432) and had confirmed *Haec sancta* at its third (29 April 1432) and eighteenth (26 June 1434) public sessions, see: *MC* ii, 124-126, 180-183, 713 respectively. For the decrees *Sicut unica est* of the eighth (18 December 1432) and *Quoniam frequens generalium conciliorum celebratio* of the eleventh (27 April 1433) public sessions, see: *MC* ii, 290-291, 352-355. Stieber, *Pope Eugenius*, 47 observes that by this bull the council "opened up a second set of legal proceedings against Eugenius".

<sup>13</sup>*MC* ii, 1049-1060. See: Stieber, *Pope Eugenius*, 48: "In the completeness of its review of the relations between Eugenius and the council and in its careful theological argument, this letter can be regarded as an answer and a counterpart to the papal 'libellus apologeticus' of June 1436."



proposal tendered by the German Electors.<sup>14</sup> In the meanwhile the fathers learned that the Greek delegation had arrived in Italy intending to go to Ferrara. At this news Cesarini, who had shepherded the council through difficult times, departed Basel for that rival assembly.<sup>15</sup> Then, at its thirty-first public session (24 January 1438) the council took the next step in its prosecution of Eugenius. Noting that the term set on 12 October for the pope to revoke *Doctoris gentium* had expired, the council pronounced him suspended from office and liable to deposition unless he should desist from his attempts to transfer the council within sixty days.<sup>16</sup> At the same time it issued two other decrees which, though of obvious political and polemical value, were reform decrees informed by the same localist spirit as previous reform decrees: by *Ecclesiastice sollicitudinis studio* it enjoined that decisions of local ecclesiastical courts must not be appealed directly to Rome thus skirting intermediate courts and by *Placuit diuine pietati* it limited papal prerogatives to grant expectatives to benefices not customarily filled by election and laid out norms for bishops for the conferring of benefices.<sup>17</sup>

When the term set by its suspension decree expired, the council did not proceed to Eugenius' deposition but temporized. It determined instead to publish another defense of its actions, the decree *Pridem in decreto*, at its thirty-second

<sup>14</sup>MC iii, 16-18, *RTA* xii, 323-326. For Eugenius' second bull transferring the council to Ferrara, see: *Epis.Pont.Conc.Florent.* i, 110-116.

<sup>15</sup>MC ii, 11-12.

<sup>16</sup>MC iii, 25-30. This decree *Audiuit omnis ecclesia* also treated practical issues raised by the suspension, ordering that all judicial cases normally referred to the pope should be referred to the council and establishing a committee to administer the Papal States.

<sup>17</sup>MC iii, 20-21, 21-25, respectively.

public session on 24 March 1438.<sup>18</sup> Then six days later the fathers reinstated their initial prosecution of the pope by reissuing its original 150 count indictment of Eugenius' obstruction of the council's reform decrees and ordering him to answer these charges, in person or by proxy, within thirty days.<sup>19</sup> When this term too expired without any reply from the pope, the council, on 28 April found him in contempt of its authority (*contumax*) a second time and appointed a team of investigators to substantiate its indictment and prepare a case for his deposition.<sup>20</sup>

Owing to the short interval, it is possible that when the Carthusians convened their 1438 general chapter on 12 May, they had not yet learned of this second contempt citation against Eugenius and of the resulting formal inquiry into his conduct. Nevertheless they must have anticipated that the council would take such steps given the course of recent events. The council had found Eugenius recalcitrant and had decreed him suspended from office in late January. Eugenius, in turn, had tried to break the council. With the approval of the second public session of his council at Ferrara (15 February 1438) he had proclaimed the excommunication of any cleric who did not withdraw from the Basel "conventicle" within thirty days and threatened the citizens and magistrates of Basel with interdict if they did not drive the council from their city at the end of that term. At the same time he annulled all decrees issued by the fathers at Basel subsequent to the date of *Doctoris gentium* (18 September 1437).<sup>21</sup> The Council of Basel had declined latterly offers of mediation

<sup>18</sup>*MC* iii, 75-82. By this same decree, the council of Basel declared the "conventicle" at Ferrara schismatic.

<sup>19</sup>*CB* vi, 196-198; *MC* iii, 82-100. Segovia lists all 150 charges at 83-98.

<sup>20</sup>*MC* iii, 113-115.

<sup>21</sup>This decree, *Exposcit debitum*, was reported to a general congregation of the Council of Basel on 17 March, see: *CB* vi, 190-191; *MC* iii, 53-58, text at 55-58,

from Charles VII of France and the German Electors and had been unmoved by the English King Henry VI's warning that schism might prelude the return of Antichrist.<sup>22</sup>

The surviving abridgments of the *carta* of the 1437 general chapter demonstrate that the order had continued to support and participate in the council despite its intensifying rivalry with Eugenius over questions of reform and reunion. In the year leading up to the 1438 general chapter that rivalry had escalated to a point that threatened another schism. In response nearly every prominent secular authority assumed a neutral posture. On 23 January 1438 Charles VII of France forbade the clergy of his realm to attend the Council of Ferrara. At the same time he adopted the policy he was to follow for as long as the Council of Basel continued: he recognized the Council of Basel to be the only legitimate council and Eugenius, conciliar decrees of suspension and, later, deposition against him notwithstanding, to be the undoubted pope.<sup>23</sup> The Electors of the Empire took a similar stand when they issued their Protestation of Neutrality and formed an alliance to defend it on 17 March 1438.<sup>24</sup> In reviewing the *carta* of the 1438 general chapter one detects a

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see: *Epis.Pont.Conc.Florent.* ii, 101-106. A decree, *Attendensque multa superiori tempore acta*, of the first session at Ferrara (10 January 1438) formally declared that those gathered at Basel did not constitute a general council, see: *MC* iii, 8-10, see: *Epis.Pont.Conc.Florent.* ii, 6-10. For general account, see: Gill, *Council*, 95-98.

<sup>22</sup>*MC* iii, 100-110. As recently as 12 April the council had rejected a second request from the German Electors that it defer judicial action against Eugenius and consent to their mediation of the dispute, *MC* iii, 110-113; Stieber, *Pope Eugenius*, 142.

<sup>23</sup>On Charles VII's 23 January 1438 order, see: Valois, ii, 140-141, Stieber, *Pope Eugenius*, 64. Both Charles VII's neutrality and his acceptance of most of the decrees of Basel was embodied in the Pragmatic Sanction of Bourges (7 July 1438), see: Stieber, *Pope Eugenius*, 64-71, 160-166 for discussion and bibliography.

<sup>24</sup>The Electors issued their Protestation of Neutrality the day before they elected Albrecht V, Duke of Austria, King of the Romans, see: Stieber, *Pope Eugenius*, 137-138. The Electors held to this policy: recognition of the Council of Basel and most of its decrees, including its renewals of *Frequens* and *Haec Sancta*, but

similar caution, and this presents several problems of interpretation. First there is the matter of the order's liturgical observance on behalf of pope and council. Notwithstanding the council's suspension of Eugenius, the chapter imposed on every charterhouse the familiar *tricennarium* that God might bring about reform through him. Although this may simply reflect a scrupulous awareness that Eugenius had not yet ceased to be pope, it may as likely indicate a refusal to accept the council's suspension decree. The *carta* provides no means of determining which is the case. No such confusion arises, however, from the chapter's renewal of the equally familiar *tricennarium* for the direction of the fathers at Basel and prelates elsewhere in their reforming work: the order did not recognize either Eugenius' transfer of the council to Ferrara or his excommunication of the fathers remaining at Basel.<sup>25</sup> Yet the very clarity of this unmistakable endorsement of the council highlights a second difficulty of interpretation: the absence in this *carta* of the sort of general ordinations that in previous *cartae* indicated the order's participation at the council. Although it names the priors of Avignon and Pierre-châtel to serve as collectors of the arrears of the yearly contribution of one ducat for the maintenance of Carthusian representatives at the Council of Basel, the 1438 *carta* does not explicitly reimpose that accustomed exaction.<sup>26</sup> Moreover the requirement, found in the *cartae* for general chapters from

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excluding its decree of suspension (and, later, deposition) against Eugenius, and recognition of Eugenius IV as undoubted pope, in their *Acceptatio* of Mainz (24 March 1439) and in a second Protestation of Neutrality (11 November 1439), see: Stieber, *Pope Eugenius*, 159f., 187-188, respectively for discussion and bibliography.

<sup>25</sup>AC 100:3:20.

<sup>26</sup>AC 100:3:16: In appointing these *Collectores arreariorum debitorum pro ducato* the 1438 general chapter complied with the 1436 ordination *Cum Patres* diffinitors (confirmed by the 1437 general chapter) discussed above, see above: 112f. The 1438 ordination for the charterhouse at Hildesheim indicates that the naming of these collectors was not *pro forma*, see: AC 100:3:29: "Priori domus Claustris Marie prope Hildenshem non fit misericordia. Et excusationem quam facit de non soluendo

1432 through 1437, that those representatives make themselves available to attend meetings of the prior-general's private chapter, does not appear in the 1438 *carta*.<sup>27</sup>

Do these omissions signify that the 1438 general chapter intended to edge the order away from the firm support it had extended to the council in recent years? The traditions of the order and the remains of the council demonstrate that this is not the case. The obligation that each house contribute annually to defray the costs incurred by priors representing the order at the council, first imposed by the 1432 general chapter, had been ratified with increasing sharpness by five succeeding general chapters. Carthusian law and custom observed to this day stipulates that when an ordination of one general chapter is confirmed by the succeeding general chapter that ordination becomes a statute of the order and remains in force until it is repealed.<sup>28</sup> That the 1438 general chapter did not explicitly reimpose this contribution cannot be construed then as indicating its nullification. Provision for representatives to attend the council was well established and did not need to be reissued. And indeed evidence surviving from conciliar sources demonstrates that the Carthusians maintained at least one representative at the council subsequent to the 1438 general chapter. On 26 July 1438 the council issued a letter of accreditation to Albertus Buer, prior of the Basel charterhouse and others with the intent that Dietrich von Mœrs, Archbishop of Cologne, appoint them collectors within his archdiocese for the

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collectam ducatj admittimus, sic tamen quod futuro Capitulo solutionem faciat expeditam.”

<sup>27</sup>*AC* 100:3:33.

<sup>28</sup>*Statuta Antiqua* ii, ca. xxviii, ¶10 [*AC* 99:1:216]. The 1437 general chapter confirmed the exact form of the 1436 ordination regarding this obligation. Exclusion from a subsequent official compilation of the order's statutes is tantamount to repeal. No statute ordering contributions to the maintenance of priors attending the council of Basel appears in the *Tertia compilatio* of 1509. Interestingly a statute forbidding *contractus reemptionum* derived from the previously discussed ordination of the 1433 general chapter (see above: 68, n. 171) appears in this compilation, see: *Tertia compilatio*, ca. iii, § 11[*AC* 99:2:343].

indulgence the council had proclaimed in April 1436 to raise funds for a union council with the Greeks.<sup>29</sup> In order to hold such a commission Buer must have remained a fully incorporated member of the council. Without evidence of censure by a later general chapter, his participation at the council must be held to have been sanctioned by the order.<sup>30</sup> As regards the absence of the requirement that priors attending the council on behalf of the order attend meetings of the prior-general's private chapter, neither the *carta* nor other sources provide evidence for more than disciplined speculation. Because this requirement was never expressed in the form of an ordination it is unlikely that its repetition had the same force as had the confirmation of an ordination. For it to be in effect for any year, it had to be enjoined specifically by that year's general chapter. That this requirement disappeared from the *carta* of the first general chapter after Franciscus Maresme assumed the prior-generalship of the order may be a significant coincidence.

Franciscus Maresme had been elected prior of the Grande-Chartreuse shortly after Guillelmus de Mota's death on 17 June 1437. Professed at the charterhouse of Porta coeli, near Valencia, in 1402, Maresme was elected its prior in 1414. Following the reunion of the Avignonese and Roman obediences of the order in 1410 in recognition of the Pisan Pope Alexander V, he sided with a group of dissident, mostly Spanish Carthusians under the leadership of Boniface Ferrer (†1417), until 1410 prior of the Grande-Chartreuse, who persisted in recognizing Benedict XIII as the legitimate pope. In January 1419 he was designated along with Johannes Sans, prior

<sup>29</sup>RTA xiii, 567-568, n. 4. Dietrich agreed to the council's request on 7 August 1438.

<sup>30</sup>The 1440 general chapter disciplined the prior of the charterhouse of Nördlingen for having sent his *procurator* to the Council of Basel without having obtained the permission of the order. His punishment was mitigated by the intercession of his predecessor, Albertus Harshusem, then prior of Buxheim. The offending *procurator* also was punished, see: AC 100:3:70.

at Vallis Iesu Christi, near Segorbe, northwest of Valencia, by Guillelmus de Mota, Ferrer's successor, to arrange for reconciliation with the order in recognition of Martin V. As a result of these negotiations, conducted with Johannes Griffomonte, prior of the Grande-Chartreuse, and concluded later in 1419, de Mota resigned his "prefecture" of the Carthusian adherents of Benedict XIII and the order was fully reunited. For their efforts, Maresme and Sans were rewarded with Martin V's apostolic blessing.<sup>31</sup> The 1424 general chapter made Maresme prior of a new foundation, Monte Hilaris, near Barcelona. Later that same year he became prior at Vallis Iesu Christi, remaining for some years thereafter the administrator of Monte Hilaris.<sup>32</sup> In 1431 the general chapter directed Maresme to settle his affairs as a visitor of his province in advance of being released from his priorship in order that he come to the Grande-Chartreuse to work for the common good of the order.<sup>33</sup> Molin relates that Maresme was brought to the Grande-Chartreuse to act as de Mota's coadjutor specifically that he might represent the aged and infirm prior-general at the council of Basel and that he earned such regard from the fathers of the council that

<sup>31</sup>Levasseur, ii 342-343; LeCouteulx, vii ,424-427. A process, drawn up by Maresme and summarizing the negotiations, has been edited, see: Franciscus Maresme, "*Processus factus de unione ordinis Cartusiensis*", ed. Roque Chabás, *El Archivo* 4 (1890), 329-338.

<sup>32</sup>Molin, ii, 430; LeCouteulx, vii, 527-529.

<sup>33</sup>AC 100:9:49-50: "Priori domus vallis Iesu Christi pro nunc non fit misericordia, et iniungitur sibi in uirtute Sanctae obedientiae quatenus uisitatis per prius si commode fieri poterit domibus prouinciae suae, quod suae conscientiae remittitur, temporalibusque negotiis domus Cartusiae et Capituli generalis dispositis quemadmodum per Patres diffinitores et ipsum extitit appunctatum tempore opportuno secundum suam discretionem petendo misericordiam faciat se absolui per Priorem Scalae dei ab officio prioratus domus Vallis Iesu Christi, cui Priori Scalae dei comissionem sufficientem mittimus, subsequenter domo Vallis Iesu Christi de nouo prout decet prouisa, et in negotiis temporalibus et etiam Spiritualibus si opus fuerit disposita et ordinata prout haec et alia a generali Capitulo cum prouisione sufficienter expressa habuit in mandatis ad domum maioris Cartusiae in nomine domini accedat ad ibi residendum et pro communi bono totius ordinis conlaborandum ad ordinis uoluntatem."

he received ten votes in the conciliar conclave that elected Felix V in November 1439.<sup>34</sup> When Maresme joined the council, how long he stayed in Basel, and whether his participation at the council was interrupted by other duties on behalf of the order cannot be determined with precision from the evidence discovered for this study.<sup>35</sup> But having achieved the sort of notoriety that earned votes in that conclave suggests strongly that Maresme remained in close communication with the council. In that case he may well have had no need to require priors participating at the council to attend his private chapter.

If one interprets the 1438 *carta* in this fashion, the omission of familiar instructions regarding the council indicates not that the general chapter withdrew in any substantive way from support of the council, but that it merely tempered its official articulation of that support. Given the deepening dispute between council and pope, such constituted prudence. In considering previous general chapters it has been apparent that continued participation at the council did not emerge from a consensus within the order. Although the *cartae* provide no clear picture of the nature and

<sup>34</sup>Molin, ii, 431: “Anno igitur 1433, ascendit ad Cartusiam tempore Capituli generalis, illicque 4 annis strenuam Ordini navavit operam, donec Generalis effectus est: nempe sub initium universalis Concilii Basiliensis, ad quod Reverendus Prior Cartusiæ nomine totius Ordinis fuit convocatus. Verum quia ipse longa senectute et aliis infirmitatibus præpeditus, non poterat absque discrimine illuc proficisci, misit D. Franciscum Maresme ut suo nomine illic resideret una cum aliis Prioribus, pro quorum expensis singulæ Domus solverunt unum ducatum. Tantæ vero apud omnes famæ ibi Franciscus extitit, ut Patres Concilii decem suffragiis ad Sedis Apostolicæ summum fastigium eum dignati fuerint, quod eum religione præcellere existimarent cui totius Ordinis gravissimum onus incumberet.” LeVasseur vii, 111 follows Molin. The conciliar records state that Maresme received not ten but between two and six votes in that papal election, see below: 151, n. 70.

<sup>35</sup>Klinkhammer (at 329, n. 37), without citing specific evidence, places Maresme in Basel in 1432 where the incorporation into the order of the former Benedictine house at Rettel was transacted (5 June 1432). If Klinkhammer is correct, it may be that Maresme was the Carthusian *religiosus* whose incorporation was recorded on 6 June 1432 by a notary of the council, see above: 40, n. 98. As has been discussed the 1435 general chapter instructed Maresme to see to the expenses of two monks who had been residing as guests at the Basel charterhouse in service to the order, see above: 92, n. 43.



extent of the opposition to that participation, they do testify to the order's determination to keep it in check. But with a new schism a looming possibility the 1438 general chapter, mindful of the devastating consequences the order had suffered during the Great Schism, wished not to exacerbate divisions already existing within the order.<sup>36</sup>

Confirmation of this overriding determination to secure the unity of the order is given full expression in an ordination of the 1438 general chapter that escaped inclusion in either the published *cartae* or its abridgements consulted here. Published by Bernard Bligny it stands as a *modus procedendi* for both the prior-general and the priors of individual charterhouses as how best to preserve Carthusian unity in the event of schism.<sup>37</sup> Following an *harenga* extolling the first duty of Christians to cultivate charity, peace, and unity among men without which neither prayers nor alms nor even martyrdom is pleasing to God, the diffinitors pledge their determination to persist in the concord forsaken by the church at large and impose a series of measures upon the prior-general and the professed monks of the order intended to secure the continued harmony of the order. In the first place, employing in microcosm the familiar ecclesiological image of head and body, the prior-general and the members of the order are enjoined no matter how lamentable the state of the church not to allow trouble and discord to divide one from the other. Second, if the

<sup>36</sup>At least three of the 1438 diffinitors had experienced the previous schism within the order first hand: Theodoricus Teerlinck, prior of Antwerp, Albertus Harshusem, prior of Nördlingen, and Franciscus Maresme, since mid-1437 prior of the Grande-Chartreuse and prior-general of the order, see: Appendix F.

<sup>37</sup>Bernard Bligny, "La Grand Chartreuse et son ordre au temps du Grand Schisme et de la crise conciliaire (1378-1449)", *Historia et Spiritualitas Cartusiensis. Colloqui Quarti Internationalis. Acta*, ed. Jan De Grauwe, (Destelbergen, 1983), 54-56. Regrettably I have not been able to consult this cartulary. A microfilm of it may be held in the *Archives départementales de l'Isère*, but I have been unable to visit these archives or to ascertain by letter whether this is so, see: Gruys, i, vi. The potential for this cartulary to enrich such investigations as these cannot be overstated.

prior-general should, under threat of ecclesiastical censure or intimidation by secular or ecclesiastical authorities, feel himself constrained to declare an adherence (no mention here or anywhere else in the ordination of the contesting parties, council and pope—clear testimony of the resolute pursuit of harmony undertaken by the diffinitors!), let him deflect as best he may those pressures and resort to the vote and advice of the entire order without which he cannot lawfully act. Third, if the prior-general may not evade such coercion, he is to call together the fathers of the order—not, it is stipulated, simply local priors (his private chapter?), but all the visitors of the order along with such persons as he thinks would offer good advice. Together these brethren are to reach a consensus and to devise, after full discussion, a common policy that all members of the order are obliged to follow and defend without deviation. Fourth, so as to heal divisions within charterhouses, priors are urged to interdict discord and partiality among their subject monks, directing them to prayers and other spiritual exercises for the good of the church that God might be propitiated. Fifth, should the prior-general be unable, despite following the strategy outlined above, to evade excommunication or other ecclesiastical censure, aimed either at himself or the entire order, he must avail himself of the advice of knowledgeable men and resort to the remedy of appeal to the “undoubted council” (*concilium indubitatum*). Once such an appeal is made all members of the order should calmly and quietly devote themselves to the liturgical life of the order trusting in the order and its general chapter which will answer before God and men for each and every one of them. Finally, those monks who withdraw or incite, either openly or in secret, others to withdraw from the liturgical life of the order are to be imprisoned as disturbers of peace and concord and betrayers of fraternal unity should they remain contumacious after three warnings.<sup>38</sup>

<sup>38</sup>Bligny, 55-56: “Primo, quod nonobstante flebili statu Ecclesie, in

quocumque eventu dicte sacrosancte Ecclesie, nec Reverendus pater Cartusie a suo corpore neque corpus ab eodem suo capite discedere vel dividere debeant, turbationem et discordiam domesticam omnibus modis et cautelis in caritate Christi declinando.

Item si, quod absit, Reverendus pater Cartusie per quascumque litteras apostolicas sive alias ad aliquam partialitatem sive adherenciam hincinde citatus, requisitus, aut penis vel censuris ecclesiasticis tractatus fuerit, responsionibus excusatoriis et protestationibus humilibus, iuxta discretionem sibi a domino Deo, unitatis auctore, concedendam, proinde declinet ad votum et concilium totius ordinis se determinando, sine quo non liceat nec valeat que petuntur admittere.

Item, idem faciat Reverendus pater domnus Cartusie vocatus ad maiores patrie ac principes sive temporales sive ecclesiasticos.

Item, si Reverendus pater domnus Cartusie adeo fuerit artatus, ut aliter evadere non posset nisi saltem cum concilio et consensu ordinis deliberatus respondere oporteret, essetque necessarium patres ordinis convocare, non sit tunc contentus paucis prioribus vicinis, sed, prout omnes tangit negotium, ita omnium provinciarum visitatores primarios vel illos, qui iuxta discretionem suam unacum suo concilio, pro tempore, negotiis tractandis utiliores videbuntur, congruo temporis interfallo convocare habeat. Qui instructi, qualiter principes et prelati ceterique viri ecclesiastici provinciarum suarum in hac materia se habeant, omnibus postpositis ad Cartusiam quam citius venire non omittant, ubi, post digestam negociorum sollicitationem et discussionem resolutissimam, eam quam tota congregatio concorditer acceptet viam sive conclusionem, indeclinabiliter (Rev. pater) observet, respondeat et pro posse defendat,—in qua conclusione similiter se ceteri patres maiores ac minores specialiter firmiterque retineant, nequaquam ad dexteram aut sinistram declinantes.

Item, ut omnis materia et occasio divisionis ubilibet in domibus et personis ordinis nostri facilius auferatur et lites domestice declinentur, nos, diffinitores prefati, hortamur omnes priores singularum domorum quatinus subditis suis colloquia, disputationes et omnes verbales et reales concertationes, tamquam venenosum semen zizaniorum ad discordiam et partialitates disponentes, interdicant, et ab eis penitus declinantes ad orationes et alia spiritualia exercitia, quibus omnipotens Deus, pacis et unitatis amator, repropitiatur Ecclesie sponse sue quam precioso Christi sanguine redemit, humiliter se convertant.

Ad aliqualem autem evidentiam premissorum, presertim secundi articuli, sit Reverendus pater Cartusie advisatus quod, si lettere papales vel alie producte fuerint super adhesionem vel huiusmodi, aut citatus fuerit sub pena iuris vel alia quacumque quomodolibet poterit litteras recipere, quadam discreta evasione declinet aut aliis cautelis melioribus cum concilio discretorum, quanto honestius poterit evadere, studeat. Si vero, quod Deus avertat, necessitas occurreret ut premissis modis, vel similibus, penas aut alias censuras vel excommunicationis sententias evadere non posset, tali in articulo constitutus ad appellationis remedium, pro se et toto ordine nostro ac sibi adherentibus et adherere volentibus, refugiat, ad concilium indubitatum et ad illum vel ad illos provocando, ad quem vel quos de iure vel congruentia iuxta rerum exigentiam poterit aut videbitur expedire, adhibito etiam super hoc concilio peritorum. Quo appellationis remedio interposito, dictus Reverendus pater prior Cartusie, et omnes totius ordinis priores et eorum conventus et persone, stent quieti et securi, nec habeant scrupulum alicuius incursus sentencie excommunicationis, suspensionis vel interdicti, aut contractionis nodi alicuius irregularitatis, sed, cum serena conscientia atque pacata, divina celebrent, sacramenta ministrent et recipient [*sic*] et alia officii et obedienciis eorum incumbentia exerceant, que in nostro sacro

The diffinitors seem to have purposefully refrained from any overt reference to the Council of Basel, Eugenius, or the Council of Ferrara in an effort to avoid provocation. Even so this ordination offers several clues to their expectations and leanings. The sources of possible ecclesiastical censure explicitly named are “apostolic” and “papal” letters, suggesting that they anticipated that an external challenge to Carthusian unity was more likely to come from the pope. In the event that such censures were imposed, the diffinitors provided for an appeal to be made to the “undoubted council”. By not identifying that council as that at Basel or Ferrara, they seem to be attempting to create as much room as possible for the private opinions of their brethren, again shunning provocation. Stipulating only to a minimum of particulars is a diplomatic technique of ancient lineage. Nevertheless there can be little doubt but that by “undoubted council” the diffinitors meant, should it become necessary to resort to appeal, the council of Basel. Indeed Bligny’s implication that they might have intended to refer to the Council at Ferrara is disingenuous.<sup>39</sup> Nowhere in the *cartae* is that council or any of its acts, including the union agreement with the Greeks announced in *Lætentur cæli* (6 July 1439), accepted or even mentioned. Neither in 1438 or in any other year did the Carthusian leadership make any statement or take any action that called into question the Council of Basel’s claim that it constituted the only legitimate general council.

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ordine sunt consueta. Ordo enim et capitulum generale, quod curam habet omnium, pro eis et quolibet eorum coram Deo et hominibus in hac parte respondebit.

Si vero aliquis professus, nostre religionis temerarius transgressor factus, a celebratione divinorum et aliis supra tactis exercitus (absque alia causa rationabili quam prior suus aut visitator acceptaverit et approbaverit) se subtraxerit, vel alium aut alios publice vel occulte ad abstinendum seu se subtrahendum induxerit, et trina ammonitione per intervalla temporis precedente a sua contumaci inobediencia non resipiscerit, talis utique tamquam pars turpis, et toti suo non congruens, infamie nota in nostro ordine sit respersus, in qua si pertinaciter sordescere non metuerit, tamquam pacis et concordie turbator, et fraterne unionis proditor, carceralibus includatur sordibus ad ordinis voluntatem.”

<sup>39</sup>Bligny, 48.

The investigation of Eugenius' obstruction of the council's reform decrees initiated by the fathers in April 1438 was a lengthy process that continued into June 1439. The number and specificity of the charges against the pope necessitated a painstaking inquiry,<sup>40</sup> and the council was determined that he should submit. Buoyed by Albrecht II's renewal of imperial grants of protection and safe-conduct for the council and its participants and by a growing awareness that Eugenius' council at Ferrara—transferred by him to Florence on 10 January 1439—had little support outside of central and southern Italy, the fathers at Basel steadfastly resisted all offers of mediation throughout the rest of 1438 and 1439.<sup>41</sup> When the council sent representatives to a meeting of the German Diet at Nuremberg in July 1438 to press its cause, it provided them with strict instructions that, in the interest of the liberty of the church, they were not to accept offers of intervention by secular authorities.<sup>42</sup> When envoys of a subsequent Diet, also held at Nuremberg (October–November 1438), asked the council in December 1438 to lift its suspension of Eugenius and to consent to transfer itself to some other city, it deflected their proposal by demanding that Eugenius must formally accept both its reform decrees and his suspension before

<sup>40</sup>The notarial protocol of this inquiry, reportedly containing the depositions of witnesses, as well as of the initial hearings concerning the pope's disregard of the reform decrees, conducted between July and October 1437, has never been published. A copy of these has been preserved in Bibliothèque Nationale Ms. Lat. 1511, see: Stieber, *Pope Eugenius*, 381.

<sup>41</sup>Stieber, *Pope Eugenius*, 41–42 notes that of the major princes of Europe only Phillip the Good of Burgundy sent a delegation to the Council of Ferrara/Florence. For Segovia's account of the diplomatic manoeuvrings of this period, see: *MC* iii, 123–277 *passim*. For an excellent summary, supported by equally excellent bibliography, of German attempts at mediation, see: Stieber, *Pope Eugenius*, 132–155. For mediation attempts by other secular authorities, see: Perouse, 256–269 and, with caution, Valois ii, 135–148.

<sup>42</sup>*RTA* xiii, 366–371.

any further discussions could proceed.<sup>43</sup> Even when those same envoys returned to the council in January 1439 with a mediation proposal revised in consultation with representatives of other European princes that required the pope to publicly adhere to *Haec sancta* as a condition of the lifting of his suspension and guaranteed that the council's procedures and deputation system would be preserved if the council would agree to transfer to Constance, Mainz, or Strassburg for a reunion council with the Greeks, the council raised objections in a way that indicated its underlying determination to obtain the pope's absolute capitulation.<sup>44</sup>

In remarking the resolute bearing of the council during these months, it is important to stress that it did not resist princely mediation and prepare its case against Eugenius out of an unvarnished desire for a showdown with the pope. The gravity of the decision that awaited the council should Eugenius not submit dictated that the investigations of his transgressions be thorough. And in thoroughness lay a collateral benefit: delay. The charge, originated by Eugenius himself in his *Libellus apologeticus* that the Council of Basel had come to be dominated by an unruly mob of lower clergy bent on overthrowing their lawful superior and with him the very constitution of the church itself has been repeated by pro-Eugenian apologists from the fifteenth-century until the present.<sup>45</sup> Yet far from rushing headlong to depose

<sup>43</sup>RTA xiv, 8-30.

<sup>44</sup>Segovia summarizes the joint proposal of the princes and gives and provides the text of the council's response at MC iii, 213-216, 221-232 respectively. See also: RTA xiv, 60-63, 75-85 for texts. Stieber provides useful summary and analysis of these negotiations, see: *Pope Eugenius*, 149-155.

<sup>45</sup>Even Christianson, who in his fine study of Cesarini's career at the council generally demonstrates resistance to the prejudices that have undergirded this and similar charges, seems not entirely immune. In remarking on the reaction of the fathers at Basel to the apparent theft of the council's seal by partisans of Eugenius who hoped to make the minority decree of 7 May 1437 seem official, he writes that the Basel fathers "seemed determined to repeat the pattern of 1433 with its admonitions, threats, and citations; but this time, heedless of the president's

Eugenius the fathers of the council took nearly two years to bring their case to its conclusion, and the deliberation with which they acted seems to have sprung to no small extent from hesitation to take so extraordinary a step, the consequences of which could not be foreseen. Review of the course of the council's prosecution of the pope reveals a process that appears more reactive than aggressive. When the council initiated its first proceedings against Eugenius for his refusal to accept and enforce the council's reform decrees on 31 July 1437, it was responding both to Eugenius' failure to heed its January 1437 *monitorium* and to his confirmation (30 May 1437) of the minority decree of 7 May 1437. On 7 October 1437, when the term set for the pope to answer these charges had expired, the council accepted an offer of mediation by Sigismund. When, days later, news of *Doctoris gentium*, announcing the transfer of the council to Ferrara reached Basel, rather than renege on their promise to the emperor, the council fathers inaugurated a second set of proceedings, this time for Eugenius' violation of the Constance decree *Frequens* and several earlier Basel decrees. And when the term set in late January 1438 for Eugenius to respond to his suspension from office (arising from the council's proceedings against him for his unlawful attempt to transfer it to Ferrara) expired in late March 1438, they delayed immediate consideration of a sentence of deposition by reviving, in late April 1438, their original prosecution for his obstruction of its reform decrees, thus necessitating a time-consuming investigation: a step taken in full knowledge that Eugenius had excommunicated them and had pronounced all decrees issued at Basel since the date of *Doctoris gentium* (18 September 1437) void. Time had aided the council in 1432-1433 when it had survived Eugenius' first attempt to order its dissolution. No doubt the council fathers hoped that time would serve them a second time. In undertaking

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[Cesarini's] warnings, they would not stop short until they had deposed the pope and elevated a successor." (172-173)

its prosecution of Eugenius the council had chosen a road it could not leave and a destination it was in no hurry to reach.

But no more than abandon could the council put off its proceedings against Eugenius indefinitely. Too long a delay risked weakening the general if qualified support it enjoyed among the princes of Europe. The inquiry into Eugenius' obstruction of the council's reform decrees was concluded in March 1439. In that same month, the council commenced discussion of a draft decree declaring *Haec sancta* an article of faith.<sup>46</sup> In prosecuting Eugenius both for his failure to observe and enforce the council's reform decrees and for his illegal attempt to transfer the council from Basel to Ferrara the council built its case for deposition on charges that Eugenius had improperly administered his office and had acted in contempt of the decrees of a legitimately assembled general council. Although canonistic thought had long sanctioned the notion that a pope might be deposed for acting in a manner contrary to the welfare of the church, no consensus had emerged as to what specific actions were culpable. Only when a pope was guilty of heresy did Gratian and all succeeding authorities concur that he was liable to deposition.<sup>47</sup>

The discussions of the draft decree that would formally pronounce the superiority of general councils to be an article of faith were drawing to a close when the Carthusian priors began their general chapter on 5 May 1439. That they were aware of these deliberations and what they presaged seems to be reflected in that chapter's *carta*. Certainly the *carta* reveals a chapter trying to cope with troubled times. Widespread civil disorder seems to have prompted the chapter to issue a

<sup>46</sup>MC iii, 240-241.

<sup>47</sup>*Si papa* (*Dist.* 40, c.6), Friedberg i, 146. See: Brian Tierney. *Foundations of the Conciliar Theory. The Contributions of the Medieval Canonists from Gratian to the Great Schism*, (Cambridge: The University Press, 1955; rpt. 1968), *passim*.



general ordination permitting priors and brethren threatened by local warfare or other imminent dangers to retreat from their houses with their belongings to a safer location. After the signing of the Treaty of Arras (1435) barely restrained rivalries within the French court erupted. In 1437 the Dukes of Bourbon and Alençon led an unsuccessful rebellion against Charles VII. In 1440 these and other *grandees* together with the Dauphin Louis, later Louis XI, initiated another revolt so violent that it came to be called the *Praguerie*. At an even more brutal level, many mercenaries, deprived of the employment they had found in the Anglo-French wars, had turned to brigandage. From about 1437 eastern and southern regions of France had suffered at the hands of these *écorcheurs* or “flayers”, who stripped their victims of all possessions and in some instances, it was rumored, their very skins. In February and March 1439 bands of *écorcheurs*, sometimes called by their German victims *Armagnacs*, invaded the upper Rhineland and Swiss territories approaching Basel itself before being turned away.<sup>48</sup> In response to this threat the 1439 general chapter gave special permission to Henricus de Ludenschede, prior at Strassburg and his monks that they might abandon their house to save themselves and, if it became necessary, to secure a site for a new foundation when the danger had passed.<sup>49</sup>

In addition to these external threats the 1439 general chapter responded to challenges to Carthusian *stabilitas* from within the order. When a postulant made his profession at a charterhouse, he entered with the expectation that he should never depart. Of course the necessities of Carthusian life and discipline required that priors

<sup>48</sup>Perouse, 406. *RTA* xiv, *passim*.

<sup>49</sup>*AC* 100:3:50: “Et si periculum tale immjnent concedimus sibi ut fratres domus eiusdem diuidere possit per prouinciam eciam tres uel quatuor extra prouinciam emittendo. Iniungimus eciam eidem seriusius ut citius quo poterit cum socio Priore quem duxerit eligendum vadat ad considerandum et acceptandum si vtile visum fuerit locum noue foundationis sibi designatum.” The 1432 general chapter had allowed charterhouses at Koblenz and Trier a similar evacuation, see above: 49 n. 118.

and, occasionally, certain of their subordinate officers leave their “desert” for short periods, but such absences had to conform strictly to Carthusian law and custom. And as has been demonstrated, compliance was rigorously monitored by general chapters.<sup>50</sup> Carthusians who fled their houses to escape the order or to evade punishment for some crime were, of course, treated severely, but even those who were temporarily absent, as it were, without leave were considered to have violated their vows of obedience and stability. Although serious, these were not uncommon transgressions, and from time to time the order had enacted statutes to instruct and assist priors in the proper treatment of runaway monks.<sup>51</sup> By a large majority such incidents were of local significance and were dealt with accordingly. In 1439, however, the general chapter recognized a far-reaching threat to the order when it condemned fugitive, apostate, and wandering monks who were defaming and maligning the order in many places but especially at the papal court then at Florence. In itself this too was not unprecedented. The 1430 general chapter had enacted an ordination (confirmed by the chapters of 1431 and 1432) providing for a proctor at Rome to, among other duties, defend the order’s honor and interests against the calumnies of fugitive and apostate monks.<sup>52</sup> But in 1439 the chapter reacted to the fulminations of the order’s detractors with a more intensely expressed alarm than had

<sup>50</sup>See above: 130, n. 30.

<sup>51</sup>James Hogg, “Everyday Life in the Charterhouse in the Fourteenth and Fifteenth Centuries”, *Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse. Sitzungsbericht*, 367 (1980), 140: “From 1400 to 1509 the *Acta* of the Chapter General reveal that the Order, with the aim of upholding its high reputation, was extremely active in pursuing all fugitives.” For example, the 1437 general chapter had issued an ordination reminding priors that they must compel at once an apostate monk returned to their charge to resume his habit, that they must absolve, in the presence of witnesses, such a monk of the sentence of excommunication incurred for having thrown off his habit, and that they must offer such a monk confession and absolution as quickly as possible, see: *AC* 100:2:160-161.

<sup>52</sup>See above: 45 n. 111.

those earlier chapters. For it, as those chapters had not done, admonished in the strongest possible terms every prior and rector of the order as well as vicars of Carthusian nunneries, to make every attempt, calling on the assistance of secular authorities if necessary, to capture and incarcerate their renegade brethren, and, so that concern for the cost of such efforts might not be inhibitive, it promised that the next general chapter would repay any expenses so incurred.<sup>53</sup>

With the papal court then in Rome, the 1431 general chapter had chosen to appoint as proctor the prior of the Roman charterhouse. In 1439 the chapter conformed to that example and named the prior of the charterhouse at Florence to the post. At the same time it commissioned him to conduct “other business” of the order. Though it cannot be substantiated, it seems likely that the deepening division in the church must have figured prominently in the proctor’s *agenda*. But if he was charged to discuss this matter while at Florence, it was not in debate with wandering Carthusian monks. Whereas in 1430 the general chapter had instructed the prior of the Roman charterhouse to assume the role of advocate both to oppose actively the petitions and complaints of runaway monks and to act for priors with legitimate business at Rome so that they themselves would not absent themselves from their monasteries, in 1439 it enjoined the prior of the charterhouse at Florence simply to

<sup>53</sup>AC 100:3:41: “Ad Reprimendos fugitiuorum et apostatarum et girouagorum temerarios discursus atque nefandos vbique terrarum potissime in Romana curia in graue animarum dispendium nostrique Ordinis uituperium et intuentium scandalum prothdolor frequentatos et dietim verisimiliter et licentius frequentandos nisi solerti Ordinis vigilantia succurratur; Eapropter omnes Priores et Rectores domorum ac monialium Vicarios fortiter inducimus et strictius quo possimus admonemus quatinus tanquam euigiles sancti Ordinis zelatores & plus solito feruentores effecti curent eos capere et incarcerare, inuocato si opus fuerit brachio seculari. Ordinantes desuper et adjicientes ne ob defectum soluendorum sumptuum tam salubre propositum in dididium animarum fine concupito viduetur, quod in proximo sequenti Capitulo animatim talis fiet ipsis Prioribus et ceteris supranominatis refusio expensarum, quod eorum domus sine falla seruabuntur indemnes.”

impose the discipline of the order and to see to the capture and imprisonment of wayward monks.<sup>54</sup>

Certainly there can be little doubt but that the true target of these 1439 ordinations were monks who had gone unauthorized to Florence to complain of the order's continued participation at the Council of Basel. Their tone, the emphasis on damage done to the order at the papal court, and the fact of long-standing dissension within the order on this matter so well established in the *cartae* of previous chapters all make it difficult to imagine otherwise. Certainly the uncompromising measures prescribed by the chapter: imprisonment and consequent enforced silence, were intended to limit as effectively as possible the damage the order would suffer by a prolonged, public demonstration of internal dissent. But although this repressive treatment might have been consonant with the strict discipline of fugitive and disobedient monks mandated in the statutes and, in the short run, necessary to insulate the order from polemical exploitation by adherents of Eugenius, it ran counter to those measures so assiduously crafted by the 1438 general chapter to safeguard Carthusian unity. Moreover it struck a discordant note in a *carta* that reveals a 1439 general chapter otherwise striving to foster that unity. To that end it repeated according to the familiar formulae *tricennaria* for pope and council despite the council's suspension of Eugenius and his excommunication of the council's participants and hosts.<sup>55</sup> And in an even clearer signal that there was room in the order for anyone whose conscience dictated that he disregard the council's

<sup>54</sup>The 1439 appointment is conferred in the particular ordination for the charterhouse at Florence, see: *AC* 100:3:52: "Priori domus Sancti Laurentii prope Florentiam non fit misericordia. Et Procuratorum Ordinis ad capiendos et incarcerandos ipsius Ordinis fugitivos, apostatas et girouagos se ad Romanam curiam transferentes, et ad alia ipsius Ordinis negocia promouendo feruenter et exemplariter exerceat cum sit iam prouisum pro indemnitate domus sue in totum seruanda ratione expensarum per ipsum fiendarum."

<sup>55</sup>*AC* 100:3:39.

proceedings against Eugenius, it granted the charterhouse at Cahors permission to approach the suspended pope with a petition.<sup>56</sup> So concerned in fact was this general chapter with the peace and integrity of the order that it lowered the cost of disobedience where the order's relations with the council were concerned. For in restating the obligation that each charterhouse contribute to the upkeep of representatives at Basel—thus confirming the order's continued presence at the council—it scaled back significantly punishments for non-compliance from deprivation of office for the prior of an offending house and a doubling of monies owed in arrears to abstinence from wine and beer.<sup>57</sup>

This apparent incongruity is resolved by recourse to another ordination not included in those published *cartae* and their abridgements consulted here but preserved in the cartulary of the Grande-Chartreuse. By this the diffinitors, without making specific reference to competing loyalties within the order, conceded to the prior-general the prerogative to mitigate, suspend, or revoke entirely punishments imposed upon recalcitrant brethren (*indisciplinatos*) without waiting to consult the general

<sup>56</sup>AC 100:3:43.

<sup>57</sup>AC 100:3:42: “Ordinamus quod illi qui non soluerunt taxam vnus ducatj &c. soluant cum taxa annj futurj alias a vino uel cerusia abstineant donec soluerint quia multa incumbunt Ordinj pro communi vtilitate ipsius pro quibus dicta taxa ad certum tempus erit necessaria.” The chapter applied this new standard to the prior of the charterhouse at Leignitz, see: AC 100:3:49: “Et quia duobus annis nichil contribuit pro via Capituli ne pro taxa vnus ducati &c. seriose eidem iniungimus quatinus infra huic et festum Michaelis Priori Erffordie satisfaciat vel vine careat donec hec effectiue perficiat.” A general reprimand of priors of the Tuscan province that they had not rendered payments owed their visitor, the prior of the charterhouse at Montello, a diffinitor of the 1439 general chapter, probably does not pertain to this obligation but to that owed to visitors to defray expenses of traveling to the general chapter (*Tertia compilatio* ca. ix, ¶ 17 [AC 99:3:362]), see: AC 100:3:53: “Iniungimus Prioribus domorum prouincie Tuscie qui non soluerunt taxam Priori Montellj qui venit ad Capitulum cum magnis laboribus et expensis pro dicta prouincia, quod huic ad festum Sancti Petri soluere debeant dictam taxam, videlicet ducatos tres pro qualibet domo, et ipsos mittant Priori Florencie a quo ipsos citius postea habere poterit.” The 1439 general chapter appointed the priors of Pierre-châtel and Valsainte collectors of the arrears of the levy to support the order's representatives at Basel, see: AC 100:3:34.

chapter if, in his judgment, doing so would promote the good of the entire order. So signal a departure from both the historic rigor of the order and its traditions limiting the authority of its priors-general must have been a response to an extraordinary situation. That this was so is buttressed by the analogy the diffinitors invoked to justify their act: that in matters concerning the salvation of souls the order, “such a little member” of Holy Mother Church, must emulate her who, when threatened by injuries and scandals sensibly revokes or changes her ordinations for the better.<sup>58</sup> In the context of the events of 1438/1439 within and without the order this “hidden” ordination must be read as a companion to those ordinations enacted against runaway monks. Together they provided the order with a strategy to deal with the conundrum it faced: how to suppress effectively harmful and embarrassing public criticism without alienating the critics irretrievably to their own cost and to the cost of the order. With the church at the point of renewed schism the 1439 Chapter,

<sup>58</sup>Bligny, 57: “Solet nonnunquam pia mater Ecclesia, nedum in magnis, verum et in minimis salutem animarum potissime concernentibus, post delatas sibi informationes dampna vel scandala verisimiliter allaturas, consulte ordinata consultius revocare, in meliusve immutare. Sic sic sacer ordo noster, membrum tantillum dicte sancte matris Ecclesie, in agibilibus (?) [*sic*] suis dietim occurrentibus ipsius vestigia imitando pro salute fratrum suorum virtutum Domino famulantium, ipsorum qualitate pensata statuta sua nunc mitigat, nunc suspendit vel revocat, in meliusve commutat. Ea propter nos, fratres Argentine, Montelli, Omnium sanctorum, Gandavi, Montis Merule, Herbipoli, Vallis Benedictionis, domorum ordinis cartusiensis priores ac diffinitores capituli generalis, anno Domini millesimo CCCCXXXIX celebrati, exacta consideratione pensantes labores continuos quos pro bono totius ordinis Reverendus pater Cartusie habet, nec immerito supportare velut eiusdem cooperatores effecti et in partem solitudinis sue assumpti (mitigationem, vel suspensionem vel in totum relaxationem penitenciarum, disciplinarum, incarcerationum vel aliorum contra quoscumque casus delinquentium subditorum vel criminorum in statutis nostris expressorum), de sua practica discretione ac zelo confisi, et per ipsum et alios ordinis zelatores super multis aliis perplexitatibus infra annum occurrentibus seriose informati, ad plenum sibi committimus, ac etiam volumus et ordinamus quod dictus Reverendus pater, si et in quantum sibi videatur super premissis aut similibus infuturum contingentibus, expectare capitulum generale nullatenus teneatur. . . .” A second provision of this ordination echoes a previously-discussed general ordination extending to the prior-general and his brother monks permission to evacuate the Grande-Chartreuse should danger threaten. See: Molin ii, 432-433 for same text.

although still supportive of the council, was not prepared to sacrifice Carthusian unity for a forced consensus.

It is doubtful that any Carthusian representative could have returned from the Grande-Chartreuse in time to take part in the thirty-third public session of the Council of Basel on 16 May 1439. There, after months of debate, the fathers of the council took the last major step preparatory to moving to depose Eugenius. By their decree, *Sicut vna est Christi ecclesia*, they pronounced the substance of the Constance decree *Haec sancta*, expressed as the “three truths” of the superior authority of legitimately assembled general councils, to be an irreformable article of faith.<sup>59</sup> With this the fathers had cleared the way to depose Eugenius not only for maladministration of office, that is, for scandalizing the church by refusing to accept and enforce the council’s reform and other decrees, but also as a relapsed heretic, for having renounced, in effect, his former recognition, expressed in *Dudum sacram*, of Basel as a legitimately assembled general council.

While no Carthusian may have participated in the promulgation of the “three truths”, the protocols of the council reveal that a member of the order was present when the decision was taken to proceed with the deposition of Eugenius. On the evening of 16 June 1439 a delegation of fathers visited the residence of Cardinal Aleman, Cesarini’s successor to the presidency of the council, to persuade him to bring an end to the efforts of some council members, led by two ambassadors of Alfonso V of Aragon, Niccolò de Tudeschi, Archbishop of Palermo (known by the sobriquet of Panormitanus), a famous canonist, and Ludovico Pontano, prothonotary and also a noted canonist, to delay legal proceedings against the pope. A careful

<sup>59</sup>*CB* vi, 424-426; *MC* iii, 278.

record of this meeting was made by the notary Jacob Hüglin.<sup>60</sup> He lists a number of the “familiaris” of the council president who were in attendance and who presumably participated in the discussions. Among these was a Carthusian *frater*. Unfortunately the remains of the council provide no concrete evidence as to his identity, and to the great frustration of those who wish to know, Gustave Beckmann, the editor of this portion of Hüglin’s *manuale*, notes an ellipsis between the words *fratre* and *Cartusiensi* sufficient to accommodate one or two words!<sup>61</sup> Moreover this mysterious Carthusian is the only one of Aleman’s “familiaris” not to witness the instrument drawn later that night whereby the Cardinal ordered that all delays should cease and that a report on the hearings and the evidence gathered to support the lengthy indictment against Eugenius should be presented to the council!<sup>62</sup>

Given the evidence as it stands, who this Carthusian may have been can only be a matter for speculation. Leaving aside that due consideration must be given to Hüglin’s description of the unknown Carthusian as a “brother” and not a prior, Albertus Buer, the prior of the Basel charterhouse, would seem the most likely candidate. According to the *carta* of the 1440 general chapter, however, Buer died on 6 July 1439. The circumstances of his death: the nature and length of his final illness, are unknown, but the fact of his death within a few weeks of this event must

<sup>60</sup>*CB* vi, 497-503.

<sup>61</sup>*CB* vi, 498: “De quibus iidem procuratores et promotores pecierunt instrumentum etc., presentibus reverendissimo reverendis patribus et circumspicis viris dominis Ludovico patriarcha Aquilegiensi, Nicolao Grossitano et Johanne Argensi episcopis, Marco Bonifilii, theologo, Petro Textoris canonico Basiliensi, fratre Nicolao predicatore, fratre . . . Cartusiensi, Petro Anceris et Henrico de Bona familiaribus dicti reverendissimi domini cardinalis Arelatensis, Johanne de Rocapetri notario publico.” Beckmann’s remark is contained in his apparatus: “in Vorl. Raum für 1-2 Worte.”

<sup>62</sup>*CB* vi, 503.



be taken into account.<sup>63</sup> If not Buer, the next most probable candidates must be Albertus Harshusem, released from the priorship at Nördlingen and made prior at Buxheim by the 1439 general chapter, or Henricus de Ludenschede, prior at Strassburg, both of whom had served the order as official delegates to the council.<sup>64</sup>

But as important as is the question of identity, it is not the most important unanswered question here. Given Hüglin's description of the unknown Carthusian as a "familiar" of Aleman and the demonstrated vigilance with which the order monitored participation at the council, it is reasonable to surmise that he was present at the council with the knowledge and sanction of the order. What, then, is the significance of the evidence that he alone of all the named familiars present at Aleman's house that evening did not witness the instrument by which Aleman initiated the final stage of the council's prosecution of Eugenius? Was it happenstance, an act of individual conscience, or did this unknown person decline to participate in obedience to instructions of the order? The previously-discussed mandate of the 1438 general chapter that, to preserve the unity of the order, the prior-general make every reasonable attempt to evade any declaration of partiality or adhesion to either council or pope, might predispose us to presume the last; but, as the evidence now stands, the question is unanswerable.

As a result of the nocturnal decision taken at Aleman's residence, the council's chief prosecutors read out at a general congregation on 18 June 1439 the lengthy report of the council's investigations of the charges against Eugenius that recommended his deposition.<sup>65</sup> On 23 June the fathers, voting in the deputations,

<sup>63</sup>*AC* 100:3:57. Buer may have been an early victim of the plague that ravaged Basel during the summer and early autumn of 1439.

<sup>64</sup>*AC* 100:3:49. Henricus de Ludensched also died in 1439, on 25 September, see: *AC* 100:3:57.

<sup>65</sup>*CB* vi, 504-506; *MC* iii, 319-322.

accepted the report, and later that same day, in another general congregation, Eugenius was ordered to appear before the council in two days' time to hear its sentence against him.<sup>66</sup> Finally on 25 June 1439 at its thirty-fourth public session, he was declared a contemnor of the decrees of the sacred councils, a disturber of the peace and unity of the church, a notorious simoniac and liar, an incorrigible schismatic, a pertinacious heretic, a destroyer of the laws and goods of the church, and a harmful and useless administrator of the Roman see, and deposed.<sup>67</sup>

With Eugenius deposed, the council turned its attention to the question of a new pope. That same day the fathers determined to wait sixty days before proceeding with the election of a successor.<sup>68</sup> This interval was extended in part owing to a renewed and severe outbreak of plague that claimed two stalwarts of the council, the canonist Pontano and Ludwig von Teck, Patriarch of Aquileia, both of whom were buried at the charterhouse at Basel, and it was not until 24 October at its thirty-seventh public session that the council settled the particulars of the conclave and appointed electors.<sup>69</sup> That conclave began on 1 November. After several ballots, in which Franciscus Maresme, prior-general of the Carthusian Order received from two to ten votes, depending upon which source is credited, it was announced on

<sup>66</sup>*CB* vi, 517-522; *MC* iii, 323 (for text of citation).

<sup>67</sup>*CB* vi, 523-530; *MC* iii, 324-327, decree *Prospexit dominus* at *CB* vi, 527-529 and *MC* iii, 325-327.

<sup>68</sup>*MC* iii, 327.

<sup>69</sup>*CB* vi, 657-659; *MC* iii, 408-415. The council ratified the choice of electors at its thirty-eighth public session, see: *CB* vi 682-691; *MC* iii, 418-425 A important narrative of event during this period was composed around 1440 by the future Pope Pius II, see: Enea Silvio de' Piccolomini, *De gestis concilii basiliensis commentariorum libri II*, ed. and trans. Denys Hay and W.K. Smith, (Oxford: Oxford University Press, 1967). References to the deaths of Pontano and Teck are at 195 and 197. An account of the selection of papal electors and the election of Amadeus VIII of Savoy as Pope Felix V is at 199-255.

5 November 1439 that Amadeus VIII, Duke of Savoy, then living in quasi-monastic retirement at a former hunting lodge at Ripaille, was the electors' choice.<sup>70</sup>

After formally confirming Amadeus' election at its thirty-ninth public session on 17 November, the council sent a delegation to notify the elderly Duke of his election and to seek his acceptance; this he gave in a letter to the council dated 2 January 1440.<sup>71</sup> At its fortieth public session (27 February 1440) the council promulgated a decree *Cum, sicut sit beatus Hylarius*, announcing both Amadeus' acceptance and his intention to take the name Felix V and calling upon all Christians to render obedience to the new pope or be punished with excommunication.<sup>72</sup> Already in November 1439 the council had dispatched letters announcing the election of the new pope and calling on secular and ecclesiastical authorities to recognize his and the council's authority.<sup>73</sup> In late January 1440 the council dispatched embassies to France and to the German Diet about to meet at Frankfurt am Main to elect a successor to Albrecht II, who, after only a brief reign, had died on 27 October 1439.<sup>74</sup> On 2 February at Frankfurt, the Electors chose Friedrich V of Habsburg, Duke of Styria, Carinthia, and Carniola, to succeed Albrecht as King of the Romans.

<sup>70</sup>*CB* vi, 697-700; *MC* iii, 425-427: Maresme is among those listed as having received between two and six votes in early ballots (426) See above: 4 n. 5. N.B. the salient observation of Stieber, *Pope Eugenius*, 57: "It may be noted in passing that in conducting the conclave, the Council of Basel took the utmost care to observe all the traditional legal forms used in electing a Roman Pontiff. The council fathers never gave up the hope that Felix V might eventually take up residence in Rome and gain control over the Papal States. Nor is there any hint in their proceedings that they wished to abolish the traditional judicial primacy of the Roman Pontiff."

<sup>71</sup>*MC* iii, 460-461, see: 446-460 for the council's interim relations with Amadeus.

<sup>72</sup>*CB* vii, 70-71; see: *MC* iii, 465-469 for text, N.B. that the editors of the *Monumenta conciliorum generalium* have dated the decree to 26 February, neglecting to account for the leap year.

<sup>73</sup>*MC* iii, 442-444.

<sup>74</sup>*CB* 37-39.

Then, with the rest of the Diet, they entertained embassies from the council and Felix and from Eugenius, each requesting that the German princes abandon their policy of neutrality and recognize the claims of their respective principals. Within a few days of these presentations, conducted 3.-6 February, the Electors and princes responded that they did not wish to take any step without consulting their newly-elected king.<sup>75</sup> In early March, immediately after the formal announcement of Felix' acceptance of the papacy, the council sent an embassy direct to Friedrich to try to win his support.<sup>76</sup> Two months later, on 2 May, the new king rebuffed the council's overtures gently, in the manner of his predecessors, by reissuing the council's grants of imperial protection and safe-conduct without offering any commitment and called for a diet to commence on 30 November 1440 to discuss means by which to heal the schism.<sup>77</sup>

In fact the reaction of the secular and ecclesiastical princes of Europe to the council's deposition of Eugenius and election of Felix V and the consequent excommunications and censures levelled by the rival camps was, with a few exceptions, notably devoid of party feeling and stands in marked contrast with the severe political and religious disruptions engendered by the Great Schism of 1378. While each side had its adherents, the unwillingness of either Charles VII or the German Princes to declare an unalloyed allegiance brought for some years the conflict between council and pope to an uneasy and enervating stalemate.<sup>78</sup> But if the council

<sup>75</sup>For discussion of the political context of the election of Friedrich III, crowned at Aachen on 17 June 1440, and an account of the appearance of the rival embassies before the Diet, with thorough references to documents in the *Deutsche Reichstagsakten*, see: Stieber, *Pope Eugenius*, 202-207.

<sup>76</sup>*RTA* xv, 327-343, 348-352.

<sup>77</sup>*RTA* xv, 352-354.

<sup>78</sup>See: Perouse, 353ff. for discussion of the "*molle attitude des parties intéressées*" (354)

found little aid and comfort from secular and high ecclesiastical authorities, it seems to have fared considerably better with transalpine clergy, particularly within universities and religious orders.<sup>79</sup> One of the first of such entities to declare support for the council and recognition of Felix V was the Carthusian Order.

The documentary remains of the Council of Basel's pursuit of Carthusian adhesion consist of three bulls preserved in a manuscript held now in the library at University of Basel.<sup>80</sup> The first, dated 5 April 1440 and addressed to the prior-general and the general chapter, takes a formal tone and recapitulates the substance of the council's 27 February decree, *Cum, sicut sit beatus Hylarius*.<sup>81</sup> The fathers

<sup>79</sup>Stieber, *Pope Eugenius*, 72-115 provides a fine resume of reaction to the council and the schism among religious and university clergy in Imperial territories rich with bibliography suggesting avenues of further research. Based on his survey of the available literature concerning the Benedictines, Carthusians, Augustinian Canons, Augustinian Friars, Dominicans, Franciscans and Carmelites, Stieber offers several "tentative conclusions": "In the Empire, none of the religious orders accepted the claim of Eugenius IV that he had the legal right to transfer the Council of Basel against its will and none of them sent representatives to the papal council at Ferrara. In the crucial decade of the 1440's Eugenius IV could never count on more than a handful of supporters among the German regular clergy. The overwhelming majority ranged in their attitude from a position of neutrality which favored the Council of Basel to one of recognizing Felix V as the legitimate pope. Another conclusion which has emerged is that the Council of Basel tended to receive its most consistent support from those religious orders in which there existed a strong commitment to reform both before and during the time of the council." (112-113). Helmuth, in his consideration of the attitudes adopted by regular and mendicant clergy towards the church conflict, praises (and relies upon) Stieber's treatment despite its regional focus, noting that the generality of older scholarship on religious and mendicant orders, in part because of restrictions placed on the religious who produced it, pays little direct attention to these matters, see: Helmuth, 121-129.

<sup>80</sup>Basel, Universitätsbibliothek Hs. A II 25, ff. 86r-87v are drawn from a miscellany containing other materials pertaining to the Council of Basel and conciliarism.

<sup>81</sup>The fathers note that they had previously sent a copy of this decree to the order, cf Appendix A, 245, //9-12. It is on account of this that the copyist calls this the second bull sent from the council to the order.

recount the crimes that Gabriele, once called Pope Eugenius IV, had committed that had brought and threatened still to bring disorder on the church, charging that he had disdained the legitimate authority of councils, had mocked the canons of the church, and, by trampling on the pronouncements of the general councils in matters of faith, had thrown into doubt things considered on the basis of catholic and apostolic teaching necessary for the salvation of every Christian.<sup>82</sup> They remind the Carthusians that, in the face of such assaults, the council had exercised great restraint, but that Gabriele had ignored many warnings and had persisted, incorrigible, in scandalizing the church. As a consequence the council had obeyed the teaching of Christ—Math. 18.19: “If he shall not have listened to the church, let him be to you as a heathen and a publican”—and had deposed him lest “the sickness in the head [of the church] invade the whole body and the authority of the universal church and of the sacred councils tumble over the precipice.”<sup>83</sup> Emphasizing the deliberation with which they acted in electing a successor, they offer a thumbnail sketch of the

<sup>82</sup>Appendix A, 243, II.12-25: “Cum enim manifesta esset vniverso orbi gravis impugnatio quam aduersus auctoritatem conciliorum et canones sacros pro honore dei et salute animarum ac status ecclesie vniversalis editos agebat Gabriel olim dictus Eugenius papa quartus, declaraciones et decreta in fide et moribus per eandem synodum factam temere parvipendens atque contempnens ac auctoritati dicte synodi eam lacerando fortiter se opponens, et nullatenus dissimulari aut conniventibus oculis pertransiri posset tanta ruina tantaque desolacio que non solum temporibus suis verum eciam futuris diebus ipsi ecclesie imminebat. Si sic prefata conciliorum auctoritas haberetur in derisum, si canones in contemptum et ludibrium verterentur, si insuper declaraciones facte per ecclesiam in materia fidei et potestatis a christo date concilliis generalibus et ea ad que de necessitate salutis omnes christiani ex doctrina catholica et apostolica tenentur, in dubium revolvi aut conculcari et confundi permitterentur, necesse fuit huic sancte synodo post longam expectacionem in multa paciencia hiis moribus occurrere.”

<sup>83</sup>Appendix A, 243 I.25-2 I.6: “Et dum prefatus Gabriel post plures ammoniciones se contumacem atque incorrigibilem prebuit ecclesiam notorie scandalizare ac auctoritatem ipsius huiusmodi fortius atque fortius impugnare non cessans, oportuit facere quod precipit veritas dicens, *Si ecclesiam non audieret sit tibi sicut ethnicus et publicanus*, atque ipsum a papatu propter hec at alia notoria demerita sua per sentenciam synodalem deponere, ne, quod absit, si languor non esset curatus in capite, totum corpus morbus invaderet ac vniversalis ecclesie et sacrorum conciliorum auctoritas in precipicium corrueret.”

attributes of a good pope: he must act to alleviate the troubles of the church by defending the faith, by preserving the authority of general councils, by carrying out the canons and decrees of those councils, by reforming morals, and by promoting peace among Christians.<sup>84</sup> In Felix V they present a pope of virtue, piety, and distinction, faithful to conciliar views of church governance and willing to give of himself personally and materially for the sake of the church: in short, one providentially provided for the church.<sup>85</sup> The fathers then close their letter challenging the order to be a model for others by swiftly accepting Felix and charging the general chapter to make its decree of 27 February known in every charterhouse and to require all professed members as well as all persons ecclesiastical or lay under the care of the order to recognize Felix V and obey his commands, actions, and censures.<sup>86</sup>

<sup>84</sup>Appendix A, 244 ll. 6-11: “Qua quidem depositione per hanc sanctam synodum, necessitate rei publice et fidei catholice exigente, facta, expectatis quatuor mensibus et ultra ad electionem alterius summi pontificis procedere duxit, qui suo ministerio ecclesiam dei a suis calamitatibus et languoribus relevare posset fidem defendendo, auctoritatem sacrorum conciliorum conservando, eorumque canones et decreta exequendo, mores reformando, et pacem christianorum prosequendo.”

<sup>85</sup>Appendix A, 244 ll.11-22: “Tandemque velut in tempore ad hec aptissimus electus fuit sanctissimus Felix v tunc Amedeus, decanus militum in solitudine Ripallie Gebennensis diocesis dompno famulancium, ac Sabaudie dux qui postquam in habundancia pacis et iusticie domui pariter et dompniis suis laudabiliter et virtuose pfeuit, iam per plures annos in simplici et humili habitu ac in observacione continencie vitam suam in prefata solitudine duxerat, virtutum cultor, bonorum et virtuosorum amator, consolator pauperum, quique cum omnibus pacem habere semper optavit, prudencia et iusticia famosissimus quem eciam in hoc tempore reservasse divina prudencia dignata est, vt in tempore necessitatis succurreret ecclesie sue quam Christus ipse non deseret usque ad consummacionem seculi, cuius pietas excitavit animum eiusdem electi, ut postpositis omnibus vellet ipsi ecclesie servire ac corpus et bona pro eadem exponere.”

<sup>86</sup>Appendix A, 246 ll.2-15: “Que omnia attendere velint vestre devociones et ut dei omnipotentis indignacionem effugiatis in exhibenda obediencia firmaque adhesione prefato Felici V, quem verum et indubitatum Iesu Christi vicarium in terris nullus christifidelium ambigere potest, tanto vos prompiciores ostendatis quanto in ordine vestro religionis et sanctimonie decus inpresenciarum singulariter fulget quantoque observancia regularis precipue colitur et aliis estis in speculum vite et

The two other bulls sent from Basel treat an embassy to be sent to the Grande-Chartreuse. One, dated 10 April and authored by the council, addresses the prior-general and the general chapter in a more familiar and direct manner. Its purpose was to ask the assembled priors to grant envoys the fathers were sending to them a receptive hearing. Of even greater interest, however, this bull confirms key inferences that have emerged from the preceding discussion of the records of the order and the council. In the first place the fathers recognize the demonstrated sympathies of the order:

[The holy synod] is not ignorant of the faith and devotion that the religious of your order have always exhibited towards this holy council and of the sympathy that they have had and continue to have for the reformation and the tranquility of the ecclesiastical estate.<sup>87</sup>

Second, and equally important, they testify to a continued Carthusian participation at the council even in the aftermath of the election of Felix V by acknowledging that they had informed the order of their reasons for deposing Eugenius and electing Felix not only by letter but also by messages committed to Carthusians present at the council (*apud nos*).<sup>88</sup> The other bull, emanated from Felix V himself, then at Thonon, and is dated 17 April. In their 10 April letter the fathers had named as their

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discipline normam constituti. Eisdem preterea devocionibus vestris in virtute sancte obediencie precipiendo mandamus, quatenus prefati decreti tenorem et continenciam, quod sub bulla sua prefata vobis transmittit synodus, singulis ordinis vestri monasteriorum conventibus vbilibet constitutis publicari, et insinuari procuretis ac vniversos prefati ordinis vestri religiosos et quoslibet alios cure et sollicitudini vestre commendatos ecclesiasticos et seculares ut prefato Felici V tamquam vero et indubitato Romane ecclesie pastori, eiusque litteris mandatis et processibus ac censuris firmiter, vt tenentur, obediant et intendant inducatis.”

<sup>87</sup>Appendix A, 247 II.10-12: “Non ignorat eciam fidem et devocionem quam erga hoc sacrum concilium religiosi ordinis vestri semper exhibuerunt et affectum quem ad reformationem et ecclesiastici status tranquillitatem habuerunt et continuo habent.”

<sup>88</sup>Appendix A, 248 II.1-4: “. . . prout expedientissimum erat edidimus et promulgavimus quibusdam vestri ordinis religiosis qui nuper apud nos fuerunt ad prefatum capitulum accedentes, devocionibus vestris insinuanda communicavimus.”



envoys to the Grande-Chartreuse Michael Balduini, a lawyer and theologian, and the humanist, Aeneas Silvius Piccolomini, later Pope Pius II. But Felix, having been impressed by the distinction Piccolomini had achieved at the council, had made him one of his secretaries and wished to employ him in other matters. Therefore he wrote directly to the Grande-Chartreuse to notify Maresme and the rest of the priors of the appointment of a substitute, Ludovicus de Montedo, doctor of canon and civil law and the president of the Savoyard ducal council at Chambéry.<sup>89</sup>

The Carthusian general chapter received these bulls and responded to each by brief letters that are preserved in the Austrian National Library.<sup>90</sup> The first and third in the series, both dated 29 April 1440 and addressed to the Council of Basel and Felix V respectively, are substantively identical. Both acknowledge that the conciliar envoys had arrived at the Grande-Chartreuse and had been heard by the chapter. Both complement the prudent and eloquent manner in which they had assuaged many concerns.<sup>91</sup> And both proclaim the readiness of the order to send a delegation to

<sup>89</sup>Appendix A, 241 ll.11-242 ll.1: “vt melius deliberare possitis mittimus ad conventum vestrum, tam nos quam sacrum basiliense concilium dilectos, filios Ludovicum de Montedo militem iuris utriusque doctorem ducalis concilii chamberiaci presidentem ac Michaellem Balduini legum doctorem et in sacra theologia professorem, nuncios et oratores nostros, quibus nonnulla commisimus vestris devotionibus referenda dictorum vniversalis ecclesie sacri concilii et nostrum statum concernentia. Quibus hortamur quatenus in dicendis nostro nomine fidem plenariam adhibentes, taliter vos circa bonum ecclesie dispositos demonstratis vt apud eum pro quo mundum reliquistis, tanto maiora consequi premia mereamini quanto ille, qui veritas est, veritatem vos diligentius querere atque sequi perspexerit. Ceterum, cum in litteris sacri concilii nominatus sit dilectus filius magister Eneas Senensis secretarius noster, tanquam ipse nostro et eiusdem concilii nomine ad vos venturus esset, ne qua vobis exinde admiratio sit poscimus. Ipsum enim Eneam apud nos pro nostris negociis retinentes, Ludovicum prefatum loco eiusdem transmissimus.”

<sup>90</sup>Vienna, Österreichische Nationalbibliothek Hs. 5116, ff. 410r-v. The letters were written on behalf of the general chapter by the prior-general and the diffinitors of the chapter.

<sup>91</sup>Appendix B, 249 ll.8-13: “Qui revera tanta prudencia et verborum pondere eloquia sibi credita et talentum commissionis ipsis traditum taliter apud nos dispensaverunt ac lucerna sue directionis tam plena dilucidacione instruxerunt vt inde nos de multis dubiis claros efficienter et cum multa mansuetudine in perfeccionem

Basel as soon as the chapter will have concluded its business.<sup>92</sup> The second letter is even more straightforward, a simple message, dated 3 May, notifying the council that the prior-general and diffinitors were dispatching priors of the Buxheim, Antwerp, Tournai, and Cologne charterhouses to Basel to render on behalf of the order obedience to the council.<sup>93</sup>

Such letters give the impression of an harmonious 1440 general chapter. If they indicate that the priors voiced “many doubts” about the rightness of the council’s and Felix V’s claims, they also relate that the envoys were able to dispel those doubts persuasively. Nevertheless the apparent uneventfulness in this telling of how that chapter came to its decision to adhere formally to the Council of Basel and its pope stands in stark contrast with the divisiveness the order’s previous participation at Basel had sparked and against which recent general chapters had

vestras supportantes morum exemplis animos nostros optime reficiebant. . . ”; see also: Appendix B, 3 ll. 10-14. The passages are identical.

<sup>92</sup>Appendix B, 249 ll.15-21: “Sed quia actu residendi capitulum nostrum generale pro tocuis ordinis et antiqui nostri propositi conservacione in quo plurima nobis occurrent necessario opere peragenda ita vt nostros non tam cito potuerimus expedire cum eorum expedicio pendeat excapitulariter pertractandis sed ex post absque dispendiosa mora sufficienter instructos transmittemus ad easdem reverendas paternitates ut deo volente prout supra informandas quas divina providencia ad laudem suam et populi christiani profectum gubernare et dirigere dignetur omnibus in agendis.”; see: Appendix B, 251 l.16-252 l. 4, for similar text.

<sup>93</sup>Appendix B, 250 ll. 4-8: “ad easdem reverendas paternitates pertransmittimus venerabiles fratres nostros priores videlicet Aula marie Antwerpie tornacii et colonie desuper intencione tocuis ordinis statum sancte matris ecclesie concernente ad plenum informatos quibus prioribus indicendis nostri ex parte dignentur prefate reverende paternitates vestre fidem indubiam adhibere.” The priors appointed were Albertus Harshusem of Buxheim, Theodoricus Teerlinck of Antwerp, Johannes d’Auffey of Tournai, and Johannes Schunde of Cologne. On Johannes d’Auffey, cf LeVasseur ii, 444; F. Desmons, “La Chartreuse du Mont Saint-André a Chercq, près Tournai, 1375-1783,” *Annale de la Société Historique et Archéologique de Tournai*, NS 14(1911), 129-130 makes no mention of his participation in the embassy to Basel. Christel Schneider, *Die Kölner Kartause von ihrer Gründung bis zum Ausgang des Mittelalters [Veröffentlichungen des Historischen Museums der Stadt Köln, Heft II]* (Bonn: Peter Hanstein, 1932), 40-41 similarly does not discuss Johannes Schunde’s demonstrated conciliar sympathies, see below: 207.

labored. Other extant evidence demonstrates that this internal discord had not simply evaporated. A second manuscript held now in the Universitätsbibliothek at Basel, also a miscellany of mostly conciliar writings, contains a document that reveals details of the conciliar envoys' mission to the Grande-Chartreuse that the prior-general and diffinitors of the chapter might have felt impolitic to acknowledge.<sup>94</sup> Perhaps an eyewitness account, this brief memoir, identified in the published catalog of that library as the *Relatio de adhesione ordinis carthusiensis ad concilium*, attests that the chapter's decision to recognize the legitimacy of the Council of Basel and of its recently-elected, but as yet uncrowned, Pope Felix V was taken only after a lively, contentious debate of a decidedly academic cast. The anonymous author identifies a core group of sixty of the assembled priors, men described as "doctors, renowned men of great learning and conscience, imbued with divine, human, and civil law", who seem to have taken the lead in discussions with the conciliar envoys, who were themselves formally trained in law and theology.<sup>95</sup> Quite naturally, then, these discussions seem to have been conducted in a manner informed by the scholarly norms of the university, proceeding as they did by "treatises, disputations, [and] debates" among participants who had come to the chapter prepared to advocate their divergent viewpoints. Although nothing is conveyed of the substance of the issues discussed—the author states only that they concerned "those things that look to the salvation

<sup>94</sup>Basel, Universitätsbibliothek Hs. A I 27, f. 287v.

<sup>95</sup>Appendix C, 253 II.6-8: "Qui quidem patres devoti et in spiritu humilitatis congregati in magna multitudine inter eos fere sexaginta doctores viri famosi magne sciencie et consciencie inbuti lege divina civili et humana . . ." This praise of the devotion and learning of the priors attending the chapter seems at variance with the conventions of Carthusian humility and suggests that the author of the document was not a Carthusian.

of the soul”,<sup>96</sup> it seems clear that those Carthusians who had balked at the order’s previous support and participation at Basel had gathered themselves to oppose formal recognition of the council and Felix V. Whether these were supported by others who, while well-disposed to the council, nevertheless recoiled from its deposition of Eugenius IV and election of Felix V cannot be determined. In any event the dissenters must have put up a determined resistance—the *Relatio* notes that the conciliar emissary Michael Balduini spent some days exhorting them to obedience. Likely it was this that prompted Maresme and the diffinitors to plead the business of the chapter when justifying delay before sending a delegation to Basel in their 29 April letters to the council and Felix.<sup>97</sup> Ultimately the dissenters were overcome or ignored, but the conviction of the author of the *Relatio* that the “fathers agreed as one, unanimously, with no one dissenting inwardly” was, as will become apparent, more wishful than accurate.<sup>98</sup>

Both Jacob Hüglin’s notarial protocol and Segovia’s history relate that Michael Balduini escorted a delegation of four Carthusian priors before a general

<sup>96</sup>Appendix C, 253 ll.8-10: “. . . habentes inter se vna cum oratoribus sacri basiliensis concilii nonnullis tractatibus disputationibus altercationibus super hiis que spectantibus ad salutem anime . . .”

<sup>97</sup>Appendix C, 253 ll.15-19: “. . . de ambassiatoribus vero sacri concilii fuit missus dominus Michael Baldwini vtriusque iuris et sacre theologie professor, secum conferens de singulo faciendo collacionem coram eis bene novem dies, cuius thema fuit *Apprehendite disciplinam, nequando irascatur dominus et pereatis de via iusta*, cuius collacio multum collaudanda et fructuosa extitit.” The *siglum* denoting the number of days Balduini lobbied the chapter can be read as four, five or nine. Inasmuch as the chapter began on 25 April and the letter informing the council of the delegation to be sent to Basel from the Grande-Chartreuse was dated nine days later on 3 May, any of these renderings is possible. For relevant passages in 29 April letters, see above: 159 n. 95.

<sup>98</sup>Appendix C, 253 ll.19-20.

congregation of the Council of Basel on 13 May 1440.<sup>99</sup> Balduini, by way of introducing the Carthusian envoys to the fathers, spoke first, recounting his successful mission to the Grande-Chartreuse. Then, one after another, the Carthusian priors, stepped forward to attest that the recently concluded general chapter, guided by its diffinitors, had determined in fact to offer the full and unhesitating obedience of the entire order to the council and Felix V and that they had been sent to Basel to notify the council formally.<sup>100</sup> At a time when most ecclesiastical and secular authorities and institutions had not as yet professed an allegiance or had declared a policy of neutrality, the formal adhesion of the Carthusian order to the Council of

<sup>99</sup>*CB* vii, 123-128; *MC* iii, 473, where Segovia remarks that Balduini's fellow envoy, Ludovicus de Monteolo, was also present. Of the two accounts, Hüglin's is the more informative, including as it does an instrument drawn to attest the event.

<sup>100</sup>*CB* vii, 126-127: "Successive vero venerabiles in Christo devoti religiosi viri fratres Albertus prior Aule Marie diocesis Auriensis, Johannes de Affeyo prior domus Montis Sancti Andree prope Prunnum, Gotfridus Basto prior domus Claustrii Marie prope Hyldensem visitator primarius provincie Saxonie, et Adolphus prior in minori Basilea tamquam oratores et ambassiatores missi, ut asseruerunt, a dicto capitulo in hujusmodi congregacione sacri concilii presentes et dictam relacionem per magistrum Michaelem factam audientes in medium surrexerunt dicentes publice et affirmantes nomine ambassiatorio predicto, qualiter dictum indubitatum ipsi sacro concilio Basiliensi et dicto domino nostro sanctissimo Felici in summum pontificem electo in ipso suo generali capitulo fecerunt obedienciam quodque ipsi ad hoc missi erant a dicto capitulo suo, ut obedienciam hujusmodi nomine quo supra dicto sacro concilio et domino nostro sanctissimo memorato facerent et exhiberent, prout illico humiliter et devote palam et publice illam fecerunt pariter et prestiterunt." It is interesting to note that two of the priors who appeared before the council were not among the four named by Maresme and the diffinitors in their letter of 3 May. Originally Albertus Harshusem, prior at Buxheim, and Johannes d'Auffey, prior at Tournai, were to have been accompanied by Theodoricus Teerlinck of Antwerp and Johannes Schunde of Cologne. Instead they appeared before the council with Godefridus Basedow of Hildesheim and Adolphus Bruwers of Basel. Of course it is possible that last-minute substitutions were made, but a remark by Segovia, not corroborated by any other evidence of which I am aware, suggests another possible explanation. Segovia, who does not name the priors who addressed the council, relates that they, together with two other unnamed priors, travelled first to Lausanne to offer the order's obedience to Felix before coming to Basel, see: *MC* iii, 473. It may be that all six of the priors in question here went to Lausanne and that Teerlinck and Schunde, both known supporters of the council, either remained for a time with Felix or returned directly to their charterhouses.

Basel and Felix V buttressed the credibility of the council.<sup>101</sup> Certainly the fathers recognized the value of recognition by an order with such a reputation for sanctity and rigor. And so the day following the formal declaration of Carthusian adhesion they celebrated the welcome news with a *Te Deum* and rewarded the order for its “fervent devotion and zealous obedience” with a “certain and singular spiritual grace”.<sup>102</sup>

Several modern historians of the Council of Basel, however, discount the significance of the Carthusian decision for the council and Felix V. Writing at the beginning of this century Noël Valois attributes the adhesion of a “notable part” of the order to the “geographical situation of the Grande-Chartreuse”.<sup>103</sup> More recently Johannes Helmrath, in his indispensable survey of Basel scholarship, and Heribert Müller, in an extensive study of French relations with the council, offer a blunter assessment: that the Carthusian order was compelled to recognize the council and Felix because the Grande-Chartreuse was situated in Savoyard territory.<sup>104</sup> Such

<sup>101</sup>The representative at Basel of the Teutonic Knights, Johann von Ast, wrote on 11 June 1440 to inform his Grand Master, Pauwel von Rußdorff, that Johann von Reichensperg, Archbishop of Salzburg, Duke Albrecht III/ Munich, Heinrich IV/Landshut, Ludwig VII/Ingolstadt of Bavaria, and the entire Carthusian Order had made obedience to Felix V, cf *RTA* xv, 355, n. 2.

<sup>102</sup>*CB* vii, 127: “. . . et post finem misse hujusmodi decantatum fuit solemniter eciam cum organis ‘Te Deum laudamus’ etc., et hoc propter jocunda et salubria nova hujusmodi obediencie per dictos venerabiles dominos Cartusienses prestite. Et hiis sic gloriose finitis in ipsa generali congregacione presentibus dictis dominis et fratribus quatuor Cartusiensibus, ambassiatoribus prenotatis, et ipsis nomine sui ordinis hujusmodi instantibus conclusum fuit auctoritate dicti sacri concilii de concedendo ordini dictorum fratrum Cartusiensium universaliter certam et singularem gratiam spiritualem, et hoc in recognitionem et vicissitudinem illius fervide devocionis et zeli obediencie, quam gerebant erga dictum sacrum concilium et ipsum sanctissimum dominum nostrum papam.”

<sup>103</sup>Valois, ii, 263, n. 1: “La situation géographique de la Grande Chartreuse procura à Félix l’ adhésion, sinon de l’ordre tout entier, du moins d’une partie notable de l’ordre de Chartreux . . .”

<sup>104</sup>Johannes Helmrath, *Das Basler Konzil, 1431-1449: Forschungsstand und Probleme*, [*Kölner historische Abhandlungen*, Bd. 32], (Köln: Böhlau Verlag, 1987),

assertions—for assertions they are and not reasoned explanations inasmuch as none of these authorities adduces evidence for his contention—not only ignore the evidence presented here of consistent Carthusian support for the council almost from its inception but rest also upon inaccurate assumptions. The most egregious of these stem from inattention to the political history of the region.

As regards the view shared by Helmrath and Müller that in 1440 the Grande-Chartreuse lay within Savoyard territory, recourse to the history of the Dauphiné proves corrective. In 1349 Humbert II, last Dauphin of the Viennois, determined to retire to the religious life. In March of that year he surrendered the Dauphiné to Charles of Valois, grandson of Philip VI of France (1328-1350), in exchange for a large payment and a generous annuity.<sup>105</sup> This “transport” of the Dauphiné and subsequent hostilities between Savoy and France resulting from Amadeus VI’s annexation of the *pays de Gex* in 1353/1354 exacerbated rather than eased the jurisdictional rivalries between Dauphinois and Savoyard nobles that had disturbed the peace of the region for more than a century. As part of a treaty signed at Paris on 5 January 1355, John II of France and Amadeus VI of Savoy tried to establish a reliable frontier along the Rhône, Guiers and Isère rivers. Although generally successful, the

127: “Ein Grund dürfte allein schon darin zu suchen sein, daß die Grande Chartreuse auf savoyischem Gebiet lag.” Heribert Müller, *Die Franzosen, Frankreich und das Basler Konzil (1431-1449)*, [Konziliengeschicht, Reihe B: Untersuchungen], hrsg. von Walter Brandmüller, (Paderborn: Ferdinand Schöningh, 1990), ii, 806: “Einen Sonderfall bilden der Kartäuser, deren enge Beziehungen zu Basel, auch und gerade in der zweiten Konzilshälfte, sich mit aus dem Umstand erklären dürften, daß ihr Mutterhaus auf savoyischen Gebiet lag.”

<sup>105</sup>Eugene L. Cox, *The Green Count of Savoy, Amadeus VI and Transalpine Savoy in the Fourteenth Century*, (Princeton: Princeton University Press, 1967), 56-62, 68-75, at 74-75 presents a decidedly more worldly explanation for Humbert’s conversion and sale of his patrimony. See: Gaston Letonnelier, *Histoire du Dauphiné*, (Paris: Presses Universitaires de France, 1946), 66-69. The arrangements for the “transport” of the Dauphiné were settled by a treaty concluded between Humbert II and Philip VI of France on 30 March 1349 at Romans. For text, see: J. J. Guiffrey, *Histoire de la réunion du Dauphiné à la France*, (Paris: Académie des Bibliophiles, 1868), 223-247.

effort was marred by lingering disagreements over the precise location of the border at the Guiers caused by the failure of the treaty to stipulate which of the two tributaries, the Guiers *vif*, nearer to Savoyard lands, or the Guiers *mort*, the confluence of which near Miribel-les-Echelles forms the greater Guiers, would define the frontier. Each party interpreted the treaty to its advantage and attempts at mediation, such as that negotiated in a subsequent treaty signed on 24 February 1377 by Amadeus VI and Charles V of France, formerly the first French Dauphin, failed so that suzerainty over the lands lying between the tributaries, in which is situated the Grande-Chartreuse, remained long in question.<sup>106</sup>

Thus one cannot simply invoke, as do Helmrath and Müller, the *cuius regio, eius religio* principle in order to explain Carthusian adherence to the council and Felix V. But to demonstrate that the 1440 general chapter's decision for Basel was not dictated by a direct exercise of Savoyard political dominion is not to prove that the order was immune to Savoyard influence. Irrespective of the disputed Guiers frontier the proximity of the Grande-Chartreuse to Savoy requires due consideration of Valois' assertion that a significant number of Carthusians offered obedience to Basel because of the "geographical situation of the Grande-Chartreuse". The difficulty with this assertion is that it assumes that at the time of the Council of Basel Amadeus VIII's political influence in the *l'Entre-Deux-Guiers* was strong and unchallenged. Once again recourse to events suggests that it was neither. In 1430 Amadeus VIII made an alliance with Louis II de Châlon, Prince of Orange, to seize the Dauphiné in hopes of gaining the *pays de Grenoble* and the surrounding mountains including the

<sup>106</sup>For discussion of the Paris treaties of 1355 and 1377, see: Jean Cordey, *Les comtes de Savoie et les rois de France pendant la guerre de cent ans (1329-1391)*, (Paris: Librairie Honoré Champion, 1991), 124-130, 203-205; texts of two treaties at 312-325 and 336-341, respectively. N.B. mediation plan for disputed Guiers frontier with provision for papal arbitration agreed in 1377 treaty, at 338-339.



Chartreuse. The adventure ended in disaster for Louis and embarrassment for Amadeus when the Prince of Orange and his troops were massacred at Anthon on 16 June 1430 by a Dauphinois army led by the French governor Raoul de Gaucourt. Renewed negotiations over the disputed frontier in the late 1430s ended in stalemate.<sup>107</sup> Any attempt, therefore, to maintain that the Carthusians were compelled by either actual or anticipated pressure from Savoy to give obedience to the Council of Basel and Felix V must take into account the countervailing interests and policies of the French, whose King and clergy, *including* that of the Dauphiné, it will be remembered, had declared by means of the Pragmatic Sanction of Bourges (7 July 1438) their neutrality in the conflict between the Council of Basel and Eugenius IV.<sup>108</sup>

The purpose of these criticisms is not to suggest that the Carthusian Order was somehow insulated from potential coercion on the part of secular or religious authorities. After all it was in great measure the application of such pressures that had overcome initial attempts by the order to steer a neutral course during the first years of the Great Schism. The result was an internal schism that divided the order into rival obediences for more than thirty years.<sup>109</sup> As we have seen the 1438 general chapter recognized this danger and tried to provide both means by which the prior-general might deflect such attempts at intimidation and, should those efforts

<sup>107</sup>Marie José, i, 192-196; Letonnellier, 73.

<sup>108</sup>See above: 127, n. 23.

<sup>109</sup>Bligny, 39: “. . . prise entre le Dauphiné valois et la Savoie, qui s'étaient déterminés en faveur de celui d' Avignon, et nonobstant un privilège romain d'Urbain VI, la Grande-Chartreuse rallia vers 1379/1380 l'obédience de Clément VII, lequel ne se montra pas moins empressé que son rival. A l'inverse, la chartreuse de Catane d'abord 'clémentiste' avait été contrainte, par la reine de Naples, à devenir 'urbaniste' après expulsion des indésirables, méthode dont usèrent aussi d'autres dynastes avec de fortunes diverses . . .”

fail, means by which the unity of the order might be preserved.<sup>110</sup> Indeed there is some evidence, albeit circumstantial, that Felix V might have tried to force, had he needed to do so, the Carthusians to declare and maintain their allegiance to the council and to himself. He had, it is to be recalled, removed Aeneas Silvius Piccolomini from the embassy dispatched to the 1440 general chapter sending as a replacement Ludovicus de Montedo, a doctor of canon and civil law who happened also to be an important Savoyard official. Contemporaries, moreover, understood clearly the underlying political realities. When Segovia wished to discredit a rumored rapprochement secretly negotiated between the 1442 Carthusian general chapter and Eugenius, he did so in part by pointing out that because the Grande-Chartreuse and a number of other charterhouses were located in areas that were loyal to Basel, the order continued to recognize Felix as pope for as long as he claimed the papacy.<sup>111</sup> Such evidence, however, speaks only to the potentialities of the past and not to actual events. That Felix V was capable of and perhaps prepared to resort to political intimidation to gain Carthusian adhesion does not preclude the possibility that the order sincerely wished to render obedience to Basel. On that score the evidence presented here is plain. From 1432 succeeding Carthusian general chapters offered steadfast support to the council tempered only by a profound commitment to

<sup>110</sup>See above: 133f.

<sup>111</sup>*MC* iii, 474: “Prout autem horum commentarius accepit ex litteris cardinalis sancte Crucis [Albergati] Cartusiensis professi ad priore domus de Anayago in regno Castelle, directis ex Florencia Kalendis Augusti, anno predicto XLII<sup>o</sup>, Iunio mense anni huius Flandrensis et Papiensis priores ad curiam olim Eugenii et ad ipsum per priorem Cartusie destinati significarunt, in capitulo apud Cartusiam celebrato diffinitum fuisse atque conclusum ordinem ipsum Cartusiensem omnimodam prestare obedienciam olim Eugenio pape quarto; de qua conclusione ipse informatus erat, eoque omnia negocia dicti ordinis reposuerat in voluntate ac dispoicione prioris ipsius, quemadmodum per prius erant. Quia vero domus ipsa Cartusie alieque constitute in locis, vbi erat obediencia concilii Basiliensis, ipsum Felicem, quamdiu papatus fungebatur nomine, vt talem confitebantur, vtrum ab ipso olim Eugenio quitquam expositis simile obtinuerint, non significat, quia referenti non constitit.”

the preservation of the unity of the order. And they did so independently of the changeable policy pursued by Amadeus VIII, who, on occasion, was at odds with the council and who seems to have maintained good relations with Eugenius IV even after his deposition by the council on 25 June 1439.<sup>112</sup> In light of this, the burden of proof resides with those who wish to claim that the order, unwilling, was forced into declaring its adhesion to the Council of Basel and Felix V.

Such proof is not to be found in the Carthusian *cartae*. In fact the *cartae* for the years 1440-1449 are nearly silent regarding the Basel-Florence (Rome) schism. This silence, however, ought not be construed as evidence that the Carthusian adhesion to Basel had been coerced; rather it testifies to the commitment of those general chapters to maintaining the unity of the order. For just as Maresme and the 1440 diffinitors sought to downplay disagreement within the order when communicating with the fathers at Basel, they and their successors wished not to exacerbate those disagreements by trumpeting the order's recognition of Basel and Felix V. In this the 1440 chapter conformed itself to the conciliating strategy adopted by the 1438 and carried forward by the 1439 general chapters to blunt discord over the order's participation at the council—an unremarkable continuity of policy seeing that seven (out of nine) of the 1440 diffinitors had served as diffinitors

<sup>112</sup>Helmrath, 236, n. 211 notes that Amadeus VIII is known to have protested Eugenius' deposition on 20 July 1439. In 1435 Amadeus, angered that the council recognized as Bishop of Lausanne a rival of the candidate he favored, had appealed the case to Rome, an act much resented at Basel, see: Marie José, ii, 152-154. In late 1436, although he volunteered Nicod de Menthon, his governor of Nice, to captain the conciliar fleet sent to Constantinople, Amadeus showed little interest in hosting on Savoyard territory a council of reunion and no interest in advancing to the council the 70,000 florins deemed necessary to defray the expenses of transporting the Greek participants to Savoy, see: *CB* i, 445, iv, 322-331 *passim*; Gabriel Pérouse, "Documents inédits relatifs au concile de Bâle, (1437-1449), *Bulletin historique et philologique du Comité des travaux historiques et scientifiques*, (Paris, 1905), 368, n.3.

in 1438.<sup>113</sup> Thus the 1440 *carta* makes allusion neither to the schism nor to either of the rival popes. And apart from the aforementioned ordination disciplining the prior and procurator of the charterhouse at Nördlingen for unauthorized contacts with the council, there is no explicit reference anywhere in the *carta* to the council.<sup>114</sup> Indeed the most striking aspect of the 1440 *carta* is a signal departure from the established pattern of prescribed liturgical observance. Whereas general chapters from 1432 through 1439 had instructed each charterhouse to offer *tricennaria* on behalf of both Eugenius IV and the council, that of 1440 imposed a single blanket *tricennarium* for the church that God might deign to reform it, in head and members, into the better, to deliver it from pernicious attacks, and by his wonted mercy to preserve it.<sup>115</sup> Absent also from the 1440 *carta* were *tricennaria* customarily imposed on behalf of certain princely benefactors and favorites of the order. Given the long-standing opposition to the council within the order it is not remarkable that charterhouses were no longer required to dedicate masses to the House of Savoy. That would have stood as just the sort of provocation the general chapter wished to avoid. What is noteworthy is that the 1440 Chapter also did not reimpose the *tricennaria* traditionally afforded the Duke of Burgundy, Eugenius' staunchest transalpine supporter, and Cardinal Albergati, also a firm advocate for the deposed pope and a former Carthusian.<sup>116</sup> Such evenhandedness demonstrates that

<sup>113</sup>See: Appendix F.

<sup>114</sup>See above: 130 n. 30.

<sup>115</sup>AC 100:3:61: "Pro bono et pacifico statu ac prospera directione vniuersalis ecclesie sancte Dei, et ut Deus dignetur eam tam in capite et in membris de bono in melius conseruare et a quibuscumque sinistris incursibus liberare ac sua clementia solita perseruare, fiat vnum tricennarium de Spiritu Sancto per totum Ordinem cum penultima oratione 'Prende' in pluralie in qualibet missa ipsius tricennarii dicenda."

the order's concern for unity was not limited to the appeasement of its disaffected members.

Although this commitment to prevent the schism in the church at large from taking root in the order restrained the 1440 and subsequent general chapters, a close reading of the 1440 *carta* nevertheless yields evidence for the order's allegiance to the council hidden, as it were, in the ordinary business of the chapter. And so it confirmed the 1439 ordination establishing a proctor at Eugenius' court charged with capturing and silencing disaffected, wandering monks, many of whom, it is argued here, had come to Florence to complain of the order's relations with the council. It renewed too the appointment of those *collectores taxe* originally mandated by the 1436 general chapter for the collection of the arrears of required contributions to support the order's participation at the council. Moreover it defended those obligations by rebuking the prior of the charterhouse at Snals for failing to honor them for some years.<sup>117</sup> Finally it commissioned Albertus Harshusem, prior at Buxheim, to oversee a new foundation at Güterstein in Bavaria.<sup>118</sup> Formerly a

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<sup>116</sup>*Tricennaria* had been imposed by general chapters on behalf of and the Duke and Duchess of Burgundy since 1436 and on behalf of Albergati since 1428 at least. The *cartae* for 1438 and 1439 impose a *tricennarium* on behalf of the Duke of Savoy and his children. For representative texts, see: *AC* 100:3:39-40.

<sup>117</sup>For confirmation of the 1439 ordination *Ad reprimendos fugitiuorum*, see: *AC* 100:3:62. The priors of the charterhouses at Pomiers and Beaune are listed as the *collectores* of the arrears of the one ducat contribution for the maintenance of representatives at the Council of Basel, see: *AC* 100:3:56. That the prior at Snals accumulated his debt by failing to pay the annual obligation in support of the order's participation at the council seems clear inasmuch as he is directed to send seven ducats to one of the *collectores*, the prior of charterhouse at Pomiers, see: *AC* 100:3:69. The prior of the charterhouse at Perth is also cited for failure to make an unspecified contribution "just as the rest of the houses of the order", but the nature of that debt is entirely unclear, see: *AC* 100:3:68.

<sup>118</sup>*AC* 100:3:70: "Insuper regimen & dispositionem noue plantationis Boni Lapidis in comitatu dominorum comitum Wirttemberg in Sueuia committimus venerabili patri domino Alberto Priori domus Aule Beate Marie cum plena auctoritate Capituli Generalis." When Harshusem was return to the priorship at Nördlingen by

Benedictine monastery, the site was transferred to the Carthusians by the Council of Basel which authorized the construction of a charterhouse there by a letter dated 21 August 1439.<sup>119</sup>

Segovia, who composed his history of the council in the early 1450s, declares that the Carthusian order continued to recognize Felix V until he resigned the papacy. The *cartae* of general chapters from 1441-1449 neither confirm nor disprove this, and, for the most part, because uninformative, they are unhelpful in determining Carthusian policy as the council slowly foundered. Through 1445 general chapters named *collectores taxe*, but that fact alone does not prove that the order maintained representatives at the council as late as 1445. Similarly the continued imposition through 1449 of the abovementioned 1440 *tricennarium* for the church may indicate

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the 1442 general chapter, he retained his responsibility for Gütterstein, see: *AC* 100:3:111. The charterhouse at Gütterstein was formally incorporated into the order by the 1443 general chapter, see: *AC* 100:3:133.

<sup>119</sup>The eighteenth-century Carthusian historian Georgius Schwengel compiled for his *Propago ordinis cartusiensis* (1760) a dossier of documents pertaining to the early history of Gütterstein, cf *AC* 90:4/2:21-68. The letter cited, the second in the series and appearing on pages 23-25, names the Counts of Württemberg, Ludwig I (Urach) and Ulrich V (Stuttgart), as founders. Interestingly Ulrich was married to Margareta of Savoy, daughter of Amadeus VIII. Because the transfer preceded by several months Amadeus' election as Felix V, it cannot be supposed that this relationship compelled the order to accept the authority of the council in this matter. In any event the order (perhaps in cooperation with the Counts of Württemberg ?) had been planning for a new foundation in Bavaria since 1429 at least, see: *AC* 100:9:33: "Domnum Albertum iam absolutum a domo Argentinae preaficimus in priorem domus horti Christi cui committimus plenarium auctoritatem Capituli generalis sicut prius super inchoatione nouae plantationis in bauaria si et quando requisitus fuerit." Both Molin ii, 437, and Bohic iv, 110-111, offer brief notices of the transfer without mentioning the role of the Council of Basel. See: Theodor Schön, "Geschichte der Kartause Gütterstein in Württemberg," *Freiburger Diocesanarchiv*, 26(1891), 146-155. Another new foundation was subsequently established under conciliar auspices at Eppenbach (Vogelsang). A *concordatum* of the 29 October 1439 general congregation of deputations authorized Ludwig I. Landgrave of Hesse, to establish a charterhouse on the site of a dilapidated convent of Augustinian nuns, see: *CB* vi, 670. Inhabited by 1442, the new monastery was incorporated into the order during the general chapter of 1446, see: *AC* 100:3:189, 210. Ludwig formally recognized Eugenius IV as the "undoubted" pope on 7 February 1447, see: Stieber, *Pope Eugenius*, 301, n. 47.

nothing more than a desire not to provoke adherents of either of the rival popes. It is interesting to note, however, that the 1449 general chapter, by imposing the *tricennarium* for the church and not one on behalf of Pope Nicholas V, seems to have disregarded momentarily the end of the schism. As part of a settlement brokered by Charles VII of France, Felix V had resigned the papacy on 7 April 1449; the remnant of the council, driven from Basel in July 1448 and meeting at Lausanne, “elected” Nicholas V as its pope on 19 April, before dissolving itself on 25 April, having decreed, ultimately without effect, that a new council should convene at Lyon in 1451. The chapter, meeting from 13 May, would likely have been aware of these developments, and it is tempting to see in the proscription of the *tricennarium* for the church a last salute to the failed council.<sup>120</sup>

Because the main conciliar sources, Segovia’s history and the notarial protocols, cover events only through the end of 1443, they are almost as unhelpful as the *cartae*. Indeed only Segovia records only an official contact between the Grande-Chartreuse and Basel subsequent to May 1440. This instance, however, the last recorded contact between the Carthusian leadership and the council and Felix V, is particularly noteworthy because it encapsulates the experience of the order following the breaking apart of the council in May 1437. Sometime during February 1442, prior-general Maresme notified the council that some Italian Carthusians, unwilling to adhere to the council and Felix, were dividing themselves from the rest of the order. After consulting his private chapter, Maresme had written to the breakaway monks. In reply they declared their willingness to stay in communion with their pro-Basel brethren if Maresme could provide some solution that would assuage their consciences. To accommodate them, the prior-general requested first that Aleman or

<sup>120</sup>AC 100:3:52, 56. On the end of the Council of Basel, see: Stieber, *Pope Eugenius*, 326-328 (with references).

Segovia himself draw up a letter to the effect that Felix, in the hope of gaining adherents, had conceded to Maresme and to the inmates of the Grande-Chartreuse the freedom to associate with any persons who should come to them be they within or without the order, ecclesiastical or lay. Furthermore Maresme asked that Felix concede to him and to any he might delegate, authority both to absolve and reconcile any person, Carthusian or no, who might be schismatic or disobedient to Felix (therefore excommunicate *de facto*), and to dispense any of these from irregularity. This the council granted on a temporary basis subject to revocation.<sup>121</sup> The length to which Maresme was willing to go to preserve the unity of the order is entirely congruent with the established practice of the pro-Basel majority. Rather the real significance of this episode lies in what it reveals about the shadowy pro-Eugenian Carthusian minority. Apart from the strong likelihood that some who opposed the order's support of the council had taken their grievances to Eugenius' court at Florence, we know little else about their activities and attitudes. Segovia's testimony

<sup>121</sup>MC iii, 473-474: "De mense autem Februario anno XLII. prior Cartusie Franciscus per litteras suas significauit Carthusienses fratres de Ytalia Basiliensi concilio et Felici pape subici nolentes, pluries inter se consilia et tractatus habuisse, vt ordinem diuiderent, se ab eo aliisque catholice sencientibus penitus separando; quod vbi senserat, illico non absque laboribus et expensis congregauerat capitulum priuatum alterique parti scripserat, a qua obtinuerat responsum, non se processuram ad aliquid faciendum de nouo, si per priorem ipsum remedia reperiri possent, quibus eorum consciencie contentari valerent. Quoniam vero sentiret multos in consciencia lesos aut scrupulosos super factis ecclesie nolentes ad plenum, sicut se et alios sentire, ideo salua meliori deliberacione videretur ei neccessarium et opportunum, quatenus per litteras Arelatensis vel presencium scriptoris exarari mandarent, quod sanctissimus Felix papa viue vocis oraculo concederet priori ipsi et conuentui Cartusie omnibusque ad eam pertinentibus domum personis licenciam participandi actiue et passiuue cum omnibus tam ordinis quam aliis ecclesiasticis aut secularibus ad eos venientibus, intransibus eciam ad diuina ac celcbrare volentibus, quod esset ad lucrificandum personas pro obediencia Felicis pape et concilii Basiliensis; quod que concederet priori ipsi cum postestate subdelegandi auctoritatem absoluendi et reconciliandi in forma ecclesia consueta quos cumque scismaticos vel sanctitati sue vel basiliensi concilio inobedientestam de ordine quam extra ad super irregularitate dispensandi, rehabilitandi ac restituendi in gradum pristinum cum clausulis assuetis, Super huiusmodi autem requisicione prouisum fuit, quanta potuit honestate, datis dusuper deputatis eciam concilio auctoritate cum potestate concludendi, facultate de hiis concesss cardinalis sancte Crucis Cartusienesis professi ad tempus ipsi priori."



suggests that Carthusian partisans of Eugenius shared the pro-Basel majority's abhorrence of the prospect of internal schism.

If after 1440 organized opposition to Basel is evident among Italian Carthusians, acceptance and support of the council is to be found in transalpine charterhouses, particularly in Germanic territories.<sup>122</sup> The monks of the charterhouse of St. Margaret at Basel, of course, maintained a close relationship with the council. Because the council sat continuously for so many years and through several outbreaks of plague, a number of fathers, some eminent, who died while at Basel were buried at St. Margaret's, preferring its cemetery to that of the cathedral.<sup>123</sup> Established only in 1401, the construction of St. Margaret's had proceeded slowly. In October 1441 a designee of the council, Etienne Ploner, Bishop of Marseille, officiated at the consecration of its church and cloister.<sup>124</sup> The council retained too the active allegiance of other Rhenish charterhouses. Undaunted by the fathers' deposition of Eugenius IV or by Eugenius' condemnations of the council and its adherents, the Carthusians at Freiburg continued to seek sanction from Basel. On 14 May 1440, the same day the fathers had celebrated the Carthusian adhesion to the council, two *concordata* of the general congregation of the deputations were announced granting petitions made by the Carthusians at Freiburg that they be permitted to undertake certain property transactions.<sup>125</sup> Nearly two years later the

<sup>122</sup>Only the outlines of this support can be sketched here. A comprehensive assessment will require long and painstaking archival research. Fortunately the archives of many charterhouses suppressed in the late-XVIII-and early-XIX-centuries have survived at least in part, see: Gruys ii, *passim*.

<sup>123</sup>See above: 73 n. 181. Nicklès, 100-101, provides a partial list, noting, as well, that Piccolomini composed the epitaph for the tomb there of his friend Ludovicus Pontanus (†11 July 1439), envoy of Alfonso V of Aragon.

<sup>124</sup>Nicklès, 111-112.

<sup>125</sup>*CB* vii, 139-140.

first of two great disputations between advocates of Felix V and Eugenius IV took place at Mainz from 24-29 March 1441 at a congress of European secular and ecclesiastical princes hosted by the German diet. On 10 March, the Carthusians at Mainz received with honor those representatives the council had designated to speak on its behalf at the congress: Cardinal Aleman, President of the Council of Basel and two of Felix V's newly-designated cardinals: Johannes Grünwalder and Juan de Segovia.<sup>126</sup> The Mainz Carthusians continued to recognize the authority of Basel at least into late 1446. On 14 October of that year, Aleman, as legate of the council for Germany, granted their request to possess and use portable altars, even in time of interdict.<sup>127</sup> One of those speaking for Eugenius at Mainz in March 1441 was Nicholas of Cusa. In 1441 he entered into a correspondence concerning the schism in the church with the brethren of an unidentified charterhouse. While the Carthusian letter has not survived, Cusa's response seems to indicate that the Carthusian brothers pressed him to defend his views.<sup>128</sup> Devotion to the council seems to have been particularly strong in those Austrian charterhouses clustered west of Vienna. In 1437 the charterhouses at Gaming and Mauerbach, having obtained the agreement of local authorities, jointly had petitioned the council to be permitted to exchange certain property holdings. Cesarini, acting for the council, had delegated the prior of the Schottenkloster in Vienna to investigate the matter and commissioned him to ratify the exchange in the name of the council. A document,

<sup>126</sup>MC iii, 562; RTA xv, 858. On the Congress of Mainz, see: Stieber, *Pope Eugenius*, 225ff.

<sup>127</sup>Johannes Simmert, *Die Geschichte der Kartause zu Mainz*, [Beiträge zur Geschichte der Stadt Mainz, Band 16], (Mainz: Auslieferung durch die Stadtbibliothek, 1958), 65.

<sup>128</sup>For Cusa's response, see: *Acta Cusana. Quellen zur Lebensgeschichte des Nikolaus von Kues*, hrsg. Erich Meuthen und Hermann Hallauer, Hamburg: Felix Meiner, 1983, i, 2, 304-313.

bearing the seal of the council, was executed to this effect in 1440.<sup>129</sup> Even during its final days the council continued to concern itself with the health of Austrian monasteries. In one of its last acts, on 18 April 1449, one week before its dissolution, it issued a bull to Martin von Leibnitz, abbot of the Schottenkloster in Vienna, Nikolaus, prior of St. Dorothea in Vienna, and Thomas Papler, prior of the charterhouse at Aggsbach empowering them to visit and reform the Benedictine abbey at Melk.<sup>130</sup> Clearly Papler and his associates remained faithful to the council to the end.

<sup>129</sup>Herbert Paulhart, *Die Kartause Gaming zur Zeit des Schismas und der Reformkonzilien*, [AC 5], 82-85.

<sup>130</sup>Heribert Roßmann, *Die Geschichte des Kartause Aggsbach bei Melk in Niederösterreich*, [AC 30], 215.

## Chapter IV

## Council and Reform in Carthusian Writing, ca. 1440-ca. 1460

Individual Carthusians, too, carried the banner for council and reform after 1440. Some expressed their support for Basel and the authority of councils generally by incidental remarks or in private communications. Thus Heinrich Arnoldi von Alfeld, a former notary of the council and prior of the Basel charterhouse from 1449 until 1480, composed after his retirement a history of his monastery in which he acknowledged by implication the legitimacy of the Council of Basel, consistently referring to it as the *sacrum concilium Basiliense*.<sup>1</sup> Nicolaus Kempf (†1497), who left the University of Vienna about 1439 for the charterhouse at Gaming in Austria, expressed his unqualified support for the council in his *Dialogus de recto fine studiorum fine ac ordine et fugiendis vitae saecularis vanitatibus* (1447).<sup>2</sup> Another Austrian Carthusian and an older contemporary of Nicolaus, Vincent, prior of Aggsbach (†1464), was even more vehement in his advocacy of the authority of

<sup>1</sup>See above: 4f.

<sup>2</sup>Bernhard Pez, ed. *Bibliotheca ascetica antiquo-nova*, (Regensburg: Johann Conrad Pez 1724-1740; rpt. Farnborough: Gregg Press, 1967) iv, 349-350: "Quippe cum nunquam priori tempore tantam legitur fuisse contradictionem et iniquitatem in civitate ecclesie militantis, que iam raro diu stat sine scismate, et iam tali, de quo a seculo non est auditum, ita quod nec generalibus concilijs, a quo est tocus ecclesie auctoritas, obeditur." Although supportive of the council, Nicolas devoted himself to monastic concerns as Dennis D. Martin has shown in his excellent, recent study, *Fifteenth-Century Carthusian Reform: the World of Nicholas Kempf* [*Studies in the History of Christian Thought*, v. 49] (Leiden: E.J. Brill, 1992).

general councils.<sup>3</sup> In some of his letters written between ca. 1453-1460 to Johann Schlitpacher von Weilheim, Benedictine Abbot of Melk, Vincent gave vent to his disgust at the failure of the popes of his day to convene a general council so as to bring about reformation. When he learned that Calixtus III (elected 8 April 1455) had succeeded Nicholas V he composed a bitterly ironic letter expressing his anticipation that in Calixtus the church had received yet a third, after Eugenius IV and Nicholas V, bitter cup (*calix*) from which to drink and that Calixtus was no more likely than had been they to call a general council.<sup>4</sup> Rome has, in fact, become the enemy of reform.<sup>5</sup> It has attracted and encouraged a legion of federates who plague the church more bitterly than do the Turks:

<sup>3</sup>On Vincent, see: two articles by Heribert Roßmann, "Leben und Schriften des Kartäusers Vinzenz von Aggsbach," in *Die Kartäuser in Österreich, Zweiter internationaler Kongress über die Kartäusergeschichte und -Spiritualität*, [AC 83:3], 1981, 1-20 and "Die Stellungnahme des Kartäusers Vinzenz von Aggsbach zur mystischen Theologie des Johannes Gerson," in *Kartäusermystik und -mystiker*, Dritter internationaler Kongress über die Kartäusergeschichte und -Spiritualität, [AC 55:5], 1982, 5-30.

<sup>4</sup>Bernhard Pez & Philibert Hüber, *Thesaurus anecdotorum novissimus . . .*, Tomus vi: *Codex diplomaticus-historico-epistolaris*, . . ., (Augustae Vindelicorum & Graecii: Veith, 1729), 330: "O Sancta Mater Ecclesia, licet tibi nunquam desint calices passionum, tamen proxime transactis temporibus inter alios tibi fuerunt duo calices ministrati. Quorum primus vocabatur Eugenius, secundus vero Nicolaus: de quibus calicibus coacta es bibere vinum amarissimum, & fæcibus plenum, ita quod de similibus calicibus tale poculum antea nunquam gustasti. Illis successit nunc Calix tuus tertius, cuius vini claritas & sapor, quales fient, processus temporis declarabit. Qui Calix, si de metallo, id est de cœtu Cardinalium, fabricatus est, tunc parva vel nulla est mihi spes, quod in eo & per eum ministretur tibi portio salutaris, eo quod iam decrepitis & de abusibus Romanæ Curiae assuetus sit. Cui si quis de Reformatione tua aliquid persuaserit, tantum, ut autumo efficiet, ac si Iudæum octoginta annorum conetur. . . . Auspicia quoque mea hoc prætendunt, quod idem Calix tuus tertius a suis fabricatoribus ante & post electionem ad hoc iuramento sit legatus, quod nunquam consentiat ad aliquod Concilium celebrandum." On Vincent's correspondence with Schlitpacher, see: Franz Hubalek, *Aus dem Briefwechsel des Johannes Schlitpacher von Weilheim (der Kodex 1767 der Stiftsbibliothek Melk)*, Diss. Vienna 1963. Hubalek provides texts for some letters not previously published by Pez.

<sup>5</sup>Pez & Hüber, *Thesaurus anecdotorum novissimus*, vi, 337: "Nam ipsa Romana Ecclesia nihil salubre ordinabit, prout experientia quasi quinquaginta annorum probat: & lucem generalium conciliorum, tanquam venenum & pestem fugit, ne in ea

. . . the Church of God has always had and continues to have sorrows. At first from emperors and pagans it endured bitter trouble; thereafter it experienced trouble more bitter from heretics; finally from the sons of these, simoniacs, trampers of the authority of general councils, indecent rectors it is suffering the most bitter trouble. From the Turks or Saracens, however, it experiences very mild trouble. For the Turk does not force the faithful to deny the faith of Christ or to turn away from it to his own faithlessness as do the simoniacs; nor do the Turks sow errors in the faith as do the trampers of the authority of general councils; nor do they destroy the church as do indecent rectors. All that the Turk requires from Christians is obedience and the payment of tax.<sup>6</sup>

Unlike the Netherlander Denys van Rijkel, who, as we shall see, ardently wished for military action against the Turks, Vincent, for whom the physical dangers of Turkish conquest were all too immediate, looked with suspicion on such proposals. War against the Turk seemed to him a matter of the defense of territory and not of faith.<sup>7</sup> Vincent's harsh criticisms of the papacy and hierarchy may have proved too much even for the order. Perhaps it was this unsparing forthrightness that the 1448 general chapter severely punished when it absolved him of the priorship at Aggsbach.<sup>8</sup> As the letters to Schlitpacher testify, however, such sanctions had scant effect. In 1456, the same year that Vincent expressed his opinions concerning the

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arguantur opera eius. Et hoc puto, occasionem esse futuræ discessionis." (1459 letter to Schlitpacher).

<sup>6</sup>Pez & Hüber, *Thesaurus anecdotorum novissimus*, vi, 330-331: ". . . quod Ecclesia Dei semper amaritudines habuit & habet. Primo ab imperatoribus & paganis habuit amaritudinem amaram; post quos habuit ab hæreticis amariorem; tandem a filijs, Simoniacis, Generalium Conciliorum Auctoritatis conculcatoribus, & scandalosis Rectoribus habet amaritudinem amarissimam. A Teucris autem siue Saracenis mitissimam habet. Non enim Teucer compellit fideles abnegare fidem Christi, & ad suam perfidiam declinare ut primi; nec errores in fide seminant ut secundi; Nec Ecclesiam destituit, ut tertij. solum autem quærit a Christianis subiectionem & censum." (1456 letter to Schlitpacher).

<sup>7</sup>Pez & Hüber, *Thesaurus anecdotorum novissimus*, vi, 331: "Ex quo claret, quod bellum istud, ad quod Provinciæ occidentales provocantur, non est pure pro fide, sed pro libertate. Quod bellum utique a Regibus & Principibus statum suum conservare volentibus, magis, quam a Clericis debet indici."

<sup>8</sup>AC 100:4:42: "Priori domus Porte Beate Marie in Aspac fit misericordia. Et propter suos mores irreligiosos potissime ex fluxu lingue que patitur sit in disciplina generali ad Ordinis voluntatem, a qua nequeat dispensari sine Capitulo Generali."

relative insignificance of the Turkish threat, his prior, Thomas Papler, wrote himself to Schlitpacher for advice in dealing with his intemperate brother.<sup>9</sup>

Other Carthusians wrote more systematically on the council and reform. The remainder of this chapter is devoted to a very provisional survey of their careers and ideas. At the outset, however, it is necessary to admit a lacuna: the absence of any meaningful discussion of the writings of Johannes Brewer von Hagen. Johannes, who was born at Hattendorf about 1415, studied arts and then canon and civil law at the University of Erfurt. He entered the charterhouse at Erfurt in 1440. A prolific author of treatises covering a broad spectrum of spiritual and theological issues, he enjoyed an active career, serving by turns as prior of charterhouses at Eisenach (1454-1456), Erfurt (1457-1460), Frankfurt an der Oder (1460/61-1464), and Stettin (1464-1467). In 1467 he returned to the house of his profession at Erfurt where he remained until his death in April 1475 or 1476.<sup>10</sup> Listings of his writings and brief remarks by his modern biographer indicate that Johannes wrote extensively on ecclesiastical and reform questions. Regrettably, however, these works, which for the most part survive in single manuscript copies, have not been available to me and cannot figure in the present study.

<sup>9</sup>Pez & Hüber, *Thesaurus anecdotorum novissimus*, vi, 357. Given Papler's own dealings with the council, we cannot suppose his exasperation with Vincent was due to his advocacy of the authority of general councils *per se*.

<sup>10</sup>On Johannes' life and career, see: Joseph Klapper, *Der Erfurter Kartäuser Johannes Hagen: ein Reformtheologe des 15. Jahrhunderts*, [*Erfurter Theologische Studien*, Band 9], (Leipzig: St. Benno-Verlag, 1960-61) i, *passim*. Klapper deals briefly with Johannes' conciliar opinions at i, 118-120.

## 1. Denys van Rijkel

Undoubtedly the best known Carthusian of the fifteenth century is Denys van Rijkel. Denys, sometimes called Dionysius Carthusiensis, was born at Rijkel, a small village in Limburg. From 1421 until 1424 he studied in the arts faculty at the University of Cologne, becoming *magister artium* in 1424. In that or the following year he entered the charterhouse at Roermond, where he remained for the rest of his life save for serving for three years (1466-1469) as rector of the then newly-established charterhouse at 's Hertogenbosch. He died at Roermond on 12 March 1471.<sup>11</sup>

Of all the Carthusians treated here, Denys has received by far the most scholarly attention. Nevertheless interpretation of his ecclesiological and reform ideas remains problematical. The difficulty here is not the accessibility of his works—there exists a nineteenth-century edition—but the variable nature of his statements on the council. This is reflected in the diversity of scholarly opinion that has accumulated. D. A. Mougel attributes Denys' adherence to conciliar theory to the errors of the times, a response to memories, still fresh, of the horrors of the Great Schism, and to a consequent desire to find a middle ground between the competing claims of pope and council.<sup>12</sup> Subsequent commentators such as Hubert Jedin and the Carthusian historian Clement Bohic concur that Denys' intent was

<sup>11</sup>The main facts of Denys' life and career (with references to additional literature) may be found in Kent Emery Jr., *Dionysii Cartvsiensis Opera selecta, [Corpus Christianorum, Continuatio Mediaevalis, CXXI]*, (Turnhout: Brepols, 1991) i, 15ff.

<sup>12</sup>D. A. Mougel, *Dionysius der Karthäuser, 1402-1471: sein Leben, sein Wirken, eine Neuausgabe seiner Werke*, (Mülheim a. d. Ruhr: M. Hegner, 1898), 36-37. The title page of this survey of Denys' life and works bears a testimonial offered him by Eugenius IV: *Laetetur mater Ecclesia, quae talem habet filium*.



mediatory.<sup>13</sup> Herman Josef Sieben also believes that Denys' purpose was conciliatory but that he inclined to the papal party.<sup>14</sup> Somewhat along this line of interpretation is Eugen Ewig, who, in his study of Denys' ideas regarding the roles of church and state within the Christian commonwealth, does not accept the view that Denys is to be reckoned a conciliarist. His opinion, rather, is that, although Denys embraced *Frequens* and believed council and pope to wield complementary authority, he held that the papal authority was the greater, that in the normal course of events the council enjoyed a subordinate authority equal to that of an individual church. Only were a pope to commit heresy or to be found negligent in his administration of office, would a general council be entitled to exercise authority sufficient to overrule and correct him.<sup>15</sup>

Other authorities, notably historians Paul de Vooght and Bernard Bligny, who describes conciliar ideas as "contagion", place Denys solidly in the conciliarist camp.<sup>16</sup> Stieber, exceeding that, identifies Denys as a "firm" supporter of the Council of Basel.<sup>17</sup> While this appears to be an overstatement, nevertheless, Helmuth's undocumented assertion that Denys accepted the council's decree *Elucidantibus*, proclaiming the immaculate conception of Mary, would, if

<sup>13</sup>Hubert Jedin, *Geschichte des Konzils von Trient*, 2nd. ed., (Freiburg i. B.: Herder, 1951) i, 33; Bohic iv, 107.

<sup>14</sup>Herman Josef Sieben, *Traktate und Theorien zum Konzil vom Beginn des grossen Schismas bis zum Vorabend der Reformation (1378-1521)*, (Frankfurt a. M.: Josef Knecht, 1983), 52.

<sup>15</sup>Eugen Ewig, *Die Anschauungen des Kartäusers Dionysius von Roermond über den christlichen Ordo in Staat und Kirche*, Diss. Rheinischen Friedrich-Wilhelms-Universität zu Bonn, 1936 (Bonn: Ludwig Leopold, 1936), 67.

<sup>16</sup>Paul de Vooght, *Les pouvoirs du concile et l'autorité du pape au concile de Constance. Le décret Haec Sancta Synodus du 6 avril 1415*, (Paris: Cerf, 1965), 198; Bligny, 46.

<sup>17</sup>Stieber, *Pope Eugenius*, 100.

substantiated, lend it credibility. After all that decree was promulgated at the council's thirty-sixth public session on 17 September 1439, several months after its decree of deposition against Eugenius IV.<sup>18</sup> Still other authorities seem either to have changed or never quite to have made up their minds. In a review article published in 1969, Remigius Bäumer takes exception to de Vooght's description of Denys as a conciliarist, charging that de Vooght's opinion derived from a mistaken attribution to Denys of a text drawn from Gerson.<sup>19</sup> Two years later, in his excellent study of the survival of conciliarist ideas in the late fifteenth- and early sixteenth-centuries, Bäumer allows that Denys' attitude toward "the Constance decrees", i.e., *Haec sancta* and *Frequens*, was indecisive, that his general agreement with conciliarist principles was counterbalanced by his citation of *Etsi non dubitemus* (1441), Eugenius IV's most uncompromising attack on conciliarism.<sup>20</sup> Antony Black, who, in fairness, cites Denys only incidentally, groups him with what he calls "moderate quasi-conciliarists".<sup>21</sup>

Such a diversity of opinion cannot be weighed here. A thorough treatment, an ambitious project in itself, would require a careful investigation of Denys'

<sup>18</sup>Helmuth, 393. For text of decree, see: *MC* iii, 364-365.

<sup>19</sup>Remigius Bäumer, "Die Reformkonzilien des 15. Jahrhunderts in der neueren Forschung," *Annuaire Historiae Conciliorum* 1 (1969), 159: "Hier is zunächst zu fragen, ob Dionysius Konziliarist gewesen ist. Der von de Vooght für diese Ansicht angeführte Text stammt nicht von Dionysius, sondern in Wirklichkeit von Johannes Gerson und wird von Dionysius nur zitiert."

<sup>20</sup>Remigius Bäumer, *Nachwirkungen des konziliaren Gedankens in der Theologie und Kanonistik des frühen 16. Jahrhunderts*, [*Reformationsgeschichtliche Studien und Texte*, heft 100], (Münster i. W.: Aschendorff, 1971), 212, see also: 193, 205, 250f. For text of bull, see: *Epist. Pont. Conc. Florent.*, iii, 24-35.

<sup>21</sup>Black, *Council*, 24 remarks that Denys shared with Juan de Torquemada, a determined opponent of conciliarism, the view that the council enjoys an 'occasional' emergency power" but "no regular, jurisdictional power". In his *Monarchy and Community*, Black cites texts from Denys on hierarchy that have a papalist slant.

scriptural commentaries, sentence commentaries, and many reform tracts that would pay due attention to the development of his thought. Indeed the most fundamental criticism to be leveled against the abovementioned scholars is that most have failed entirely to do this. All, with the exception of Mougél and Ewig, have formulated their opinions on the basis of a single treatise: Denys' *De auctoritate summi pontificis et generalis concilii*.<sup>22</sup> Moreover, save for Sieben, who does not consider the implications, none of these authorities demonstrate awareness that the three books that comprise this treatise as it appears in the printed edition of Denys' works were originally individual tracts composed at different times.<sup>23</sup>

Likewise these authorities, again excluding Mougél and Ewig, have ignored an important source for any inquiry into Denys' conciliar and reform ideas: his *Epistola ad principes catholicos paraenetica de instituendo bello adversus Turcam*.<sup>24</sup> This letter, written subsequent to the fall of Constantinople in May 1453, is deserving of a critical edition and full study as are the three visions (*revelationes*) that are attached to it in the modern edition of Denys' *opera*.<sup>25</sup> By it Denys purposed to advise the

<sup>22</sup>Denys van Rijkel, *Doctoris ecstaticis Dionysii Cartusiensis Opera omnia*, (Montreuil, Tournai, Parkminster: Charterhouse of Notre Dame de Près, 1908) xxxvi, 525-674.

<sup>23</sup>Sieben, 52 dates the first two tracts/books: *De auctoritate et officio summi Pontificis* (*Opera omnia* xxxvi, 525-587) and *De potestate et iurisdictione summi Pontificis* (*Opera omnia* xxxvi, 589-610), to 1445. He makes no attempt to date the third: *De auctoritate generalium concilium* (*Opera omnia* xxxvi, 611-674). See: Lucidius Verschueren, O.F.M., *Die Bibliothek der Kartuziers van Roermond*, (Tilburg: Henri Bergman, 1941), 31. See: Emery, i, 235-236 for manuscript sources. A note (*Opera omnia* xxxvi, 531) at the beginning of the first tract/book in the modern edition suggests that the linking of the three dates at least from the first printed edition of Denys' *opera* overseen by Dietrich Loër at Cologne (1521-1538).

<sup>24</sup>Denys van Rijkel, *Opera omnia* xxxvi, 502-524. Ewig, 61-67 and *passim*; Mougél, 45-46.

<sup>25</sup>See: Emery, 250 for manuscript sources. The first *revelatio* may have preceeded the date of the letter. The second, however, is dated to Easter 1461 (Denys, *Epistola*, 519-522, at 521) and by Denys' own testimony postdates the letter itself by some years: "Religiosus quidam ante aliquot annos exhortatoriam scripsit

princes of Europe that, preparatory to military action against the Turks threatening southeastern Europe, the church must be reformed in head and members. Denys declares the circumstances of the church to be most grave. Ruin impends unless prelates and lower clergy, princes and their officials should reform themselves.<sup>26</sup> Scripture provides many examples of God's use of evil persons to chastize the faithful when they shall have sinned.<sup>27</sup> It is just, therefore, that God should punish the whole of sinning Christendom by means of the Turks just as he once used the Chaldeans, Assyrians and the like to punish the Israelites. The very cause of the deformities that threaten to bring down divine castigation, the failure to hold councils at appropriate times, itself specifies the necessary remedy.<sup>28</sup>

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epistolam ad principes christianos, hortando eosdem ad succurrendum sanctæ matri Ecclesiæ adversus perfidissimos Turcas ac Sarracenos; atque in fine illius epistolæ subjunxit ac scripsit revelationem quamdam ei desuper factam, statum totius Ecclesiæ concernentem."

<sup>26</sup>Denys, *Epistola*, 507: "Et certe tanta est modo occidentalis hujus ecclesiæ deformatio ac ruina, tanta christiani populi vitiositas atque corruptio, ut de grandi periculo, strage ingenti, dejectioneque maxima non mediocriter sit verendum, nisi Ecclesia ea vehementer se corrigat, christianusque populus, potissime prælati cum clero, ac principes et officiiati eorum, se in omnibus digne reforment."

<sup>27</sup>Denys, *Epistola*, 512-513: "Quocirca pensandum, quod Deus in præsentia vita electos et bonos exercet, castigat et purgat per reprobos et iniquos: sicque interdum permittit impios prævalere electis et bonis, vel propter graviorem impiorum damnationem, vel propter electorum atque justorum beatitudinem ampliorem; vel quoniam impii aliquid boni ex genere perpetraverunt, quod Deus in eis remunerat per temporalem victoriam; vel quoniam electi et boni in aliquibus sunt culpabiles, propter quæ Deus per impios castigat eos in vita hac et purgat, ut in æternam salventur; vel quia expedit bonis mori in bello, quoniam si prævalerent sive evaderent, deinceps peccarent graviter et perirent. Denique omni ista ex sacris probantur Scripturis, in quibus omnium horum multa habemus exempla."

<sup>28</sup>Denys, *Epistola*, 517: "Quorum omnium præcipua causa est, quod concilia generalia non celebrantur legitime tempore suo, sicut ab ipsis conciliariis [William of Paris, Pierre d'Ailly, Jean Gerson] est sancitum. Certumque est, quod quanto nunc plura atque majora mala ac pericula in Ecclesia universali versantur, tanto major est causa imo necessitas, celebrandi sine dilatione synodum generalem: per quam tot et tanta fierent bona, quod Dominus Deus noster reconciliaretur, misereretur et succurreret nobis, saltem in multis, et multo utique magis quam alias." Quoting Pierre d'Ailly, Denys declares that *only* by means of general councils may the evils besetting the church and prompting God to threaten castigation be dealt with: "Hinc reverendus

Whatever, then, Denys' previous views on general councils and their authority and functions and whatever his previous views on the Council of Basel *per se*, his *Epistola* permits us to say this much at least, that subsequent to the end of that council he clearly and forthrightly proclaimed the necessity of general councils for the reformation of the church in head and members. With respect to resolving Denys' views on many important technical questions—what constitutes a legitimately assembled general council? what relationships of power and authority obtain between council and pope?, etc.—the *Epistola* is generally unhelpful. Its purpose is, after all, hortatory and not discursive. Nonetheless it does offer insight into Denys' views regarding the means by which a general council may be assembled and, in so doing, provides a notable object lesson for the importance of tracking the development of his thought.

Denys believed that the princes have an important role in the securing of a council; they are responsible for providing the material conditions that are conducive to reform so that the faith might prosper. In the *Epistola* proper, he is careful to be plain that this duty does not entitle them to trespass in the ecclesiastical sphere. They are only to use their powers to persuade those whose responsibility it is to do the work of reform to do it.<sup>29</sup> As for the preeminent means of reform, the

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pater et doctor præcipuus, dominus Petrus de Alliaco, ait in libro suo de Reformatione Ecclesiæ: . . . Experientia docet, quod propter defectum conciliorum, maxime generalium, quæ sola audacter et intrepide possunt omnes corrigere, mala quæ universalem tangunt et concernunt Ecclesiam, diu manserunt incorrecta et impunita, adeoque creverunt et inveterata sunt . . .” (at 509).

<sup>29</sup>Denys, *Epistola*, 510: “At vero, ad hoc quod principes inducere queant subditos suos ad finem præfatum, hoc est ad conversationem civiliter justam itemque pacificam, maxime prodest quod ipsi vulgares ac sæculares verbo et opere instruantur ac ædificentur a spiritualibus suis prælatis, et a prædicatoribus ac religiosis et clericis: imo ex tali sæcularium informatione et ædificatione a clero, ipsi sæculares inducuntur ad bonos mores, ad obediendum quoque humiliter suis principibus et eorum officiatis civilibusque rectoribus. Hinc principes sæculares debent esse solliciti de reformatione ecclesiastici status, et virtuosa ex exemplari conversatione eorum qui spiritualiter præsumunt ac prædicant: non quod principes sæculares debeant attendere ad hoc per modum coactionis, aut per inflictionem pœnarum, quoniam auctoritatem et

convocation of a general council, they must wait upon the pope.<sup>30</sup> Yet the years intervening between the composition of the *Epistola* and the vision (appended to the *Epistola as revelatio secunda*) Denys experienced at Easter 1461 may have led him to a change of mind on this score. In a preface to this vision, Denys constructs an imaginative dialog between the princes and the pope. To a papal request that they aid the church by resisting the Turks, the princes reply with unsparing frankness that they are willing provided the pope properly exercise his office, that is, that he act, compelling the *curia* to participate fully, to reform the church by the summoning of a general council. They express, too, their astonishment that the pope and his predecessors have delayed for so many years after the Council of Basel celebrating such a council especially since “certain decrees concerning the celebration of councils have been published by holy, general synods.”<sup>31</sup> Without such a council to bring about the reformation of evils and abuses in the church, they protest that they will not enjoy the divine assistance necessary to repel the Turks. And so they issue the pope a thinly-veiled warning, expressing their faith that if the pope should not act to convoke a council as his office requires him to do, Christ will enable his church to

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jurisdictionem non habent super ecclesiasticum statum seu clerum, sed e converso; sed ad hoc tendere debent quantum ad eorum pertinet statum, instando et procurando ut hi quibus ex officio incumbit facere et conservare reformationem præactam virtuosamque conversationem in clero et ecclesiastico statu, id faciant, et præsertim instando et procurando ut generalia concilia tempore opportuno, sicut institutum es, celebrentur.”

<sup>30</sup>Denys, *Epistola*, 509: “. . . scribo, quatenus a Domino nostro sanctissimo, domino apostolico, concorditer ac celeriter obtineatis convocationem ac celebrationem generalis concilii, per quod divinam propitiationem ac clementissimam opem contra adversarios Dei mereamini obtinere.”

<sup>31</sup>Denys, *Epistola*, 520: “Denique vehementer miramur cur Sanctitas tua et quidam prædecessores tui qui post Basileense fuerunt concilium, tot annis distulistis celebrare generale concilium, præsertim quum de eorum celebratione a sacris generalibus synodis edita fuerint quædam decreta.”

congregate itself into a council.<sup>32</sup> On the face of it this would seem to bring Denys close to the opinion of such pre-Constance conciliarist thinkers as Dietrich von Niem that secular powers have the authority to bring about a general council for the sake of the reformation of the church.<sup>33</sup> Interestingly such would bring him into opposition with the view that had prevailed at Basel that the church must strengthen its efforts to prevent direct interference of secular powers in ecclesiastical affairs.

## 2. Bartholomeus von Maastricht

An associate of Denys at the charterhouse Bethlehem Beate Marie, Roermond, also participated actively in the ecclesiological debates of the day. Much about the early life of Bartholomeus van Maastricht is now shrouded from view. He was born at Ulestraten near Maastricht sometime during the years 1380-1385 into a family called Snavel. In 1400 he matriculated at the University of Heidelberg. Apart from a general agreement that Bartholomeus served his university as a professor of theology

<sup>32</sup>Denys, *Epistola*, 520-521: "Enimvero, etsi regulariter ad summum spectet Pontificem, generale convocare ac celebrare concilium, non tamen putamus Ecclesiam a Domino Jesu Christo sic esse relictam, ut se ipsam congregare non posset, si Pontifex summus id agere non acquieverit aut nimis distulerit, præsertim in causis ita urgentibus, prænantibus, arduis ac necessariis, sicut jam diu fuerunt et nunc sunt. Agat ergo et impleat Sanctitas tua quod sui est officii, nosque ædificet in hoc ipso, et nos obedientes quod nostrum est implebimus."

<sup>33</sup>Dietrich von Niem, *De modo uniendi ac reformandi ecclesiam in concilio generali*, in H. von der Hardt, ed. *Magnum Œcumenicorum Constantiense concilium* (Frankfurt-Leipzig, 1697-1700) i, 68-141, at 131-132. Although the idea that for the sake of reform secular powers might legitimately intervene in ecclesiastical matters was not at all in vogue during the Basel period, Black suspects that the Portugese Benedictine Andreas de Escobar († ca. 1437), who advanced this opinion, may have drawn inspiration from Niem, see: Black, *Council*, 89.

in the early 1430s, the facts of his university career remain in dispute.<sup>34</sup> In the mid-1420s, the date is not known, he entered the Cistercian monastery at Maulbronn.<sup>35</sup> Thereafter, again the precise date is not known, he joined the Carthusian Order, professing at Roermond. Sometime before 1438 he was elected prior there, and, subsequently, in 1442 and 1443 he served as visitator of the order's Rhenish province. He was absolved from his priorship by the general chapter of 1446 and retired to the charterhouse of St. Barbara at Cologne where he died shortly thereafter on 16 June.<sup>36</sup>

Bartholomeus of Maastricht authored a small *corpus*—compared, that is, with those of his contemporaries Jacob von Jüterbog, Johannes Hagen, and Denys Rijkel—of pastoral and spiritual works, but he is best remembered for his conciliar writings.<sup>37</sup> These writings, composed during the last few years of his life, spring from his direct involvement in the events of the Basel/Florence schism both as an occasional representative of the province of Cologne and an advisor to its archbishop Dietrich

<sup>34</sup>Ton Meijknecht, *Bartholomeus van Maastricht, monnik en conciliarist* (Assen: Van Gorcum, 1982), 1-6 does not repeat the claims made by H. J. J. Scholtens that Bartholomeus was dean of the theological faculty in 1408 and again in 1414, rector of the university in 1412, and vice-rector in 1419-1420, see: "De Kartuizer Bartholomeus van Maastricht," *Ons Geestelijk Erf*, XV (1941), 98.

<sup>35</sup>Meijknecht dates his entry into Maulbronn to no later than 1427, see: Meijknecht, 6.

<sup>36</sup>For notices of his absolution and death, see: *AC* 100:3:202, 4:4, respectively. For biographical sketches by Carthusian writers, see: Bohic iv, 147-148, LeVasseur ii, 338-339, and Molin ii, 240-242.

<sup>37</sup>Meijknecht, 40-68 provides a catalog of extant manuscripts containing Bartholomeus' writings and information regarding lost works. His conciliarist writings are to be found at, 52, #22, 53-60, #24-28. Joachim Vennebusch, "Bartholomäus von Maastricht gegen Eugen IV: Stellungnahmen eines Konziliaristen während des Nürnberger Reichstages 1444," *Annuario Historiae Conciliarum*, 17 (1985), 210-215 corrects some errors in Meijknecht's catalog and argues persuasively on linguistic and substantive grounds for assigning five previously unattributed works to Bartholomeus.



von Moeurs and as a participant at the annual general chapters of the Carthusian Order.

Owing to the deaths of the Emperor Sigismund in December 1437 and his short-lived successor Albrecht II in October 1439, the German Empire was in a state of political disruption as schism took hold in the church. Albrecht's young successor, Friedrich III, elected 6 April 1440, followed his predecessor's cautious policy with respect to the ongoing mediation efforts of the German Electors and princes, reissuing to the Council of Basel imperial grants of protection and safe-conduct but refusing, motivated no doubt by dynastic and political concerns, to attach himself formally to those initiatives. Rather he determined to delay, announcing in May 1440 that a Reichstag of the imperial estates would convene at Nuremberg at the end of November 1440 to devise a commonly-agreed German plan for ending the schism. This plan was then to be presented at a congress of European princes hosted by the Emperor at Mainz the following February. In anticipation of this Friedrich sought the advice and counsel of the spiritual Electors. The Archbishops of Cologne and Mainz, in turn, convened provincial synods to consult with their clergy.<sup>38</sup> It is likely that Bartholomeus van Maastricht composed his first conciliar treatise, *Tractatus de potestate pape, concilii generalis, et ecclesie*, for the synod held at Cologne on 9-10 October 1440.<sup>39</sup>

The *Tractatus de potestate pape*, the only work of Bartholomeus hitherto in print, may, in fact, have been written at the behest of the Archbishop of Cologne, Dietrich von Moeurs.<sup>40</sup> Organized into sixteen opinions (*propositiones*) and

<sup>38</sup>Stieber, *Pope Eugenius*, 213-215, esp. 214, n. 27.

<sup>39</sup>See:, *RTA* xv, 452-475 for documents.

<sup>40</sup>See: Meijknecht, 75-114 for text. Because the work appears in the manuscripts under several titles (see: 53-55 for list of extant manuscripts) Meijknecht has chosen to identify it by its *incipit*, *Victus modestia*. Meijknecht

publicistic in tone, it offers a spirited defence of the superior authority of general councils and of the legitimacy of the Council of Basel as well as criticisms of several princely initiatives for ending the schism. To demonstrate that general councils exercise an authority superior to that enjoyed by popes Bartholomeus marshals precedents and arguments drawn from the common fund of late mediaeval conciliar thought. Thus, as did conciliarists generally, he grounds his conviction of the superiority of the general council in Christ's direct commission of supreme authority to the universal church (Math. 18.15-20).<sup>41</sup> For Bartholomeus this is a judicial as well as a spiritual authority to which all, including the pope, are subordinate.<sup>42</sup> As for the pope, the prior of Roermond considers that he exercises a derivative, ministerial authority within the church on the strength of Augustine's teaching that Peter had not received the keys to the kingdom of heaven as an individual, but as a representative (*figura*) of the whole church.<sup>43</sup> The authority enjoyed by the pope is nonetheless considerable and imparts a "secondary unity" to the universal church

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discounts manuscript evidence that Dietrich von Moeurs issued the "paternal command" that prompted Bartholomeus to write, preferring instead to believe that the impetus came from Johannes Schunde, Prior of the charterhouse at Cologne, *convisitor* (1439) and *visitor* (1440) of the order's Rhenish province. Vennebusch, in a review of Meijknecht's book published in the *Annalen des Historischen Vereins für den Niederrhein* 186 (1983), 207-210, at 209, properly questions this preference.

<sup>41</sup>Meijknecht, 76.

<sup>42</sup>Meijknecht, 76.

<sup>43</sup>Meijknecht, 82-83: "Et ille non est particularis homo, ergo ecclesia mater eius et domina cui data est potestas clavium ligandi et solvendi hic in terris super omnia ecclesie membra. . . . Pro cuius tamen ampliori deductione est considerandum dictum beati Augustini in Sermone natalis apostolorum Petri et Pauli numero sermonum suorum CXXII, ubi sic dicit 'Dominus Jesus discipulos suos ante passionem suam sicut nostis elegit, quos fratres appellavit. Inter hos pene ubique Petrus totius ecclesie gestabat personam, et propterea audire meruit: Tibi dabo claves regni celorum.' Quas claves, non ille ut homo unus, sed unitas accepit ecclesie. Hinc igitur Petri excellencia predicatur, quia ipsius unitatis et universalis ecclesie figuram gessit, quando ei dictum est Mattheo XVI Tibi dabo claves regni celorum." See: Augustinus, Sermo 295 in *PL* 38, 1349.

whose essential unity is founded in Christ, its true head. All Christians, therefore are obligated to obey and neither by omission or commission in any way to hinder a legitimately elected pope. On account of this Hus was rightly condemned for maintaining that the church might just as well be governed by priests scattered throughout the world without a pope.<sup>44</sup> Yet despite the great dignity of his office, the pope, being a man, is liable to sin (*peccabilis*), and Bartholomeus considers what recourse is to be had when a sinning pope endangers the *status ecclesiae*. Drawing on a tradition of legal reasoning stemming from the twelfth-century canonist Huguccio and utilized routinely by fifteenth-century conciliarists, he holds that the pope may be deposed by the church if he falls into heresy he will not abjure or commits and persists in any notorious crime.<sup>45</sup> But for the church, its members scattered all over the world, to exercise its *plenitudo potestatis* in order to judge the pope, it must have a practicable means of acting. For this Bartholomeus resorts to the distinction given currency by Jean Gerson of the church considered dispersedly and as an assembly and union in a general council legitimately assembled in the Holy Spirit. Such a council

<sup>44</sup>Meijknecht, 100-101: “Quamvis unitas ecclesiastica essentialis sit ad primarium caput Christum, nichilominus unitas altera accidentalis vel secundaria consistit in obediencia ad unum pontificem summum, qui est caput in ecclesia cum Christo secundarium. Sic videlicet quod quilibet catholicus debet habere promptitudinem seu preparacionem animi ad obediendum uni summo pontifici, dum constiterit sibi aut constare debuerit quod sit papa aliquis legitime electus. Et ultra hoc requiritur quod non ponat scienter impedimentum commissive vel omissive ne preficiatur ecclesie Dei unus papa certus et legitime electus. Ideo condempnatus est inter ceteras causas Johannes Huss quia dicebat, quod ecclesia Dei usque ad consummacionem seculi poterat eque bene regi per sacerdotes dispersos per mundum absque uno capite, sicut communicat.

<sup>45</sup>Meijknecht, 77. Bartholomeus cites the *Decretum* text “contumacia dicitur heresis” (D.81, c. 15), see: Friedberg, *Corpus* i, 284v. One of the main charges brought by the Council of Basel against Eugenius was that he demonstrated contempt for its decrees, see above: 122f. On Huguccio’s teaching, see: Tierney, 59f.

has Christ in its midst and is fit to represent the church and to act for it.<sup>46</sup> Similarly the reform of the papal curia [*caput ecclesiae*] when necessity, the utility of the church, and the defects of its leadership require it can be accomplished neither by individual members of the church nor by all the members of the church gathering together at the same time, in the same place. It can only be brought about by a legitimately assembled general council, representing and acting on behalf of the entire church.<sup>47</sup>

So much is in the mainstream of conciliarist thought. In the *Tractatus de potestate pape* Bartholomeus breaks no new theoretical ground; rather he shows himself to be steeped in the thought of Jean Gerson, from whose writings he borrows extensively, often verbatim. But if this treatise does not place Bartholomeus among the first rank of conciliar theorists, it nevertheless marks him as a determined advocate of the Council of Basel. He declares that that council was legitimately congregated in the Holy Spirit for the reformation of the church, head and members, in faith and morals and observes that, as such, it had been sanctioned by both Martin

<sup>46</sup>Meijknecht, 86: “Plenitudinem illam potestatis quam habet ecclesia supra papam et quodlibet eius membrum per applicacionem eiusdem potestatis saluberrimam ad hunc vel ad illum quicumque fuerit in quacumque dignitate constitutus, non habet sparsim considerata ut est in aliquo uno membro singulariter—ut notum est—sed congregacio et unicio, que fit in concilio generali in Spiritu Sancto legitime congregato, ecclesiam universalem representante, et eiusdem vicem gerente, in cuius medio est Christus, et cui presidet Spiritus Sanctus.” Meijknecht has not noticed Bartholomeus’ debt to Gerson, see: Jean Gerson, *De potestate ecclesiastica, Oeuvres complètes* vi, 217: “Concluditur autem ex praemissis quod si potestas praedicta [*plenitudo potestatis*] sit Ecclesiae data, concilium generale repraesentans Ecclesiam habet illam; immo videtur quod Ecclesia ut sparsim considerata non habet illam potestatem nisi in quodam materiali seu potenciali; sed congregatio sua et unicio quae fit in concilio generali dat quasi formam . . .”

<sup>47</sup>Meijknecht, 87: “. . . ut verbi gracia actio qua reformatur caput ecclesie, necessitate et utilitate eiusdem ecclesie hoc requirente, et demeritis ipsius capitulis, non convenit alicui suppositorum ecclesie seorsum, nec toti ecclesie universali simul congregate quoad omnia eius membra que sunt per totum orbem dispersa, viros videlicet et mulieres, sed concilio generali, nomine Christi in Spiritu Sancto legitime congregato, totam ecclesiam universalem representanti, et eius vices gerenti . . .”

V and Eugenius IV himself, who, through envoys, had promised to obey it, recognize its jurisdiction, and submit to reformation by it. Given this pedigree and inasmuch as it had properly assembled in accordance with the Constance decree *Frequens*, the Council of Basel was fit to sit in judgment of Eugenius.<sup>48</sup>

Yet whereas many conciliarists and the Council of Basel itself tended to rely most heavily on Math. 18.17-20, the most direct riposte to the papalist proof text Math. 16.18-19, to justify claims for the authority of the universal church represented by a legitimately assembled general council to judge the pope, Bartholomeus leavens this focus on prerogative by emphasizing that the church through the general council exercises the powers of binding and loosing within the broader context of “the evangelical law generally promulgated by Matthew” (Math. 18.15-17), the communal duty of fraternal correction.<sup>49</sup> For Bartholomeus the pope’s susceptibility to fraternal correction is unquestioned, rooted in the divinely-instituted brotherhood of all Christians:

<sup>48</sup>Meijknecht, 90-91: “Cum Concilium Basiliense fuit in Spiritu Sancto legitime congregatum ad reformationem ecclesie in fide et moribus in capite et membris . . . quod ad eius congregacionem concurrat auctoritas Martini Pape ac domini Eugenii, eiusdemque adhesio ac iurisdictionis regognicio, suorum oratorum ad reformationem expressa submissio. Concurrat eciam ad legitimacionem eiusdem, auctoritas Concilii Constanciensis. Hinc consequens est et sequitur ex premissis, quod fuit competens iudex ipsius Eugenii.”

<sup>49</sup>For example, the council cited only Math. 18.18-20 when defending its promulgation of its “Greek indulgence” to Eugenius’ envoys on 11 May 1436, cf *supra*, 112. Similarly in its justificatory letter, *Ecclesiam suam Christus Deus noster* (19 October 1437), and in its decree, *Pridem in decreto* (24 March 1438), the council cited Math. 18.17-20, see above: 124, 125f. N.B. the manner in which Bartholomeus presents the text as if to recall his readers to its full meaning: “Hec est lex evangelica generaliter promulgata Mattheo XVIII: ‘Si peccaverit in te frater tuus, vade et corripe eum inter te et ipsum. Si te non audierit exhibe tecum unum vel duos testes, ut in ore duorum vel trium testium stet omne verbum. Quod si non audierit eos, dic ecclesie. Si autem non audierit ecclesiam, sit tibi sicut ethnicus et publicanus’. Et sequitur ‘Amen dico vobis, quodcumque ligaveritis super terram’ etcetera ubi fundatur potestas ecclesie supernaturalis, ultra naturalem.” (Meijknecht, 76). Vincent von Aggsbach builds a similar argument for the authority of general councils based on Mt. 18.15-20 in a June 1459 letter to Schlitpacher, see: Pez & Hüber, *Thesaurus anecdotorum novissimus* . . . vi, 333-334.

When the supreme pontiff is rightly elected, howsoever that might be, he is the son of the church and the church is his mother, and thus he is the brother of each and every member of the church. For the signifying of which the Lord gave for himself and for others this common form of praying: 'Our Father' etc. in order to indicate that just as we have one father in heaven and, in the same way, one mother on earth, we live together as brothers. Indeed to think the contrary seems most clearly to be madness. It is a consequence of this that, because our same brother is liable to sin and is not established in goodness, the evangelical law of fraternal correction binds him, 'If your brother should sin, etc.'<sup>50</sup>

Although other contemporary conciliarist writers employ notions of fraternity that seem to be drawn from civic republican traditions,<sup>51</sup> Bartholomeus clearly draws his inspiration from the cloister. The obligation of fraternal correction was deeply-rooted in Carthusian life. The saying, originating in the fourteenth-century, that the charterhouse was never reformed because it was never deformed (*Cartusia numquam reformata quia numquam deformata*) was no boast but a testimonial to the order's commitment to rigorous observance. The obligation of fraternal correction, to which every Carthusian brother was held, was a central mechanism of that unceasing process of reform to which the order aspired.<sup>52</sup> Although the Council of Basel had gone to great lengths to build a case against Eugenius for his heretical denial of the "three truths" of conciliar superiority, it seems that, for Bartholomeus, Eugenius'

<sup>50</sup>Meijknecht, 78-79: ". . . quod cum summus pontifex quantumcumque fuerit rite electus sit filius ecclesie et ecclesia mater eius, et sic frater uniuscuiusque hominis de ecclesia. Ad quod significandum dedit sibi et aliis Dominus hanc formam orandi communem: Pater noster etcetera, ad innuendum, quod sicut unum habemus patrem in celis, sic et unam matrem in terris, mutuo existentes fratres. Ymmo oppositum sentire, videtur appertissime demencie. Ex quo trahitur consequenter, quod quia ipse frater noster est peccabilis, et non in bonis confirmatus, lex evangelica eum comprehendit de correctione fraterna, Si peccaverit etcetera."

<sup>51</sup>Black, *Council*, 88-89, mentions Andreas de Escobar and Segovia specifically in this regard.

<sup>52</sup>*Statuta antiqua*, ii, c. iv, ¶ 9 [AC 99:2:167]

refusal, reneging on his former commitment, to submit to reform provided sufficient grounds for his deposition.<sup>53</sup>

As Bartholomeus is forthright in defending the rightness of Eugenius IV's deposition, he is circumspect when considering the response made by Dietrich von Moeurs and the rest of the imperial Electors to that deposition. His predicament is obvious. Although Dietrich's own brothers, Heinrich, Bishop of Münster and Osnabrück, and Walram, Bishop of Utrecht, defended the Council of Basel at the Cologne synod—suggesting that the archbishop's sentiments were with Basel and were known—, Dietrich remained officially neutral.<sup>54</sup> Bartholomeus was wise enough to not denounce that policy outright. Therefore he allows that the German princes might licitly withhold obedience from rival papal claimants if they are moved by an invincible and not a careless or a purposeful ignorance and if, in the meantime, they make every effort to overcome that ignorance so that they determine to whom obedience must be offered.<sup>55</sup> That such an effort will lead Dietrich and other clear-sighted Electors and princes ultimately to adherence to Basel Bartholomeus does not doubt, but delay is dangerous. A “lingering” neutrality or even a new council that

<sup>53</sup>See: Bartholomeus' treatise *De fraterna correctione* (ca. 1442): “Quod si prelatus non habens superiorem per ammonicionem non corrigitur, non habet ipse cui denunciatur vel coram quo vincatur. Et ideo non restat amplius nisi orare pro eo vel vt emendat se vel vt subrahatur de medio ne ecclesiam suo exemplo perdat. Verumtamen apparet mihi quod quicumque talis potest denunciari consilio generale legitime in spiritu sancto congregato, representante ecclesiam universalem que potest iuxta opportunitatem cum tali prelato agere, emendando ipsum vel deponendo ipsum.” (Cologne. Stadtarchiv GB 4<sup>o</sup> 100, f. 58v).

<sup>54</sup>Stieber, *Pope Eugenius*, 214-215.

<sup>55</sup>Meijknecht, 102: “Item si ut ipsi estimant incurrerunt ignoranciam facti invincibilem de adherendo uni vel alteri. Videndum est an illam incurrerunt ex sui culpa, negligentes inquirere vel perquirere noticiam facti eo tempore quo debuerunt, et ex debuit et non ignorare, ut virtuti obediencie et eius imperio potuissent satisfacisse. Item an a principio suspensionis usque modo fecerunt sufficientem et exactam diligenciam ad informandum se, et ad removendum illam ignoranciam suspensionem inducentem. Ad quam diligenciam tenentur, ut per eam se sufficienter informet cui parti vel illi vel illi adhereant.”

would convene to review actions of the Council of Basel, another princely mediation initiative then current, would denigrate the principle of the authority of general councils.<sup>56</sup> And, referring to the *Acceptatio* of Mainz (26 March 1439), Bartholomeus reminds Dietrich that he and the other Electors had endorsed that principle when they had accepted the Basel decrees.<sup>57</sup>

One consideration that had prompted the Electors and princes to declare their neutrality was fear of schism. From the publication of Eugenius IV's *Libellus apologeticus* in June 1436, he and his advocates had sought to instill and inflame fears among monarchs and princes that the council's attack on papal authority would lead to political subversion. It is likely too that the emphasis many defenders of Basel and its authority placed on collegial, corporational, and civic republican traditions to justify the council's authority and constitution inadvertently gave

<sup>56</sup>Meijknecht, 104: "Et quis late circumducens oculum mentis sanum et non lippum, non percipit, quod ista morosa suspensio atque alerius [*sic*] futuri concilii convocandi practicacio, in quo examinetur presens Concilium Basiliense in actibus suis, deroget atque derogando infirmet auctoritatem sacrorem conciliorum, atque ea in quendam parvipensionem, et contra debitam que debetur eis reverenciam vilipensionem, constituat." On various proposals for a new or "mediation" council, see: Remigius Bäumer, "Eugen IV. und der Plan eines 'Dritten Konzils' zur Beilegung des Basler Schismas," in *Reformata Reformanda: Festgabe für Hubert Jedin*, herausgegeben von Erwin Iserloh und Konrad Repgen, [*Reformationsgeschichtliche Studien und Texte, Supplementband 1:1-2*] (Münster: Aschendorff, 1965), i, 87-128.

<sup>57</sup>Meijknecht, 107: "Admiracio me impulsat, quomodo diu post istam secundam translacionem concilii Basiliensis, quam adversarii asserunt factam, ipsi principes electores Imperii sacrum concilium Basiliense, ut tale venerati sunt, atque eius decreta cum veneracione debita susceperunt, ut in litteris desuper confectis plenius continetur, in hec verba inter cetera 'Quare prefata decreta sacri Basiliensis Concilii super predictorum correctione et reformatione, provisione congruam afferencia aliqua simpliciter prout iacent, alia vero cum certis modificacionibus et formis non quidem quod hesitemus de potestate sacri concilii condentis, sed quatenus commoditatibus, temporibus et moribus prefate Nacionis Germanice, convenire, videntur, illico et indelate recepimus et acceptamus.' Ecce, tunc excludebatur hesitacio de auctoritate concilii!" On the *Acceptatio* of Mainz and its subsequent renewal in the Protestation of Neutrality (11 November 1439), cf above, 127 n. 24.



credence to those charges.<sup>58</sup> Pro-Eugenian propaganda and memories of the disorders of the previous schism coalesced and took root. Meeting at Mainz in August 1439 just weeks after the council's deposition of Eugenius the German princes gave voice to their deep misgivings:

. . . but confusion of rank grows, scandals in the church are increasing, the souls of faithful men are bewildered, daily a more serious division gains ground, and, unless there is some speedy remedy . . . the unity of the church as much among the superior powers as within the separate gatherings of the faithful will be banished from the world.<sup>59</sup>

The fathers at Basel had recognized the danger such apprehensions posed for their cause and had tried to assuage princely concerns by retreating from the “constitutionalist” analogies advanced on its behalf by some of its advocates and stressing that general councils of the church, governed by the Holy Spirit, were not like secular assemblies.<sup>60</sup> Bartholomeus echoed these assurances.<sup>61</sup> And he tried to allay fears of the consequences of schism endured for the sake of the authority of general councils. Provided that the authority of general councils is revered by all the faithful, schisms will be of only short duration.<sup>62</sup> A far graver sin than schism is that of obstructing the work of a legitimately assembled general council: by this the work

<sup>58</sup>Black, *Monarchy*, 92 points out that during May 1439 proponents of the decree of deposition against Eugenius had resorted to analogies drawn from secular governance to justify their position.

<sup>59</sup>RTA xiv, 326: “quinimmo confusio status multiplicatur, ecclesie succrescunt scandala, fidelium hominum perplexantur animi, dietim gravior serpit divisio, et, nisi celeri aliquo occurratur antidoto . . . ecclesie unitas tam in superioribus potestatibus quam singulis fidelium conventibus extra mundi terminos exulabit.”

<sup>60</sup>MC ii, 1055, iii, 328.

<sup>61</sup>Meijknecht, 88: “Alias multas congregaciones videmus fieri in nomine regum et principium aut prelatorum. . . . Nec alia quevis congregacio audet asserere quod sit in Spiritu Sancto legitime congregata, quemadmodum ab inicio ecclesie sola congregacio generalis concilii possidet hanc denominationem.”

<sup>62</sup>Meijknecht, 108: “Sed ipsa auctoritate sacrorum conciliorum insigniter preconizata et in debita reverencia habita a cunctis fidelibus, non poterit esse diuturnum scisma . . .”

of the Holy Spirit is obstructed, killed, and buried.<sup>63</sup> Anyone, his mind's eye lidded (*oculus mentis lippus est*), who would counsel Dietrich to thwart the work already being done by the Holy Spirit at Basel by championing a new council, Bartholomeus warns, is one of those lovers of self, those lovers of pleasure rather than God, who have the likeness of piety while denying the power of it, whose coming in the Last Days St. Paul had foretold (2 Tim. 3.1-5).<sup>64</sup>

Whether Dietrich von Moeurs had commissioned Bartholomeus to write his *Tractatus de potestate pape* or no, neither it nor a strongly-worded opinion in favor of the Council of Basel issued by the University of Cologne on 10 October 1440 persuaded the archbishop to renounce his declaration of neutrality.<sup>65</sup> In the months that followed neither could the council nor Eugenius by diplomatic effort or by force of argument bring Dietrich or any of the other Electors to abandon their common front. At the end of the congress of European princes at Mainz (7 February- ca. 7 April 1441), to which both sides sent prestigious embassies, representatives of the German princes and Charles VII of France announced plans for a new council to be held at Metz for the purpose of ending the schism.<sup>66</sup> This agreement, which marked the temporary cessation of rival attempts by the parties to organize a new council

<sup>63</sup>Meijknecht, 107-108: "Ubi advertendum quod licet schisma in ecclesia Dei sit perniciosissimum et quodammodo maximum inter vicia que respiciunt obiectum caritatis secundarium in ecclesia militante, quod est unitas ecclesiastica, ecclesie bonum et finis, attamen non minus, sed hoc respectu rationis obiectalis aliquomodo maius videtur et periculosius vicium, quod obviat directe Spiritui Sancto et auctoritati eius, auctoritati inquam ecclesie et conciliorum generalium in Spiritu Sancto legitime congregatorum ac obviando mortificat et sepelit."

<sup>64</sup>Meijknecht, 113-114: "De quo improbo amore et de infectis eodem loquitur Apostolus ad Thymoteum, dicens: 'Hoc scito quod in novissimis diebus instabunt tempora periculosa et erunt homines seipsos amantes', et sequitur post pauca . . . 'voluptatum amatores plus quam Dei, habentes quidem speciem pietatis virtutem autem eius abnegantes.'"

<sup>65</sup>For the opinion of the University of Cologne, see: *RTA* xv, 462-467.

<sup>66</sup>*RTA* xv, 578-580, 848-852.

within their own territory in hopes of brokering a settlement advantageous to their respective emerging “national” churches, held no attraction for either the fathers at Basel or Eugenius. As the schism dragged on and the impasse seemed increasingly intractable tensions rose within the Carthusian Order over its previous declaration of adhesion to Basel and Felix. We have already witnessed manifestations of this: the threatened defection of Italian dissidents to Eugenius in late 1441 or early 1442 and the rumor, certainly unfounded, that in June 1442 prior-general Maresme secretly negotiated an agreement with Eugenius that would return the entire order to his obedience. According to Meijknecht these tensions caused the 1442 general chapter to be marked by “wild scenes”.<sup>67</sup> While this may well have been the case, he offers no substantiating evidence to sustain this characterization. It cannot be confirmed by examination of the relevant *carta* for it makes no direct reference either to the church conflict or to its repercussions within the order. In fact two *Avisamenta eiusdem patris prioris Ruremundensis missa ad capitulum generale (incipit, Oculo circumspeditionis)* submitted by Bartholomeus van Maastricht to that chapter provide the only evidence that the diffinitors and priors discussed then the problem of the order’s allegiance. These, which survive in only one manuscript and which are transcribed in an appendix below, have an added importance in that they were written at the Grande-Chartreuse, probably during the course of such discussions.<sup>68</sup>

While by the *Tractatus de potestate pape* Bartholomeus had sought to embolden Dietrich von Moeurs to make an unequivocal declaration in favor of the Council of Basel and so risk a widening of the Basel/Florence schism, in these brief

<sup>67</sup>Meijknecht, 22: “Tijdens de vergadering van het kapittel in het voorjaar van hetzelfde jaar spelen zich wilde tonelen af.”

<sup>68</sup>Vienna, Österreichische Nationalbibliothek Hs. 4947, ff. 247r-248v. Bartholomeus explains that he has not written at greater length because he was fatigued by his dangerous journey to the Grande-Chartreuse, cf Appendix D, 260 ll. 10-15.

*Avisamenta* he places a premium on maintaining of the unity of the order. Thus his first *avisamentum* treats the question whether the order should permit charterhouses to conform their allegiance to that of local political authorities. No doubt mindful of the damage done by the division of the order into competing obediences during the Great Schism, Bartholomeus declares that in no way ought the general chapter or a group of priors acting as a chapter (a probable reference to the prior-general's private chapter) to sanction this. Were the order to acquiesce in the principle of *cuius regio, eius religio*, he argues, it would be seen to be precipitously promoting schism. Rather than suffer the prevailing political situation to influence the order to its detriment, Bartholomeus proposes that the chapter pursue a course of action that would turn that situation to the order's advantage. For if some political authorities had determined to side either with the council or Eugenius, many, the German Emperor Friedrich III, the imperial Electors, a great number of the German princes, and Charles VII of France among them, had declared and were continuing to hold to a policy of neutrality. Bartholomeus, therefore, suggests that the order might preserve its unity were it to emulate that policy. Yet although he allows that the 1442 general chapter might simply declare the order's neutrality, he seems to favor an alternative means whereby the visitators of the order, gathering together in an approximation of the chapter, might, in order to protect the reputation of the order, declare a temporary neutrality until such time as, with the advice of wiser and more experienced persons, they determine what the order must do to promote peace and the honor and glory of God.<sup>69</sup>

<sup>69</sup>Appendix D, 254 l. 23- 256 l. 1: "Et si videatur prioribus in capitulo generali congregatis : quod ordo ad tempus debeat se suspendere ab expressa particulari determinacione vltime residencie ad illam vel aliam partem, scripto vel vere per ordinem vel aliquem seu aliquos nomine ordinis †fienda†, exquo adhuc in suspensione quadam huiuscemodi determinacionis residencie finalis stant potissimi principes christianitatis, videlicet rex romanorum cum suis electoribus et aliis principibus

The rationale for this circuitous stratagem is clarified if we consider its pedigree. For Bartholomeus must certainly have taken inspiration from a 1438 ordination discussed above. Among a number of provisions intended to meet various eventualities, that ordination had included a stipulation that, if the prior-general were to be compelled to make a formal declaration of adhesion in the name of the entire order, he was to assemble the provincial visitators together with such persons as he thought would offer good advice in order to work out a generally accepted policy that all members of the order would be required to uphold. In discussing this ordination I suggested that it was enacted as much to guard the order from disunity arising from internal dissent as from an external threat.<sup>70</sup> This seems even more to be the case with Bartholomeus' proposal which, unlike the 1438 ordination, carefully avoids any intimation that some future policy would be compulsory. Likely he hoped that consultation, deliberation and a wider participation of the members of the order would buy time for heightened passions, signalled by the threatened defection of Italian Carthusians to Eugenius IV, to dissipate.

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quamplurimis et, vt intellexi, rex francie etc. ; quod illa suspensio non promulgetur vt facta a capitulo, sed quod patres visitatores provinciarum in loco capituli generalis congregati, attentis arduitate negotii maxima quae transcendit eorum cognoscere ab intra eorumque simplicitate atque dicto beati gregorii in registro dicentis quod †nostris† ab intra non cognoscit homo congrue ad extra non disponit, permoti sunt ad hoc, quod ipsi ad tempus suspendat organa sua a determinacione expressa pretacta capitulari nomine ordinis finalis siue vltime residencie etc., ne per eandem ponant totum ordinem ad notam culpabilis macule et ad scandalum pusillorum plurimorum in ecclesia dei, exciteturque per hoc perturbacio in [...] mentibus multorum periculose simplicitatem ordinis iudicancium ; sicque patres illi non tamen vt capitulariter congregati capitulum representantes sed aliunde desiderent apud illos, apud quos erit oportunum, vt permittantur ad tempus modicum in tali suspensione determinacionis expresse vltime et finalis residencie ordinis etc., quousque ab aliis maximis et prudentissimis christianitatis eorum simplicitas informetur quid faciendum erit ordini ad promocionem ecclesiastice vnitatis et ad laudem et gloriam dei omnipotentis.

<sup>70</sup>See above: 133f.. Bartolomeus relates that he composed his *Avisamenta* at the request of Johannes Schunde, Prior of Cologne, see: Appendix D, 254 *ll.* 11-13. Schunde had been a diffinitor of the 1438 general chapter. Did knowledge of this somehow bring Bartholomeus to resort to this ordination or did perhaps Schunde remind him of it?

It is interesting also to note, again in contradistinction to the 1438 ordination, that Bartholomeus seems at pains to emphasize that the gathering of visitators he proposes would be extra-official. At least this seems to be his intention when he writes that, although they would represent the chapter, the visitators would not assemble as a chapter but in another, unspecified way (*non tamen capitulariter congregati capitulum representes sed aliunde*). Despite its potential benefits, Bartholomeus' recommendation that the order assume a neutral stance would involve it in a difficulty. After all, as we have seen, it had previously made a formal declaration of adhesion to the Council of Basel and Felix V. Certainly the diffinitors of the 1442 general chapter would have found it difficult to retreat from that declaration: of the eight who had served as diffinitors of the 1440 general chapter seven, including Petrus Lallier, representative of the monks of the Grande-Chartreuse, were elected again in 1442 and the eighth diffinitor in that subsequent year was Vincent, prior of the charterhouse at Aggsbach, an undoubted and, for many years to come, an outspoken supporter of the Council of Basel.<sup>71</sup> It is important to recall that the diffinitors were elected by the priors of the general chapter. That in 1442 the chapter had returned nearly all those who, as diffinitors in 1440, had determined that the order would recognize the council must indicate continued support for the council among the majority of priors. It seems that Bartholomeus calculated that an effective policy of neutrality which stopped short of an official repudiation of the order's previous public declaration of adhesion to the Council of Basel and Felix V might sufficiently placate majority and minority opinion within the order and so preserve its unity.

Concern for the unity of the order did not, however, prevent Bartholomeus from attempting to bring those Carthusians inclined to Eugenius to the obedience of

<sup>71</sup>See: Appendix F.

the Council of Basel and Felix. Thus in the second *avisamentum* he evaluates a rationale some had advanced for their adhesion to Eugenius, to wit, that they, uncertain of the truth of either party, had followed the lead of diocesans and had sided in good conscience with Eugenius because they had an “invincible ignorance” as to the truth of the claims of the Council of Basel and Felix V.<sup>72</sup> Against this line of reasoning Bartholomeus advances an argument that rests on the very assumption that Eugenius’ Carthusian adherents were hardly likely to grant: that the Council of Basel was in 1442 a legitimately assembled general council. He distinguishes disputes that occur between individual persons within the universal church or between individual persons and particular churches from disputes that occur between individual persons or particular churches and the universal church or its representative, a legitimately assembled general council. In the former case, as during the previous schism, it may be that error is to be imputed to both parties making it impossible to find adequate reason to side with one against the other. In the latter case because the universal church and the general council, its representative, cannot err—a claim not explicitly made but doubtlessly assumed—there exists a moral certitude that obliges one to take its part against particular persons or churches.<sup>73</sup> It is in the use of the notion of

<sup>72</sup>Appendix D, 256 ll. 8-13: “Item de fundamento aliquorum qui in presenti materia superardua ponunt residencionem suam in hoc, videlicet quod ipsi non sunt certi de veritate alicuius partis, hinc ipsi estimant quod cum bona consciencia possunt tenere cum vna parte, scilicet Eugenii, cum qua tenet eorum dyocesanus in cuius dyocesi ipsi resident, eo quod habeant ignoranciam invincibilem de veritate alterius partis, puta concilii generalis Basiliensis et Felicis etc. . . .”

<sup>73</sup>Appendix D, 256 l. 21-257 l. 13: “. . . si diuisio in ecclesia dei proueniret ex disceptacione personarum particularium in ecclesia dei, vt vnus partis cardinalium cum alia parte cardinalium vel vnus persone vel aliquarum personarum cum ecclesia particulari vbi in comparacione vtrique parti contingit errorem ascribi occurritque dubium et causa dubitacionis de veritate parcium tanta quod non est ratio sufficiens ad hoc, quare plus vni parti debent stare quam alteri, sicut fuit in precedenti inveterato scismate . . . Sed ubi fit comparacio aliquarum personarum particularium ymmo et priuatarum ecclesiarum particularium contra ecclesiam vniuersalem vel contra concilium vniuersale quod conuictum est in spiritu sancto legitime congregatum,

moral certitude, a concept, according to Vennebusch, not commonly employed by conciliarist writers, that the chief interest of this *avisamentum* lies.<sup>74</sup>

Bartholomeus' understanding of moral certitude is founded on two Aristotelian principles: first, that moral issues do not admit of the same exactitude with which a mathematical problem may be answered, and, second, that moral certitude is established when an individual is guided by the rule by which a man of practical wisdom would be guided.<sup>75</sup> He points out that, by common agreement, moral certitude may be acquired by three means: by the authority of prudent and wise men, by one's own knowledge, or by one's own experience. As if to buttress the self-evident assertion that a legitimately assembled general council enjoys a capacity to establish a claim of moral necessity superior to that enjoyed by particular persons or particular churches, by which Bartholomeus clearly means those diocesans in question, Bartholomeus argues from this that the determinations of universities, that is, of corporations of prudent and learned men, in favor of the council impart a moral necessity that forbids protestations of invincible ignorance as to the truth of the

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representans ecclesiam non solum significatiue sed etiam virtualiter potestatiue secus est, eo quod in tali comparacione potest capi aliqua ratio certitudinis moralis, quare plus standum sit ecclesie vel concilio generali etc. quam particularibus hominibus contra concilium vniuersale barratantibus . . .”

<sup>74</sup>Vennebusch, 214 notes close textual agreement on the subject of certitude between an undoubted work of Bartholomeus, *De passionibus et virtutibus*, and a previously unattributed work, *Tractatus contra Eugenius IV cum quodam avisamento*, that he assigns to Bartholomeus and dates to 1444. The text, drawn from the *Avisamenta eiusdem patris prioris Ruremundensis missa ad capitulum generale* and cited in n. 75 immediately below, corresponds closely to that found in the texts noted by Vennebusch.

<sup>75</sup>Appendix D, 258 ll. 5-13: “Certitudo moralis iuxta sententiam philosophi primo *Ethicorum* non consurgit ex euidencia acribologie mathematice, que in moralibus expetenda non est, sed per relacionem ad regulam rationis in disciplinato ex probabilibus et coniecturis sufficientibus viro prudenti. Hinc vocant eam moralem certitudinem probabilitatis que habetur per probabilem coniecturam et per quamdam ipsius bone voluntatis confidenciam, que dicitur pocius certitudo bone consciencie quam neccesarie sciencie.”



claims of the council.<sup>76</sup> The university *consilia* to which he refers were, as is well known, overwhelmingly in favor of the Council of Basel.<sup>77</sup> This fact, in conjunction with the absence of any mention of the Council of Florence—the opposition set up at the beginning of his second *avisamentum* is, we recall, between the claims of Eugenius IV and those of the Council of Basel and Felix V— and Bartholomeus’ denunciation of *Etsi non dubitemus* (20 April 1441), Eugenius’ most uncompromising attack on Basel and conciliarist thought, renders Meijknecht’s mistaken contention that Bartholomeus, out of concern for the unity of the order, intended to be ambiguous as to which council, Basel or Florence, possessed the authority to command unquestioned obedience, disingenuous at best.<sup>78</sup>

<sup>76</sup>Appendix D, 258 l. 13-259 l 9: “Et colligitur secundum doctores hec certitudo altero trium modorum videlicet ex alterius auctoritate, puta viri prudentis siue sapientis viri, virtuosi cuius iudicio standum et sumendum est medium virtutis, ex secundo *Ethicorum* ; secundo ex propria erudicione ; tertio capitur ab experimentalis consuetudine. Ista applicando ad propositum nostrum nonne, tanquam habenti auctoritatem inducenti hanc moralem neccesitatem, pocius standum est concilio generali in spiritu sancto legitime congregato, eo quod auctoritas eius est auctoritas diuina, auctoritas spiritus sancti regentis et presidentis in ipso, quam particularibus hominibus seu particularibus ecclesiis. Vtinam in suis capitibus non muneribus corruptis ! Preterea nonne potissime standum est studiis generalibus et eorum determinacionibus tamquam determinacioni sapientum quorum iudicium assercionis vtique videtur magni ponderis et sufficientis auctoritatis ad neccesitatem moralem inducendam in presenti materia pro ecclesia dei seu generali concilio ipsam representante. Que neccesitas moralis in materia currente, vt colligitur ex premissis attentis motivis predictis, per bone voluntatis confidenciam excludit invincibilem in facto ignoranciam excusantem prefatos, de quibus loquitur ista advertencia secunda a periculo culpe in eorum fortassis minus cauta adhesione etc.. Ex quo patet quod loquendo de dubitacione quam excludit moralis certitudo ipsi non habent de veritate concilii dubitare.”

<sup>77</sup>Stieber, *Pope Eugenius*, 72-92, providing excellent bibliography, argues that the council found overwhelming support within German universities. Interestingly he notes (p. 90) that the University of Heidelberg, Bartholomeus’ former university, was the only German university where Eugenius enjoyed public support. Black’s assessment differs somewhat from that of Stieber in that he stresses the restraints placed on some universities by secular authorities that inhibited full expression of support for Basel, see: *Council and Commune*, 110-113.

<sup>78</sup>Meijknecht, 22: “De pijnlijke ervaring van een halve eeuw geleden speelt ongetwijfeld mee in het voorzichtige realisme. Hij waagt het niet zich volledig uit te

The 1442 general chapter appointed Bartholomeus visitator of the Rhenish province; the 1443 general chapter renewed this appointment. During this period he does not seem to have written on ecclesiological questions. This is not, however, because he subordinated his convictions in the face of the order's return to the obedience of Eugenius in June 1442, as Meijknecht, who misconstrues Segovia's account of a rumored Carthusian approach to Eugenius as fact, maintains.<sup>79</sup> Likely he devoted himself to his duties. With the end of his tenure as visitator he returned to the public stage, again as an advisor to Dietrich von Moeurs, Archbishop of Cologne. In August/September 1444 Bartholomeus attended a diet of the German nation at Nuremberg as a member of a group of experts, most drawn from the University of Cologne, who were to attend the debates and to advise Dietrich. On 9 September, Tilman Johel von Linz, Provost of St. Florin in Koblenz, and one of Dietrich von Moeurs' most trusted advisors, assembled the Cologne delegation at a secret location. There he polled them individually as to whether Dietrich, were he to renounce the Protestation of Neutrality, ought to support the Council of Basel or

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spreken. Het uiterste punt waartoe hij bereid is te gaan, luidt: 'veeleer moet men positie kiezen voor het algemene concilie, in de Heilige Geest vettig vergaderd'. Deze definitie gebruikt het concilie van Bazel voortdurend om zichzelf aan te duiden. Maar daarmee is niet volledig uitgesloten dat de definitie ook zou kunnen passen op het concilie van Florence. Bartholomeus laat zijn voorkeur wel raden. Maar hem helemaal uitspreken durft hij niet." Bartholomeus' concern for Carthusian unity extends to this: that he protests himself unable to believe Eugenius responsible for *Etsi non dubitemus*: ". . . quod etiam ipsi conantur mortificare auctoritatem omnium conciliorum generalium nimis periculose ponentes os in celum, legantur scripta eorum conviciis plena et specialiter legatur vna bulla missa studio Montispessulani, et manifeste apparebit in ea derogacio auctoritatis omnium conciliorum cum aliis multis periculis. Non possum credere quod de scitu et voluntate domini Eugenii sic nuncupati emanauerit sed forte callide per quosdam nimis callidos practicata est et missa. Credunt illi indiscreti proficere [proficere] parti sue et estimo quod multum obsint." (Appendix D, 260, ll. 2-9).

<sup>79</sup>Meijknecht, 22: "De uitslag van de discussie houdt in dat het kapittel-generaal besluit om terug te keren tot obediëntie van paus Eugenius. Twee prioren arriveren in juni aan het Romeinse hof om de paus officieel van dit besluit op de hoogte te stellen. Bartholomeus maakt zijn eigen overtuiging ondergeschikt aan het belang van de eenheid van de orde." For the relevant passage in Segovia, see above: 166 n. 111.

Eugenius IV. Of the twenty-one delegates, including Johel himself, eighteen voted for a declaration of unconditional obedience to Basel, two recommended a conditional acceptance of Basel until a new, undoubted council might be convoked, and one declared that the archbishop ought to keep to that which was decided “at the first Reichstag at Mainz”, by which he presumably meant the *Acceptatio* of Mainz, that is continued neutrality. Among the eighteen who favored unconditional recognition of Basel, were numbered Bartholomeus and Johannes Schunde, prior of the charterhouse at Cologne. Six days later Johel again assembled and polled the delegates, this time as to what advice they would offer Dietrich if, ultimately, he were called upon to give his allegiance either to Felix V or Eugenius IV. On this occasion seventeen votes, including those of Bartholomeus and Johannes Schunde, were cast in favor of the recognition of Felix V.<sup>80</sup>

While the published records of the August/September 1444 diet do not indicate that Bartholomeus otherwise played an active role at Nuremberg, they do reveal that he enjoyed some notoriety there. For example on or about 12 August 1444 Eberhart Thyn van Slenderhain, Commander of the German Knights at Koblenz wrote to his Grand Master, Konrad von Erlichshausen, evidently from Nuremberg to report on several matters including his acquiring of some of the works of Bartholomeus van Maastricht.<sup>81</sup> In addition a work Bartholomeus may have completed shortly before his sojourn at Nuremberg, his *Tractatus de potestate ecclesiastica* (Wolfenbüttel, Herzog August Bibliothek, cod. Helmst, 797, ff. 1r-46r),

<sup>80</sup>RTA xvii, 330-333. On each occasion Bartholomeus acted as proxy for Johannes Schunde.

<sup>81</sup>RTA xvii, 261.

was cited in a parenthetical reference in an anonymous pro-Basel tract, composed and copied at Nuremberg, that survives in the same manuscript (ff. 107v-114v).<sup>82</sup>

Participation at the Reichstag seems to have spurred Bartholomeus to intensive writing. Vennebusch has recently advanced greatly the study of Bartholomeus by demonstrating persuasively that five previously unattributed tracts contained in Cologne, Stadtarchiv W 4<sup>o</sup> 218 must be assigned to him and must date from the time of the 1444 Nuremberg Reichstag.<sup>83</sup> Although a microfilm of this manuscript has only recently come into my possession, I can attest to the general accuracy of his description and discussion of the contents of these newly-discovered works. In respect of one tract, however, certain of Vennebusch's conclusions might be subject to refinement.

In the *avisamentum* appended to his *Tractatus contra Eugenium IV cum quodam avisamento*, Bartholomeus considers the question whether Friedrich III and the Electors might, should they decide to back the council, delay recognition of Felix V. To this Bartholomeus answers that they might make an inward decision for Basel and Felix, delaying public acknowledgment until circumstances should require it. Furthermore Bartholomeus allows that for the sake of the peace and unity of the church it might be permissible to delay a public declaration for Felix or Eugenius until a new council filled with men of prudence and wisdom—the sort, we recall, who can establish moral certitude—can be convoked.<sup>84</sup> To Vennebusch, Bartholomeus'

<sup>82</sup>*RTA* xvii, 370-377, at 373. The copyist, whom Walter Kaemmerer tentatively identifies as Nicholas of Prussia, a Carthusian of the charterhouse at Nuremberg, see: *RTA* xvii, 330, and not the author of the tract itself likely made the reference. Vennebusch questions Meijknecht's dating of this work to 4 September 1444 (Meijknecht, 58), suggesting, plausibly, that that date, noted in the manuscript, more probably indicates the date of the copy.

<sup>83</sup>Listed at Vennebusch, 211-212.

<sup>84</sup>Vennebusch, 219; texts excerpted at 225-226: "Hiis perspectis diligenter et prudenter consideratis apparet michi cum correctione et emendacione omnium melius

embracing of these positions represents a retreat from his former, stronger advocacy of the Council of Basel and Felix V in the face of a changed ecclesio-political reality. In his view Bartholomeus was in the autumn of 1444 fighting a rearguard action in an effort to forestall an impending recognition of Eugenius IV by the Emperor and Electors. It is true that on 1 October 1444 while at Nuremberg Friedrich III together with the Electors of Mainz and Brandenburg and the Dukes of Bavaria, Heinrich XVI (Landshut) and Ludwig VIII (Ingolstadt), advanced a plan for a new council to be held at Constance over which Eugenius or his representatives would preside. But it is also true that, on the same day, the Electors of Cologne, Trier, and Saxony presented their own mediation proposal favorable to the council: transfer of the present Council of Basel to Mainz, Speyer, Strassburg, or Worms, an investigation of the claims of the rivals for the papacy (*de papatu contendencium*). In many respects this proposal satisfied conditions set by the fathers at Basel in October 1442 when they had agreed in principle to transfer to another city as part of a former plan, devised by Friedrich III, for a new, undoubted council. Within a week, on the eve of the end of the Reichstag, the Archbishops of Bremen, Magdeburg, and Salzburg had signed on to the mediation proposal of the three Electors. By the end of October, a fourth Elector, Ludwig IV Palatine, had been enlisted at the price of a marriage to

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et verius intelligencium, quod pia mens potest se licite determinare determinacione mentis interiori ad partem concilii et ad Felicem et habere promptitudinem animi ad obediendum et ad protestandum eandem obedienciam protestacione exteriori eciam solempni, dum adest oportunitas que hoc exigit et requirit. . . . quod in casu corrente et stante in regno ecclesie sancte dei tanta diversitate ymmo pocius adversitate, in quo multi undecumque moti contrariantur sacro concilio Basiliensi et aliqui, licet teneant veritatem eiusdem sacri concilii, cespitant tamen de electione Felicis, si expressa et solempnis exterior determinacio ultime residencie ad Felicem amplius rumperet in christianismo amorem unitatis et ex consequenti adversaretur in ecclesia sancta procuracioni et adepcioni salutifere pacis et ecclesiastice unitatis induceretque in regnis et povinciis contrariis induracionem nephandi scismatis essetque dispositio ad eius inveteracionem, tunc expediret pocius eamdem determinacionem premissam a principibus suspendere usque ad plenarium universale concilium ex toto orbe christiano ab omnibus laudatum de proximo congregandum, plenarium inquam non solum virtute et potestate, se eciam suppositorum notabilium virorum prudentum [*sic*] et sapientum [*sic*] deum timencium copiosissima multitudine.”

Marguerite of Savoy, the daughter of Felix V.<sup>85</sup> If Bartholomeus was aware or had a reasonable opportunity to be aware of the Electors' mediation plan—conditions to be established by an investigation of the genesis of that proposal—, his motives and intentions for those opinions Vennebusch believes to signal a retreat from a more forceful, former advocacy of Basel must be reinterpreted.<sup>86</sup> In that case by distinguishing between an inward and an outward determination in favor of the council and Felix V (potentially and plausibly a reflection of the circumstances of Dietrich von Moeurs and his confederates) and by countenancing a new council in a new location (provisionally acceptable to the fathers at Basel since 1442), Bartholomeus might have been attempting to promote rather than salvage the interests of the council.

Certainly Bartholomeus' active defence of the Council of Basel, both in the service of the Elector of Cologne and within the Carthusian Order make him a compelling candidate for further study. A more comprehensive reading of his writings than can be attempted here should focus on the sources of his conciliar thought. His large debt to Gerson may, in fact, obscure debts owed to others. That he enjoyed a more public career than was common for a Carthusian monk may have afforded him a greater familiarity with ideas advanced by Segovia, Cusa, van de Velde and others. A second valuable line of research would explore the influence of Carthusian spirituality and life on his conciliar ideas. Meijknecht declares, somewhat

<sup>85</sup>For the rival proposals advanced at the end of the diet at Nuremberg, see: *RTA* xvii, 401-401-409. For the conditions (*securitates*) imposed by Basel in October 1442 for its transfer to a new location, see: *RTA* xvii, 27-34. On the marriage of Ludwig IV, Elector Palatine, and Marguerite of Savoy, see: Stieber, *Pope Eugenius*, 258-259 where he notes that the marriage contract acknowledges the matchmaking of the Electors of Cologne and Trier.

<sup>86</sup>Such an investigation would be difficult. The best starting point would seem to be with Tilman Johel, Dietrich von Moeurs' trusted counselor and, at Nuremberg, the overseer of that panel of advisors of which Bartholomeus was a member.

precipitously given the scarcity of evidence he adduces, that for Bartholomeus the monastery provides a pattern for the whole church. In support of this he cites the central place fraternal correction occupied in Bartholomeus' thinking about the relationship of council and pope. As we have seen this is certainly apparent in his *Tractatus de potestate pape*. What is more, he asserts that Bartholomeus' experience of the polity of the order, specifically as regards the relations between the prior-general and the diffinitors of the annual general chapter, must have predisposed him to conciliarist opinion. Unfortunately Meijknecht draws no confirmation for this from Bartholomeus' writings. Nevertheless it is an attractive and plausible notion that is worth pursuing. In the *avisamenta* Bartholomeus submitted to the 1442 general chapter he employs very similar formulations to describe the manner in which the general chapter represents the entire order (*potestative virtualiter*) and the legitimately assembled general council represents the universal church (*non solum significative sed etiam virtualiter potestative*).<sup>87</sup> Of course a lone linguistic parallel of this sort cannot bear the weight of such a claim as Meijknecht makes. It can, however, and should serve to alert that future investigation of Bartholomeus' thought attend additional occurrences of this and related ideas.

### 3. *Epistula responsalis cuiusdam Cartusiensis ad Episcopum Bononiensem Cardinalem sancte Crucis*

Only close reading of Bartholomeus' *corpus* will determine whether this apparent correlation of general chapter and general council is incidental to or

<sup>87</sup>Compare Appendix D, 254, ll. 15-16: ". . . capitulum nostrum generale totum ordinem potestatiue virtualiter representet." with 257, ll. 9-11: ". . . concilium vniuersale . . . in spiritu sancto legitime congregatum, representans ecclesiam non solum significatiue sed etiam virtualiter potestatiue . . ."

formative of his conciliarism. There is evidence to suggest, however, that such notions were current among Carthusians in the early 1440s. A letter written by an unknown Carthusian probably sometime before April 1443 affords a prime example. This letter, a response to a letter the writer had received from Cardinal Niccolò Albergati,<sup>88</sup> a former Carthusian, survives in at least four manuscripts. A working text, based on copies found in Basel, Universitätsbibliothek Hs. O II 8, ff. 98v-100r and Vienna, Österreichische Nationalbibliothek Hs. 5116, ff. 253r-254v, is supplied in Appendix V.<sup>89</sup> Although the letter itself is undated, the copyist of the Basel text provides a provisional *terminus ante quem*, noting in a postscript that it was read before a general congregation of the Council of Basel on Friday, 5 April 1443.<sup>90</sup> As for establishing the identity of the author, the text itself provides little assistance. What information may be gleaned from it, however, is sufficient to dismiss as unlikely Meijknecht's tentative suggestion that the author may have been the prior of the charterhouse at Aniago in Castille. In the first place the author's points of reference are clearly German: he notes that German universities recognize the authority of the decrees of the Councils of Constance and Basel and he complains that blandishments offered by Eugenius had won for his cause many even in

<sup>88</sup>I have been unable to discover whether this letter has survived. Paolo de Töth, author of the only modern study of Albergati, the distressingly hagiographical *Il beato cardinale Niccolò Albergati e i suoi tempi, 1375-1444*, 2 v. (Acquapendente: Tipografia "La Commerciale", 1934) excerpts some of the cardinal's letters without providing information as to their location, etc.

<sup>89</sup>Meijknecht, 38 lists two other manuscript sources: Munich, Bayerische Staatsbibliothek Hs. 18412, ff. 273r-273v and 278r and Stuttgart, Württembergische Landesbibliothek cod. theol. 2<sup>o</sup> 76, Band 19, ff. 68r-75v, which I have not been able yet to consult.

<sup>90</sup>Appendix E, 267 l. 12: "Lecta in generali congregacione die veneris quinta Aprilis 1443." Although the notarial protocol for the period, by this point a sketchy document does not provide an entry for 5 April 1443, 5 April was indeed a Friday in 1443. What is more it was customary to hold such meetings on Fridays.



Germany.<sup>91</sup> Although I have been unable to establish the identity of the first prior of Aniago (incorporated into the order by the 1442 general chapter<sup>92</sup>), it is unlikely that he was a German. In the second place, if the author of this anonymous letter were the prior of Aniago, we should expect him to have responded directly to the letter he received from Albergati in late summer 1442. Through Segovia we know something of the contents of that letter: Albergati's contention that prior-general Maresme had sent two Carthusian priors on a secret mission to arrange with Eugenius the order's return to his obedience.<sup>93</sup> It is difficult to imagine that the anonymous author of the letter under discussion here would have passed over this in silence.

Whereas the circumstances under which Bartholomeus van Maastricht composed those works discussed here required that he observe a certain restraint in making his case for the council, Albergati's Carthusian correspondent was not so encumbered. Thus he refers to the deposed pope as "Gabriel, once Eugenius", and calls that assembly meeting at Florence, later at Rome, not a council but a "conventicle".<sup>94</sup> The letter, displaying none of the customary marks of deference to Albergati's rank, is a stern rebuke couched in the language and imagery of penitence. As such it makes no allowance that the cardinal might be misguided or deluded: he must confess and turn away from the evil he has knowingly committed or face

<sup>91</sup>Appendix E, 262 ll. 4-6: "Putasne quod vniversitates per Almaniam dormitant, que omnia acta et facta conciliorum inscribunt et servant ad futuram rei memoriam?" Appendix E, 266 ll. 2-4: "Publicatus est vester modus agendi clandestinis perversionibus donibus et missibilibus occultis quibus multos in almania eciam corrupistis in conventiculo de sanguinibus ferrariensi vbi ferrum duricie vestre exactum fuit."

<sup>92</sup>AC 100:3:102, 105-106.

<sup>93</sup>See above: 167 n. 112.

<sup>94</sup>At no point in those works under discussion here does Bartholomeus either resort to the convention observed at Basel and among its supporters of calling Eugenius IV by his given name or even mention Eugenius' council at Florence.

damnation.<sup>95</sup> That evil is manifold. In recounting it the author demonstrates that he has thoroughly absorbed the Basilean perspective.

The most fundamental task of the council is to carry forward the general reform of the church that the Council of Constance had been forced to leave undone. Gabriel, following properly in the footsteps of his predecessor, had convened it for just this purpose. In a shorthand manner: “you have sworn in the council, and you have broken faith”, the Carthusian author reminds Albergati of the special oath of incorporation he had sworn at his installation as one of the presidents of the council in April 1434. At that time, in addition to those promises exacted from everyone who took the oath, he had sworn to accept personally *Haec sancta*, the Constance decree proclaiming the superior authority of legitimately assembled general councils. His subsequent opposition to the council constituted a culpable breach of that solemn pledge.<sup>96</sup> More than that, by his renunciation of *Haec sancta* he has flirted with heterodoxy. Employing a term with heretical overtones (*secta*), the Carthusian seems to embrace the council’s proclamation of *Haec sancta* as an article of faith and so to indict Albergati:

And because you have grievously fallen upon and have spoken against the council, you wish now to reintroduce the old teaching (*secta*) that the pope is beyond the council so that he is able to dissolve and transfer it how, where, and when it pleases him without the consent of

<sup>95</sup>Appendix E, 264 ll. 13-15: “Aperite oculos vestros, oro, et convertimini, filii, revertentes ad veritatem sacri concilii. Expurgate vos canonice si non vultis dampnari demoniace.” Appendix E, 265 ll. 15-18: “*Convertimini*, exhortor, *ad dominum deum vestrum* et vnionem sancte matris ecclesie in concilio Basiliensi representatis. Errastis *sicut oves que perierunt*. Querite penitentiam cum lacrimis dum inveniri potest.”

<sup>96</sup> Appendix E, 261 ll. 14-17: “. . . sicut vester Gabriel bene incepit illud in Basilea, et papa Martinus ante dormicionem suam, ut ecclesia reformaretur in omnibus de formatis. Que reformacio in Constanciensi terminari non potuit et uos Iurastis Concilio et fregistis fidem . . .” On the oath of incorporation, see above: 24, n. 44. On the special oath extracted from Eugenius’ presidential nominees, see above: 78 n. 4.

that same council. You allege old laws and keep silent in the meantime respecting the things promulgated and confirmed by the councils . . .<sup>97</sup>

A consequence of this abjuration of *Haec sancta* is renewed schism, and for this Albergati will have to make an accounting before the tribunal of Christ. He will also have to make a reckoning for his part in imperiling the salvation of souls in both the western and eastern churches.<sup>98</sup> Indeed the Carthusian is particularly rankled by the contempt for the superior authority of general councils that led Eugenius and his false council (*conciliabulum*) to intrude upon and co-opt the Council of Basel's negotiations with the Greeks for a council of reunion. He offers the standard Basel line: wishing to lead the Greeks back to the Roman communion, the council had entered into an agreement with their representatives and had proclaimed that accord in its nineteenth public session by the decree *Sicut pia mater* (7. Septembre 1434). Subsequently by tricks and secret actions Eugenius and his party deceived the Greeks so that they never fulfilled their agreement with the council. Rather the Eugenians stole the glory due the council by concluding their own accord with the Greeks. That reunion, announced in Eugenius' bull *Laetentur coeli* (6 July 1439), had proved ephemeral when it was repudiated by the clergy and people of Constantinople. Likely

<sup>97</sup>Appendix E, 263 ll. 3-7: "Et quia graviter corruistis et expressistis contra concilium, vultis iam sectam antiquam reincipere quod papa sit ultra concilium ut possit id dissolvere et transferre quomodo vbi et quando sibi placit sine eiusdem concilii consensu. Allegatis antiqua iura et tacetis interim in [in] Conciliis promulgata et confirmata . . ." Two other passages seem to make an oblique reference to heterodox behavior or its consequences, see: Appendix E, 263 l. 20-264 l. 1: "Pauperes quidem comparative sunt in concilio sed divices in fide dei electione et directione firmiter et constanter perstiterunt. Multi abierunt retrorsum olim sanctissimi et constantissimi reputati qui fuerunt ex eis sed non ex deo quia apostataverunt et in veritate non perstiterunt." Appendix E, 265 ll. 11-14: "Ecce Parisiensis que mater est vniuersitatum cum multis aliis vniuersitatibus vobiscum amore fidei intendunt disputare ad talionem ignis pro veritate Conciliorum et vos formidolosi fugitis lucem in tenebris adinventionum †vestrarum†."

<sup>98</sup>Appendix E, 263 ll. 15-18: ". . . sed cito stabitis ante tribunal christi reddituri rationem de tantis malis quo scismate dampnatissimo et seduccione multarum animarum vtriusque scilicet occidentalis et orientalis ecclesiarum in christi ecclesiam et agrum dominicum seminastis et induxistis . . ."

it was awareness of this failure that prompted the Carthusian to the taunting call for truthful men to inquire whether things were done in Greek lands in a Christian manner.<sup>99</sup>

The souls of the members of the western church are equally at risk. At the root of Eugenius' support the Carthusian finds unvarnished greed. He dips into that deep well of resentment from which so many in the fifteenth century drew to stigmatize Italians and those in the service of the papal curia. Albergati and his fellows, having failed to heed the words of the prophet that the riches of salvation are wisdom and knowledge (Is. 33.6), have grown rich and accustomed to the great wealth to be garnered from fees exacted for confirmations, bulls and the like. Thus they protect to the best of their ability their honors and offices.<sup>100</sup> Moreover Eugenius and his party have used that wealth and the granting of offices and privileges to bribe many to their support. Not even regular clergy are immune. Some, having

<sup>99</sup>Appendix E, 262 // 9-19: "Basilienses volebant reducere grecos et cum eisdem legitima inire compactata conciliariter in facie vniversalis ecclesie decretata, non minus quoque per ipsos grecos in ipsorum legitimorum procuratorum personis in dicto concilio hodie in spiritu sancto legitime congregato et continuato quamquam tunc ab omnibus plus indubitato xix sessione sacramentaliter iurata et acceptata ; ipsi tamen greci, dolis et fraudibus ac clandestinis versuciis per vos et partem vestram circumventi, dictis compactatis nusquam satisfecere ; vosque gloriam a dicto concilio promeritam et promerendam sustulistis, nunciantes per mundum quia reducti essent per vos miraculose. . . Requiritur itaque a veridicis si in grecia more christiano omnia gerantur." Vincent von Aggsbach takes a considerably dimmer view of the Greeks' conduct: "Ipse enim Teucer servire fecit exercitum suum multum valde in obsidionem & acquisitionem vrbis Constantinopolitanæ, quæ pacta inita cum Concilio Basileensi, sciente & favente Papa tunc existente, irrita fecit: & merces condigna huic servituti non est sibi data.

<sup>100</sup>Appendix E, 263 // 10-15: "Vos in italia congregare soliti estis magnas pecuniarum summas de confirmacionibus prelatorum et prebendarum et bullarum, et opulenti estis, sed ignoratis quia divicie salutis sunt sapiencia et sciencia . . . Protegitis vos, sicut potestis, ne honores et dignitates perdatis . . ." A second example of this anti-Italian sentiment is at Appendix E, 265 // 3-4: "Ve vobis clerici et prelati de italia ita talia taliter agitis contra concilia que numquam tam pestifera audita sunt."

obtained favorable bulls from Eugenius, support him for fear of the consequences should the council scrutinize those privileges and find them improper.<sup>101</sup>

It is almost as an afterthought that the Carthusian addresses the practical implications of Albergati's support for the Eugenic party. In this vein he warns Albergati that the legitimacy of Martin V's papacy, and by extension his own cardinalate, depends upon the authority of the Council of Constance and its decrees, naming *Frequens* specifically, that Martin had confirmed.<sup>102</sup> But it is not his purpose to build a thoroughgoing case for the superior authority of a legitimately assembled general council. His goal is not so much to persuade Albergati but to recall him to what he knows in his heart to be true. The criticisms and reproaches the Carthusian levels at the cardinal are interesting for what they reveal about his commitment to Basel and his currency with the doings and the claims of the council, but their formulations reveal little that is distinctly Carthusian. There is one important exception:

And I ask that you answer: what conserves our religion in regular observance and stable purpose but the general chapter compared with the universal council? And just as there the supreme prior of the entire order determines nothing but that which the diffinitors have defined but is subject to the chapter giving his vote as the administrative head of the order, thus even in the council it should be arranged that that the head representing the church should be subject

<sup>101</sup>Appendix E, 266 // 10-13: "Alique religiones adherent vobis propter bullas quas a sede retro concilia impetaverunt in graciis multis per manus pecuniarum nolentes eas ponere ad lucem in conciliis si recte sint et an contra decreta conciliorum impetrata ne perdant eas cum graciis et libertatibus suis."

<sup>102</sup>Appendix E, 265 // 5-6: "Relegatis oro melius acta et facta sacri concilii Constanciensis aliam papa Martinus fuit falsus papa et vos falsi cardinales et erit novissimus peyor priore." Appendix E, 261 // 22-262 // 3: "Nunc idem Martinus predecessor olim Eugenii vestri ante conclusionem concilii Constanciensis confirmavit omnia acta et facta eiusdem. Quare ergo ceci decretum Frequens ad celebrationem conciliorum obfuscare cupitis."

to the council and approve that which other fathers have determined.  
103

Here the Carthusian seeks to make his case by reminding Albergati of his spiritual roots. Having professed the order as a young man, the cardinal had served as prior of the charterhouse at Bologna from 1407 until his elevation to the bishopric of that city in 1417. Thus he would have had an intimate knowledge of the order's polity, participated in the last general chapters of the order's Roman obedience and those first important chapters following the reunion of the order in 1410.

The customs and procedures governing the conduct of Carthusian general chapters were well-established by the fifteenth century.<sup>104</sup> As we have noted, chapters convened annually in late April or May, one month after Easter, at the Grande-Chartreuse. Except for English and other priors from remote areas all were expected to attend. At the beginning of the chapter, the prior of the Grande-Chartreuse and priors of five of the older foundations each nominated a single elector from the assembled priors and monks of the Grande-Chartreuse. These six together with the prior of the Grande-Chartreuse, in turn, were charged with electing eight diffinitors, seven priors of charterhouses and one monk of the Grande-Chartreuse. The diffinitors with the prior of the Grande-Chartreuse acting as their president, collectively exercised fulness of power (*plenitudo potestatis*) over all aspects of

<sup>103</sup>Appendix E, 266 ll. 14-20: "Et rogo respondeatis quid conservat religionem nostram in observancia regulari et stabili proposito nisi capitulum generale univrsali concilio comparatum et sicut ibi supremus prior tocius ordinis nichil determinat nisi quod diffinitores diffinierunt. Sed ipse subest capitulo dans votum suum sicut caput ordinis administratum sicut et in concilio debet fieri ut caput representatum ecclesie subsit concilio et approbet quod alii patres determinaverint."

<sup>104</sup>On Carthusian polity generally and the relationships of authority between general chapter and prior-general, see: Léo Moulin, "L'Assemblée autorité souveraine dans l'Ordre des Chartreux," *Res Publica* 12 (1970), 7-75, esp. 35-68.

Carthusian life.<sup>105</sup> The authority enjoyed by the prior of the Grande-Chartreuse, functionally the prior-general of the order, was considerable—he played a leading role in the selection of the electors of the diffinitors, he served as both an elector and a diffinitor himself, as a diffinitor he enjoyed the privilege of a double vote in any matter that was rather elastically described as pertaining to the rigor of the order’s observance—but ultimately ministerial. His authority was executive, presidential. He, himself, could not alter any ordinations enacted by a general chapter. And even though between chapters he had the freedom to act within the limits of the statutes and the annual ordinations then in force, his actions were subject to review by subsequent general chapters.

The affinities between the Carthusian scheme of governance and conciliar principles are evident. Above we indicated that Bartholomeus van Maastricht on one occasion at least employs similar terms to describe his understanding of the sense in which Carthusian general chapters represent the order and general councils represent the church.<sup>106</sup> Such a parallel might be overlooked or dismissed as accidental or inconsequential were it not for this explicit contemporary prescription of Carthusian polity for the universal church. To determine the pervasiveness of this opinion among Carthusian writers of the period stands as a most important objective of future study.

<sup>105</sup>Both at his installation into office and at the close of the annual general chapter, each Carthusian prior was obligated to swear his obedience, not to the prior-general, but to the general chapter.

<sup>106</sup>See above: 211.

#### 4. Jacob von Jüterbog

While both Bartholomeus van Maastricht, in his *Tractatus de potestate pape, concilii generalis, et ecclesie*, and Albergati's anonymous Carthusian make passing references to the coming of the Antichrist when urging the necessity of reform, Jacob von Jüterbog devotes several tracts to reformation and the Last Days. Jacob, also known as *Jacobus Cartusiensis*, was born near Jüterbog in Thuringia about 1381 of German peasant parents. In 1403 he entered the Cistercian monastery of Paradise near Meseritz in Poland where he remained for nearly forty years—hence he is occasionally called *Jacobus de Paradiso* or, very rarely, *Jacobus Cisterciensis*. Having enrolled in the University of Cracow in 1420, Jacob received his B.A. in 1421 and M.A. in 1423. He next entered the theological faculty at that same institution and was made *Baccalaureus Biblicus* by 1426, advanced to *Baccalaureus Sententiarius Formatus* in 1430, and was finally awarded his Th.M. on 29 January 1432. Thereafter he remained at Cracow as a professor of theology, carving out a distinguished reputation as a formidable proponent of the conciliarist cause. His *Determinatio de ecclesiae* (ca. 1441/1442) exerted a formative influence on a declaration of unequivocal support for the Council of Basel issued by the University of Cracow in 1442.<sup>107</sup> This *consilium*, which, Black speculates, may have been commissioned by the council, was adopted by the council as its official response to

<sup>107</sup>The standard work on Jacob's early career is Jan Fijałek, *Mistrz Jacob z Paradyża i Uniwersytet Krakowski w Okresie Soboru Bazylejskiego*, 2v., (Krakow: Nakładem Akademii Umiejętności, 1900). Fijałek prints the *Determinatio* at i, 349-380. See: H. Kellner, "Jakobus von Jüterbogk, ein deutscher Theologe des funfzehnten Jahrhunderts," *Tübinger theologische Quartalschrift* 48 (1866), 315-348 and Dieter Mertens, *Jacobus Carthusiensis: Untersuchungen zur Rezeption der Werke des Kartäusers Jakob von Paradies (1381-1465)* [Veröffentlichungen des Max-Planck-Instituts für Geschichte, 50, *Studien zur Germania Sacra*, 13] (Göttingen: Bandenhoeck & Ruprecht, 1976), esp. 26-36.



*Etsi non dubitemus*.<sup>108</sup> Johannes von Hagen, who heard the story at firsthand, relates that sometime before 1442, having been denied permission from his Cistercian abbot, Jacob sought and obtained a license from a “simple legate of the pope (i.e., Felix V)” that he might transfer to the Carthusian Order. It is an interesting coincidence that this legate was, in fact, Michael Balduini, who, as we have seen, had been the council’s primary envoy to the Grande-Chartreuse in 1440.<sup>109</sup> Jacob sold some of his books and brought the money with him when he entered the charterhouse at Erfurt, the Salvatorberg, in 1442 or 1443. Later his conscience was so troubled by this transaction that he sought a dispensation from Cardinal Aleman, president of the Council of Basel.<sup>110</sup> Citing Jacob’s *Disputacio pro utraque parte concilii Basiliensis*, really a collection of notes concerning proposals for the so-called “third council”, which he dates to early 1443, Mertens defends the disputed tradition that Jacob actually visited the council.<sup>111</sup> In subsequent years Jacob established a reputation for personal asceticism and devotion which earned him the sobriquet *cellulae cultor indefessus*. He died at Erfurt on 30 April 1465.<sup>112</sup>

Jacob was a prolific author of wide-ranging interests whose voluminous writings consist of collected sermons, works of casuistry and consolation, treatises of theological, historical, and moral analysis, as well as a number of reformatory tracts.

<sup>108</sup>MC iii, 1153-1195. See: Black, *Council*, 112.

<sup>109</sup>Mertens, *Iacobus Carthusiensis*, 27.

<sup>110</sup>Klapper ii, 90-91.

<sup>111</sup>A single copy in a very difficult hand, perhaps an autograph, of this text survives in London, BM Cod. Cotton. Caligula A 1, ff. 243r-247v.

<sup>112</sup>For biographical sketches by Carthusian writers, see: Doreau i, 167-169; LeVasseur i, 546-551; Molin ii, 210-212, 229f.

It is upon two of these, both issued in 1449 shortly after the dissolution of the Council of Basel, that we will focus.<sup>113</sup>

First is Jacob's brief, pungent memorial to Pope Nicholas V, the *Avisamentum ad papam pro reformatione ecclesiae*. Taking as his text Isaiah 58.1 wherein the prophet castigates the people of Judah for their hypocrisy and spiritual self-satisfaction, Jacob cries out urgently for reform, appealing directly to Nicholas, now universally recognized: "Cry aloud, spare not, lift up your voice like a trumpet; declare to my people their transgression, to the house of Jacob their sins". From the time of the councils of Constance, Siena, and Basel the faithful have hoped for the reformation for which those councils had been convened. But despite the enactment of many salutary decrees little has been achieved and old evils have risen again.<sup>114</sup> Since, however, past popes and councils have so sufficiently provided the church with salutary canons and decrees, new laws need not be enacted. Rather, the pope, as shepherd of the Lord's flock, ought to ensure that the existing legislation is obeyed. Indeed, new legislation born of a voracious acquisitiveness, has occasioned, even

<sup>113</sup>No critical edition of either the *Avisamentum ad papam pro reformatione Ecclesiae* (hereafter, *Avis.ad pap.*) or the *De septem statibus ecclesiae in apocalypsi mystice descriptis et de auctoritate ecclesiae et de eius reformatione* (hereafter, *De sept. stat. eccl.*) exist. For present purposes I resort to transcriptions made from a manuscript held at the University of Wrocław library published in Jakub z Paradyża, *Wybór Tekstów Dotyczących Reformy Kościoła*, ed. Stanisław Andrzej Porębski, [*Textus et studia historiam theologiae in Polonia excultae spectantia*, VI] (Warsaw: Akademia teologii Katolickiej, 1978). For lists of manuscripts, see: Ludger Meier, O.F.M., *Die Werke des Erfurter Kartäusers Jakob von Jüterbog in ihrer Handschriftlichen Überlieferung*, [*Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Texte und Untersuchungen*, Band XXXVII, Heft 5] (Münster i. W.: Aschendorff, 1955), 41, 61, and Mertens, *Iacobus Carthusiensis*, 280, 283.

<sup>114</sup>*Avis.ad pap.*, 12-13: ". . . hactenus enim a tempore Senensi, Constantiensi et Basiliensi sacrorum conciliorum speravit universitas fidelium reformationem sibi orituram. Cum ea de causa dicta concilia erant congregata, sed hoste pacis procurante, res obtuta non eo usque est producta; lugemus quippe post plurimorum decretorum saluberrimam editionem parvam aut nullam ex his pullulasse utilitatem, sed cernimus magis vires priores inveterata mala resumpsisse."

sanctioned abuse. Clerics are a disgrace to public morals, the rights of founders are violated, endowment monies are diverted to dishonorable purposes, monasteries and nunneries are daily exposed to exactions and pillagings by civil authorities, warfare is rampant—the extent of deformities defies cataloging so that from all quarters the faithful ought to cry out to the pope for reform without ceasing until he should provide a remedy.<sup>115</sup>

As vicar of Christ, authority is committed to the pope for the building up of the church not for its destruction. To be properly exercised papal authority must find its direction in accordance with the will of God. Is it not then ridiculous, Jacob wonders, to think that Christ would do as the Roman pontiff does in administering the sacraments and dispensing benefices since it is nowhere recorded that Christ, his apostles, or their successors had behaved so shamefully and since the Holy Spirit has condemned in advance, by the terrible sentence pronounced by Peter against Simon Magus, the simoniacal abuses sanctioned by current practice? How can the pope be said to be in harmony with Christ when he permits and performs that which Christ prohibits?<sup>116</sup>

<sup>115</sup>*Avis. ad pap.*, 16: “Clamant seculares et laici eo, quod praelati curati et clerici plus eos exemplo et moribus corrumpere et scandalizare student quam aedificare. Clamare etiam non cessant fundatores et dotatores beneficiorum ecclesiasticorum eo, quod eorum fundatio larga aliter disponitur quam ipsi praeintendebant poenitentque, quod eorum patrimonia ad talem abusum devenerunt. . . Clamant etiam monasteria utriusque sexus eo, quod dietim molestantur per saeculares principes nobiles communitatesque civitatum in exactionibus, stationibus et rapinis. Clamant etiam paene omnia regna et provinciae super diversorum bellorum et guerrarum vastitate, cum vix reperiatur aliqua patria, in qua diuturna pax perseverat. Ex quibus omnibus praemissis perpendi potest, an a clamoribus sit cessandum, donec per summum pontificem de remedio provideatur.”

<sup>116</sup>*Avis. ad pap.*, 13-14: “Numquid putandum est ipsum eandem formam servare in beneficiis et ecclesiasticis sacramentis?—quam pro nunc cernimus in toto orbe per Romanum pontificem servari . . . Non ridiculum est talia de Christo cogitare. Cum id nusquam legamus nec ab ipso, nec ab apostolis aut sanctis successoribus attemptatum. . . . Quomodo ergo vicarius cum domino suo currere potest in hac forma? Cum quod dominus prohibet, vicarius admittit et permittit atque facit.”

A principle of conformity, therefore, governs Jacob's concept of the papal office. The pope is the ruler of the church to whom the fullness of ecclesiastical power (*plenitudo potestatis*) rightly pertains only so long as he takes for his rule the divine will and the constitutions of the councils. According to Jacob, this requirement of conformity cannot refer simply to the personal conduct of the pope: it cannot be construed passively. It is not enough for the pope simply to refrain from evil; it is not enough for the pope simply to begin to administer his office properly. He must actively confront and strive to eliminate entrenched abuse. Yet although it is incumbent upon the pope to foster reform, Jacob does not believe the pope, of himself, competent to fully carry it through. A successful reformation is an ongoing process requiring that the pope convene councils regularly as stipulated by *Frequens*, that the pope set aside cupidity and ambition, figured as two beasts barring the way of reform and submit himself "not to councils but to the Holy Spirit presiding at councils, who through the agency of the fathers will inspire just actions pleasing to himself and the whole world . . . ." <sup>117</sup> But if he will not do this, then no reformation will occur unless God Himself acts to bring his people to correction through punishment. Just as He set the Persians and Assyrians against the ancient Israelites, so might He set some pagan race (the Turks?) against Christendom. <sup>118</sup> As dreadful as

<sup>117</sup>*Avis. ad pap.*, 17: "Et hoc numquam expeditius facere videtur quam per [. . .] conatur, frequentem convocationem secundum decretum sacri concilii Constantiensi submittereque se non dedignetur, non dico conciliis, sed Spiritu Sancto in conciliis praesidenti, qui per organa patrum in conciliis sibi et toti orbi placita et iusta inspirabit, cui reformationi facilis patebit ingressus, si duae bestiae ab ostio removeantur, que reformationi ingressum intercludunt. Et has baptizo cupiditas et ambitio sive libido dominandi."

<sup>118</sup>*Avis. ad pap.*, 17: "Quod si non fieret, verendum toti christianitati, ne divina severitas sua praeterita iudicia tempore filiorum Israel etiam in christianos ostendat, ut sicut illi post vociferationem legis divinae et prophetarum traditi sunt in horrendas captivitates regum gentilium Medorum, Persarum atque Assyriorum, sic quod Deus aventat super christianos forte gentem paganorum inducatque tamquam

this would be, it is not the most terrible eventuality of which Jacob can conceive. For he speculates bitterly that “perhaps the heaping up of the evil deeds of the holy pope who is obliged to strive for reformation will prepare the way for the son of perdition, concerning whom God said to Job: ‘Want goes before the face of that one’ (Job 41.13), namely of the Antichrist . . .”<sup>119</sup>

For a fuller expression of Jacob’s misgivings about the possibilities for reform in the wake of the failed Council of Basel, we must turn to the *De septem statibus ecclesiae in apocalypsi mystice descriptis et de auctoritate ecclesiae et de eius reformatione*. As in his *Avisamentum ad papam* Jacob, in *De septem statibus ecclesiae*, attributes the disordered state of the church in large measure to a failure of discipline. Clerical negligence and greed wax unchecked, spurring lawlessness and moral bankruptcy among clergy and laity alike.<sup>120</sup> Wars and attacks against spiritual men, by seculars and ecclesiastics alike, rage unceasingly.<sup>121</sup> The magnitude of deformities seems almost to have turned the world upside down such that the righteousness of God is deemed unrighteous and the sins of the multitude are upheld, just as can be read of Sodom of old.<sup>122</sup> Recent councils have initiated attempts at reform but have encountered so much resistance among eminent persons, clerical and

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virga percussoris in nos deseuiat, donec vexatione dante intellectum recognoscamus ex poenarum effectu magnitudinem culparum.”

<sup>119</sup>*Avis. ad pap.*, 17: “. . . forte accumulatio malorum sancti papae reformationis assequendae viam parabit filio perditionis, ed quo Deus ad Iob loquitur: ‘Ante faciem eius praecedat egestas’, scilicet Antichristi . . .”

<sup>120</sup>*De sept. stat. eccl.*, 30: “In clericis vero et Deo sacratis populis, immunditia, amor lucri temporalis, defectus praedicationis, corporis cura, vestium mollities, dissolutio morum et conformitas vitae saecularis, ut tunc fiat sacerdos sicut populus, secundum vocem prophetae.”

<sup>121</sup>*De sept. stat. eccl.*, 28: “Inde et bella ac lites in pluribus mundi partibus inualescunt impugnanturque viri spirituales tam a saecularibus quam a spiritualibus . . .”

<sup>122</sup>*De sept. stat. eccl.*, 29: “. . . sicque Dei iustitia fit humana aestimatione iniustitia et defenditur vitiositas multitudinis, et laudatur peccator in desideriis animae suae, sicut olim fecisse sodomitas Scriptura in Genesi testatur.”

lay, that these are stillborn or soon killed off by those who wish also to destroy their “mother”, the authority of general councils. Despite all of this, however, Jacob still believes that the authority of general councils might still offer the greater hope for bringing about reform.<sup>123</sup>

In the *De septem statibus ecclesiae* Jacob treats reformative issues more discursively than in his *Avisamentum ad papam*, and with an eye towards history. A reformation of the church, he observes, if it might be brought about, can only be initiated in two ways, directly by God or by man. No one doubts that if God so willed, He could illuminate the hearts and minds of prelates and princes, turning them to the truths of Scripture. Nonetheless, God is unaccustomed to act without means. To the extent, then, that the hope of reform rests with men, it rests primarily with persons exercising ecclesiastical and secular power. The Kings of Israel, under the Old Dispensation, and duly convened councils, under the New, have each performed this function, though without lasting effect, by virtue of their powers to persuade and punish.<sup>124</sup>

Whatever the means, reform can be accomplished either by the actions of one man or by the concerted actions of many. Jacob denies the former possibility arguing that individual men of even the highest achievements have heretofore failed to bring about a reformation. Not even the pope is singularly capable. The church is not lacking in papal constitutions and decretals, but all have been published to little

<sup>123</sup>*De sept. stat. eccl.*, 31: “Et licet quaedam decreta in hunc finem prodierunt ab iisdem conciliis, tamen tanta resistentia altae dignitatis personarum tam spiritualium quam saecularium facta est, ut videmus, quod totum negotium lugemus infectum et cum tempus pariendi advenisset, vires non habuit parturiens. Tanta denique crudelitate debacchati sunt repugnantes, ut solum prolem sanctam, scilicet reformationem necare contendant, sed et matrem, scilicet auctoritatem conciliorum et eorum convocationem occidant, prout res in prospectu declarat. Per quorum tamen conciliorum auctoritatem maior esset spes ad viam reformationis obtinendam.”

<sup>124</sup>*De sept. stat. eccl.*, 31-32, *passim*.

effect. Moreover, the Roman curia itself is in the greatest need of reformation. If the pope cannot or will not govern that which is under his most direct control, how can he be entrusted with the reform of the church at large, a reform that depends upon a regenerated curia?<sup>125</sup> In identifying the curia as a principal obstacle to reform, Jacob strikes a theme commonly found in the writings of reform-minded conciliarists.

Similarly, in singling out the Italian nation as a hindrance to reform, Jacob, as does Albergati's anonymous Carthusian correspondent, echoes a frequent complaint of northern clergy.<sup>126</sup> The Italians and their confederates, seeking to further their incomes and fearing the deprivation of dignities already enjoyed, resist all attempt at reform, trembling "at the very mention of a general council, since they know from experience that general councils do not know how to flatter, but to correct and amend without regard for persons since there are gathered together from all parts of the world men who, seduced neither by love or fear, do not spare vice."<sup>127</sup> From such come those men who, presiding on behalf of the pope, strive to disrupt councils by fomenting discord or recommending dissolving or transferring them before serious actions can be undertaken. These tactics (and here one is tempted to think that Jacob, though he mentions no names, is recalling the activities of Giovanni Berardi and others at Basel during 1436-37) precipitated not only the schism just recently

<sup>125</sup>*De sept. stat. eccl.*, 33: "Item, quia palpabiliter cernitur, ipsam eius curiam maxima indigere reformatione, sicut omnia clamaverunt ultimo celebrata generalia concilia: Quam suam curiam, si non potest aut non velit reformare, quam sub alis suis contegit, quomodo credendum est, quod tam late diffusam reformare possit Ecclesiam?"

<sup>126</sup>See above: 216.

<sup>127</sup>*De sept. stat. eccl.*, 33: ". . . solo auditu congregationis generalis concilii, cum sciant per experientiam, quod concilia generalia palpare nesciunt, sed corrigere et emendare sine personarum acceptione, cum ibi congregentur de omnibus mundi partibus, qui vitiis non parcunt, nec amore nec timore seducti."

healed, but, what is worse, inflicted a tragic wound upon the authority of general councils for which a cure is yet to be found.<sup>128</sup> For in attempting to transfer the council from Basel to Ferrara, Eugenius has succeeded in drawing off many of its most learned and eminent participants. Many of these, in turn, have since directed their efforts towards securing the pope's *plenitudo potestatis* to the detriment of conciliar authority. In this they do the church great harm, by proclaiming the pope, unlike all the rest of the *viatores*, to be incapable of sin or error and not subject to fraternal correction.<sup>129</sup>

And yet, as Scripture testifies in Galatians 2.11-14, even Peter erred and was justly rebuked by Paul. Thus, Jacob argues, the pope, possessing, in common with all other men, a mutable will, is necessarily subject to sin. What is to be wondered at, therefore, should the church reprove and punish him should he err?<sup>130</sup> Who but the impious would deny that should the pope scandalize the church by public crimes or injure the faithful out of inaction or negligence, he be deposed if, after repeated warnings, he remains obdurate?<sup>131</sup> If a council does not quickly check this poisonous

<sup>128</sup>*De sept. stat. eccl.*, 34: “. . . presidentesque ex parte papae conciliis, quia vident contra dominum suum et contra se negotium conciliorum disponi quid aliud agere existimandi sunt, quam ut tota auctoritate decretis conciliorum obicem ponant aut per dissolutionem conciliorum aut per discordiarum seminationem. . . . Clare enim probat hoc tragoedia nostris temporibus in Basiliensi concilio practicata, quod hi norunt, qui rem oculis subiecerunt. Et ex hoc ortum est vulnus, nescio quando curabile, contra auctoritatem conciliorum generalium . . .”

<sup>129</sup>*De sept. stat. eccl.*, 34-35: “Talesque sic dogmatizantes et eis consentientes arbitrantur se obsequium praestare Romanis pontificibus, sed non advertunt quantum saluti adversantur eorundem. Nam saluberrimam misericordiam et medicinam eiusdem proscindunt, scilicet fraternam correctionem. . .”

<sup>130</sup>*De sept. stat. eccl.*, 36: “Et quid mirum, si universalis Ecclesia congregata argueret papam ac etiam puniret si incorribilis esset?”

<sup>131</sup>*De sept. stat. eccl.*, 36: “Et si Ecclesiam scandalizaret per publica crimina, aut ad malum filios Ecclesiae traheret, aut per eius desidiam et negligentiam oves sibi commissae in praecipitium ruerent, quod nullum deberet aut posset habere correctionem, qui eum monerent semel, bis aut ter, et postea eo indurato possent



tendency to place the pope beyond moral and ecclesiastical law, great misfortunes will occur. First, the pope will be given free rein to sin, disposing of church affairs as he pleases. Second, ecclesiastical discipline will break down. Seeing that the pope himself contemns the decrees of the sacred councils, Christians will hold him in derision and stray into disobedience. Finally, the institution of the council itself will become irrelevant. What would be the use of convening such assemblies when the guidance of the church rests solely in the hands of one liable to sin? Were councils to be convoked under these circumstances, they would make a mockery of the ancient councils, staffed, as these new gatherings must be, by those recruited into a simoniacal alliance with the papacy.<sup>132</sup> It is of these that Jeremiah (Jer. 6.13) spoke: “from the least to the greatest of them, every one is greedy for unjust gain.”<sup>133</sup>

If, then, reform of the universal church can be accomplished by no single, fallible man, not even by the pope himself, it might still, in Jacob's view, be brought about through the collaborative efforts of many men. This superior capacity derives from the superior authority inhering in the concord of the faithful, the representative embodiment of which is the legitimately assembled general council.

And let us not doubt that the pope is inferior to the universal church gathered in a council and that the authority of the church must be entirely preserved over every dignity howsoever it might shine, even if it be papal, in those things which pertain to the faith, to the rooting out of schism, and to the general reformation of the church in head and members.<sup>134</sup>

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procedere ad depositionem eius, alio utiliori substituto, aliud dicere, persuasum mihi videtur esse impium et iniquum.”

<sup>132</sup>*De sept. stat. eccl.*, 36-38, *passim*.

<sup>133</sup>*De sept. stat. eccl.*, 37.

<sup>134</sup>*De sept. stat. eccl.*, 42: “Et quod Ecclesiae universali conciliariter congregatae papam esse inferiorem non dubitemus. Et quod auctoritas Ecclesiae integre servanda est super omnem quacumque praefulgeat, dignitatem, etiamsi papali, in his que ad finem et ad schismatis extirpationem et ad generalem Ecclesiae reformationem pertinent in capite et in membris.” A nearly identical passage is to be found in Jacob's 1442 *Determinatio*, see: Fijalek i, 378.

In Jacob's ecclesiology, the pope, as the ministerial head (*caput ministeriale*) of the church, enjoys an authority surpassing that of individual Christians. Even so, he remains, in an absolute sense, simply a member of the church: *primus inter pares*, certainly, but subject to the unified body of the faithful, represented by the general council, whose principal head (*caput principale et essentielle*) is Christ himself. It is this conceptualization of the papal office that allows Jacob to turn the traditional slogan of papal supremacy on its head. The pope is indeed the vicar of Christ; but his vicariate is executive and in no way sovereign in nature, limited by the same rigorous principle of conformity asserted in the *Avisamentum*.<sup>135</sup>

A general council may theoretically reform the church. But is the church able to receive reformation? For Jacob, this question has a dual aspect. As regards the internal dispositions of individual members, he is doubtful of their reform. Certain vices may be eliminated, but it is impossible to completely eradicate sin from the human soul.

I judge this impossible by human means, since never from the beginning of the world has this been possible, from Abel, by whom it began, even to our own time. For always has Satan mingled with the sons of God, and the evangelical net caught good fish with bad, and foolish virgins mingled with wise, and tares grown up with wheat even to the harvest. Indeed it must be attempted so that discrete sins be eradicated, but it is impossible to root out all sins at the same time.<sup>136</sup>

<sup>135</sup>*De sept. stat. eccl.*, 39: "Et inde surgit auctoritas papae, ut habeat potestatem dispensandi mysteria et dona Dei . . . Fluit igitur et emanat hae [*sic*] potestas a Deo, secundum quod regulae divinitus traditae docent dispensandum. Aliter enim vicarius fidelis non debet negotia principalia committentis disponere, quam ut revera scit ipsum principalem velle, alias non esset fidelis dispensator, sed crudelis dissipator, cum conformes debeant esse actus principales actoris et instrumenti quod ab actore dirigitur. Qui vicarius si regulam principalem constituentis egreditur et transgreditur, iam resilit ab illa parte resolutionis et labitur ad inferiores partes, scilicet hominis aut bestiae. Unde, ut sic, non est eius vicarius."

<sup>136</sup>*De sept. stat. eccl.*, 42: "Ego iudico impossibile humano modo, quia numquam ab exordio mundi fuit hoc possibile, ab Abel, a quo coepit, usque ad nostra tempora. Semper enim Satan mixtus erat cum filiis Dei et sagena evangelica trahit pisces bonos cum malis, et virgines fatuae mixtae sunt cum prudentibus, et zizania

As regards the outward conduct of ecclesiastical and secular officials, Jacob is similarly skeptical that it might be sufficiently amended so as to effectively thwart the abuses so rampant in his day. Such conduct, hardened against scriptural discipline, issues from ingrained habits prompted by that avarice especially characteristic of those in the highest offices whose energies, properly expended in working for reform, are consumed instead in preserving honors and prerogatives against encroachment.<sup>137</sup> To be sure, discrete centers of reform--both monastic and diocesan--unquestionably flourish, but these efforts do not carry the day. The graven images of the Old Dispensation are replaced by the *idola mentalia* of the New: avarice, gluttony, pride.<sup>138</sup>

The healing of the schism achieved in the universal recognition of Nicholas V, therefore, holds little promise for Jacob. It can hardly have been otherwise since it was Nicholas himself, who, as Tommaso Parentucelli, Bishop of Bologna, had negotiated Emperor Frederick III's submission to Pope Eugenius during 1446-1447. Rather, both the tacit abrogation of conciliar legislation, not only *Frequens* but also of the Basilean reform decrees incorporated into the 1439 *Acceptio* of Mainz, and the capitulation of the German Electorate to the restored papacy brought about by the Concordat of Vienna (17 February 1448) has dimmed considerably his hopes for any reformation prior to the Last Days.

Therefore I think that by a saving, divine ordering, whose purpose no one knows, the world diminishes daily in depraved

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crescit cum tritico usque ad messem. Conandum quidem est, ut singula eradicentur, sed omnia simul est impossibile exstirpare.

<sup>137</sup>*De sept. stat. eccl.*, 42-44, *passim*.

<sup>138</sup>*De sept. stat. eccl.*, 42: "Et licet idola manufacta non coluntur a christianis, tamen idola mentalia fabricata frequentius coluntur, scilicet avaritia, quae est idolorum servitus; ventris voluptas, quae est idolum ventris ('quorum', inquit Paulus, 'deus venter est'); idolum superbiae, Belzebub et Baal etc., quorum cultura quanto occultius, tanto amplius frequentatur."

behavior even to the very depth of sins, until the time when the son of perdition should come. . .<sup>139</sup>

Although tempered by an acknowledgment that for the elect all works for the good, that the same fire which purifies gold consumes chaff, this apocalyptic articulation of the *mundus senescens* topos imparts to the *De septem statibus ecclesiae* an abiding pessimism. In the *Avisamentum*, Jacob issues a warning that failure on the part of the pope to bring about reform might trigger the advent of Antichrist. In the *De septem statibus ecclesiae*, it is clear that he does not expect that warning to be heeded. However grim this eventuality, it is, nevertheless, in the end, providential. For in this treatise, Jacob places the crisis of his day within the larger context of salvation history. Adopting a paradigm apparently originated by the Venerable Bede and highly influential in subsequent mediaeval exegesis, Jacob employs the seven seals of Revelations 6-7 as a figure for the seven stages of church history from apostolic times until the second coming of Christ. Such *status* are not to be construed as strictly distinct, successive chronological periods. Jacob, in fact, believes himself to be living in a mixed time of the fourth and fifth *status*, the former characterized by widespread hypocrisy and the latter by the self-sacrificing witness of the faithful. To come, at the opening of the sixth seal, is the terrible reign of the Antichrist. That a reformation might occur before that time is most doubtful.<sup>140</sup> Instead, Jacob believes that conditions will continually worsen until the defeat of the Antichrist and the opening of the seventh seal, the seventh status of the church, a

<sup>139</sup>*De sept. stat. eccl.*, 44: “Aestimo igitur mundum dietim decrescere in pravis moribus salva divina dispositione, cuius consilium nemo novit usque ad profundum delictorum, quousque veniat filius perditionis . . .”

<sup>140</sup>*De sept. stat. eccl.*, 28: “Immo verisimiliter opinabile mihi est, statum praesentem continuandum, immo peiorandum usque ad sextum statum, scilicet Antichristi, cum experientia docente cognoscimus, hos magis contraniti reformationi generali Ecclesiae, quos magis deceret conatu toto ad reformationem tendere, cupiditate et primatu honorum eos ad hoc impellente.”

final peaceful time of saintly preaching set aside for the comfort of the persevering faithful and the repentance of the wavering elect.<sup>141</sup>

The *Avisamentum* and the *De septem statibus ecclesiae* reveal Jacob to have been a conciliarist, who, while maintaining an emphatic allegiance to the institution of the council, nevertheless came to despair of its capacity to bring about the reformation he believed the church so urgently required. The conciliarism each expresses is forceful but not thoroughgoing. The superiority of council over pope rests rather more on assertion than on demonstration. And with respect to the institution of the council itself, Jacob does not take up technical questions involving convocation, representation and the like. It must be noted, however, that neither treatise was intended as a formal, considered defense of conciliarist principles. Jacob's point, rather, was to underscore the responsibilities and limitations of the papal office, the severe deformities resulting from the improper conduct of recent popes, and the immediate necessity of a council to undertake corrective, restorative action. In a general way, however, we may note that, despite the failure of the Council of Basel, Jacob does not seem to have abandoned the distinctly Basilean conciliarism of his days at the University of Cracow. For clearly in these treatises he does not embrace the moderate hierarchical conciliarism of Gerson and D'Ailly, but favors, rather, the corporative, communal conciliarism advocated by Juan de Segovia and others.<sup>142</sup> Unlike Gerson, for example, Jacob makes no distinction between the general sovereignty of the faithful represented in council and the actual exercise of legislative and juridical authority reserved to the hierarchy. While the responsibility

<sup>141</sup>*De sept. stat. eccl.*, 27.

<sup>142</sup>In this respect Jacob is dissimilar to Segovia, who, at the end of his career, having served as one of Felix V's cardinals and, after the dissolution of the Council of Basel, having become a bishop, adopted a more episcopal view of the governance of the church and the workings of general councils, see: Black, *Council*, 123f.

of prelates to work for reform is emphasized, Jacob—stung by what he no doubt perceived as the betrayal of Basel by the German bishops—intimates that, as a practical matter, the episcopate is often the enemy of reform.<sup>143</sup>

But if Jacob's conciliarism was in the mainstream of mid-XV-c ecclesiological trends, his apocalyptic eschatology was strictly conservative. His opinions are those of a biblical exegete and concerned observer of the times: he explicitly denies any prophetic insight. There is no hint of Joachimist influence, no mention of the great concords of the Testaments, of the trinitarian revelation of history. There is no suggestion of millennialism, no Satan bound for a thousand years, no affinity with contemporary chiliast speculation such as is expressed in the Gamaleon and many other prophecies.<sup>144</sup> Drawing instead on an exegetical tradition stemming from St. Jerome's exposition of Daniel 12 and enshrined in the *Glossa ordinaria*, Jacob depicts the blessed time after Antichrist to be of short duration, little more than forty-five days.<sup>145</sup> Jacob's *virī spirituales* are not the Joachimist initiators of a millenium of earthly rapture, but the enduring victims of all too earthly persecutions.

His presentation, finally, of the time after Antichrist as a time of reformation is, on the surface, not unique. Such a notion was embraced by the likes

<sup>143</sup>See: his *De negligentia praelatorum* (ca. 1451), ed. C. G. F. Walch, *Monimenta medii aevi* (Göttingen, 1757-1764; rpt. Ridgewood, N. J.: The Gregg Press, 1966), 64-75, 399-411.

<sup>144</sup>For text of the Gameleon prophecy, see: Friedrich von Bezold, "Zur deutschen Kaisersage," *Sitzungsberichte der bayerischen Akademie der Wissenschaften* XI (1884), 604-606. On late mediaeval German prophecy generally, see: J. Rohr, "Die Prophetie im letzten Jahrhundert vor der Reformation als Geschichtsquelle und Geschichtsfaktor," *Historisches Jahrbuch* XIX (1898), 28-56, 447-466. The best general treatment of Joachim of Fiore and his influence remains, Marjorie Reeves, *The influence of Prophecy in the Middle Ages, a Study in Joachimism*, (Oxford: Clarendon Press, 1969).

<sup>145</sup>On this tradition generally, see: Robert E. Lerner, "Refreshment of the Saints: the Time after Antichrist as a Station for Earthly Progress in Medieval Thought," *Traditio* XXXII (1976), 97-144.

of Heinrich von Langenstein, Nicholas of Clémanges, and Nicholas of Cusa. Where he parts company with such conciliarists and former conciliarists, however, is in his expectation that no significant reformation of the universal church is likely to be achieved before the advent of Antichrist. Of course it is true that certain prophetic writers, beginning with Telesphorus of Cosenza in the late fourteenth century,<sup>146</sup> also looked upon the period after Antichrist as a time for reformation and the vindication of frustrated aspirations. But, invariably, these prophecies were millennialist in nature, often turning on the appearance of a wondrous champion: the second Charlemagne, the third Frederick, the Angelic Pope. Jacob expected no such earthly savior. It is the combination of a fervent, though unhopeful, conciliarism with a restrained hope of reformation in the Last Days that imparts a distinctive tone to Jacob von Jüterbog's reform thought in the wake of the failed council. If not a characteristic expression, it is nevertheless reflective of the deep disappointment and suspicious apprehension with which reform-minded clergy greeted the Restoration Papacy.

<sup>146</sup>Lerner, "Refreshment," 136-137 observes that Telesphorus is the first to apply the term *reformatio* to the time after Antichrist.

## Conclusion

In 1432 the Carthusian general chapter sent several priors, their expenses defrayed by a levy imposed on every charterhouse, to represent the order at the Council of Basel. By so doing it signalled its acceptance of the claims of the council that Pope Eugenius IV's attempt to cause its dissolution was ill-informed, illegal and harmful to the *status ecclesiae*. Succeeding general chapters continued this policy. Beyond official participation, the order expressed concretely its support of the council by a number of enactments. The most dramatic of these saw the 1434 chapter, laying aside the order's privilege of exemption, issue an ordination, confirmed by the following chapter, requiring that each charterhouse contribute to a subvention to be paid the council for the furtherance of its objectives. General chapters through that of 1437 dealt firmly with internal resistance, in evidence from 1433, to these exactions by ordering increasingly severe sanctions against the dissenters. With the effective recurrence of schism resulting from Eugenius' attempt to transfer the council to Ferrara in September 1437, general chapters from 1438 on, mindful of the disastrous consequences for the order of its former division into rival Avignonese and Roman obediences, moderated the treatment of dissenters without retreating from support for the fathers remaining in council at Basel. Not even the deposition of Eugenius in June 1439 and election of Amadeus VIII of Savoy, a pious but powerful prince, as Felix V in November 1439 caused the order to abandon the cause of the council. Following what appears to have been a lengthy debate the 1440 general chapter sent a delegation to Basel that mid-May to announce formally the order's adhesion to the council and its newly-elected pope. Assertions by scholars that Felix or the fear of Savoyard power extracted this declaration from the order,



although they cannot be discounted absolutely, remain unsubstantiated. Without unambiguous evidence to the contrary, we must assume that the priors who appeared before the council articulated the genuine intention of the order. Thereafter, until the dissolution of the council in April 1449, it is difficult to detect Carthusian official policy: the notarial records of the council, increasingly sketchy, survive only into 1443, about the same time that Segovia's history ends, and the *cartae* of the 1440s seem to indicate that those general chapters sought to avoid the church conflict. Provisionally we may speculate that the continued prospect of internal schism—a threat by some Italian charterhouses in 1442 to defect to the Eugenic obedience was forestalled by the joint action of prior-general Maresme and Felix V—and the slowly deteriorating political fortunes of the council prompted the order to move to an undeclared neutral posture, but the matter awaits the development of new evidence.

In addition to a fuller understanding of official Carthusian policy in the 1440s, we should wish that new evidence, if it can be developed, would cast light on other unresolved questions. As has been demonstrated we know or, at least, have the hope of knowing a good deal about pro-Basel sentiment among Carthusians. We are virtually in the dark, however, as to the nature and extent of support for Eugenius within the order. Apart from those previously discussed periodic censures imposed by general chapters throughout the 1430s against unidentified Carthusians who dissented from the order's policy of support for the council and the 1442 episode recounted by Segovia when some evidently pro-Eugenian Italian Carthusians threatened to subtract themselves from the order, I have yet to discover additional evidence of Carthusian activity in support of Eugenius. Examination of fifteenth- and sixteenth-century catalogs of Carthusian libraries at Aggsbach, Buxheim, Cologne, Erfurt, Güterstein, Roermond, and 's Hertogenbosch yields no obvious reference to any pro-Eugenian work of Carthusian origin—subject to clarification of the views of Denys van Rijkel.

Indeed what few “papalist” works may be found are dwarfed in number by conciliar tracts, copies of the decrees of the council, etc.<sup>1</sup> So far as I have been able to determine, support for the Council of Basel was overwhelming in charterhouses located in Germanic and Netherlandish territories. Assessment of Carthusian attitudes towards the Basel-Rome conflict in other areas is much more problematical. That there are few catalogs available for Carthusian libraries in non-Germanic territories makes research into the reception of the Council of Basel and conciliar ideas in general in English, French, Italian, and Spanish charterhouses particularly difficult. The investigation of the archival remains of charterhouses in these regions—an effort too time-consuming and costly to be undertaken here—might, however, prove illuminating.<sup>2</sup>

More immediately promising are opportunities for prosopographical study. Bartholomeus van Maastricht and Heinrich Arnoldi von Alfeld entered the Carthusian Order during the mid-1430s. Jacob von Jüterbog, Johannes von Hagen, and Nicolaus Kempf all made their professions after 1440. Without in any way intending to trivialize their individual decisions for choosing to become Carthusians, we may ask whether the order’s open support for the council might have attracted persons to it.

<sup>1</sup>For Aggsbach, see: *Mittelalterliche Bibliothekskataloge Österreichs*, hrsg. Kaiserlichen Akademie der Wissenschaften in Wien, (Vienna: Adolf Holzhausen, 1915), i, 525-610. Catalogs for Buxheim, Erfurt, and Güterstein are to be found in *Mittelalterliche Bibliothekskataloge Deutschlands und der Schweiz*, hrsg. Bayerischen Akademie der Wissenschaften in München, (Munich: C. H. Beck), iii, pt. 1 (1932), 81-101; ii (1928), 221-595; and i (1918), 153-175, respectively. For Cologne, see: R. B. Marks, *The Medieval Manuscript Library of the Charterhouse of St. Barbara in Cologne*, [AC 22]. For Roermond, see: Verschueren, *Die Bibliothek der Kartuziers van Roermond*. For ‘s Hertogenbosch, see: Lucidius Verschueren, O.F.M., “Die Bibliothek-Catalogo der Kartuze S. Sophia te Vught,” *Historisch Tijdschrift* 15 (1936), 7-58. For a list of other extant Carthusian library catalogs, see: Gruys iii, 417.

<sup>2</sup>Gruys’ bibliography of materials relating to the history of individual charterhouses provides a starting point for such an investigation, see: Gruys ii, *passim*.

Dennis Martin reports that the charterhouse of Gaming was particularly successful in recruiting postulants from the University of Vienna. Such documentation as he usefully provides could launch a study of the ecclesiological persuasions of these men that might shed light on this question.<sup>3</sup>

As regards those Carthusians whose ideas and writings this study has only begun to explore, the number of unanswered questions permits only the most tentative conclusions. Bartholomeus van Maastricht, Albergati's anonymous correspondent, Jacob von Jüterbog, Vincent von Aggsbach, Johannes von Hagen (reportedly) and even Denys van Rijkel all concur that the regular convocation of general councils is necessary and salutary for the church. All, even Jacob, whose disappointment at the fate of the Council of Basel seems to have caused him to despair of a general reformation, believe that the special task and competence of general councils is the reform of the church in head and members. It is this faith, in fact, that causes these Carthusians to advocate and cling to the substance of *Frequens*. More specific and settled conclusions must await the recovery and analysis of their works, most of which remain in manuscript or in transcriptions that do not meet critical standards. It is a large task made larger by the number and variety of writings to be considered. Beyond treatises specifically devoted to conciliar questions, their entire literary deposit: tracts on monastic life and reform, on pastoral care for secular clergy, sermons, sentence and scriptural commentaries, must be mined. Moreover, as our encounter with the record of the scholarly treatment of Denys van Rijkel has demonstrated, this inquiry will have to give full attention to the context and development of ideas over time.

Only by such a process may we arrive at a more meaningful appreciation of the nature and extent of the acceptance of conciliar ideas within the Carthusian Order

<sup>3</sup>Martin, 332-335.

and the function of such ideas within the larger framework of late medieval Carthusian ecclesiological thought. A particularly interesting issue to be addressed is the extent to which Carthusians embraced specifically Basilean forms of conciliarism. Although the range of conciliar opinion in the fifteenth century was very broad and is not subject to ready classification, there developed at Basel a consensus in reaction to the “episcopalist” conciliarism of the previous generation—Gerson, d’Ailly, being the most noteworthy proponents—in favor of a “corporationist” conception of the council as, in the words of Antony Black, “a microcosm of the whole Church as a unified, organic entity”.<sup>4</sup> The Basel fathers’ rejection of the traditional organization by nations for an organization by deputations committed to specific tasks and extension of full and equal voting rights to incorporated members regardless of status gave concrete expression to this altered vision. Furthermore their erection, beginning in the summer of 1432, of an executive and judicial machinery to rival that of the papal curia signified a departure from previous notions of the council as an exceptional means by which the church could protect itself from a corrupt or heretical pope for a conviction that the council stood as the infallible sovereign executive and judicial power within the church militant. Albergati’s anonymous Carthusian correspondent, who drew a pointed analogy between the polity of the order and that of the church when properly governed, would seem to have absorbed this Basilean conciliarism.<sup>5</sup> Regarding Vincent von Aggsbach there can be no doubt but that he was a fully fledged Basilean: he declares Eugenius to have been a heretic on a par with Arius for his contradiction of the infallible truth of conciliar supremacy

<sup>4</sup>The discussion here owes much to Black’s helpful attempts at such classification, see: *Council*, 8.

<sup>5</sup>A determination of the pervasiveness of this notion among the generality of fifteenth-century Carthusians is of the first priority.

and his subversion of so many learned persons.<sup>6</sup> Consideration of Bartholomeus van Maastricht's 1440 *Tractatus de potestate pape, concilii generalis, et ecclesie*, however, offers a mixed result. On the one hand he resorts, when discussing Christ's direct commission of authority to the church, to Gerson's notion of the *semen vivificens* granted the church to sustain the hierarchical *ordo*, that wellspring of the church's power of self-reformation, throughout all time.<sup>7</sup> On the other he defends vigorously the council's deputation system and counters charges that the council was improperly dominated by lower clergy with the story of Balaam's ass (Num. 22.28-30).<sup>8</sup> Certainly close attention will have to be paid to the use Carthusian authors did or did not make of the pronouncements of the Council of Basel and the ideas of such Basel theorists as Segovia, Ragusa, Panormitanus and the like.

If the waning fortunes and ultimate failure of the Council of Basel did not discredit conciliar principles among these Carthusians, neither did it fracture for them (nor for many others) the link forged between the regular celebration of general councils and the hope of reform. On the contrary the fate of Basel seems to have strengthened it. We have seen even in the case of Denys van Rijkel, whose adherence to conciliarism is questioned by some scholars, a fervent belief in the absolute necessity of a general council for the success of reformation—this more than

<sup>6</sup>Pez & Hüber, *Thesaurus anecdotorum novissimus*, vi, 334: "Sed concilium Constantiense & postea Concilium Basileense declarauerunt superioritatem concilij, cui omnis Christianus, etiam Papa, in cunctis obedire tenetur. Et hæc declaratio, tanquam Catholica & in Evangelio fundata ab omnibus suscepta est. Tandem infelicis memoriæ Eugenius Quartus volens esse novus Hæresiarcha huic veritati contradixit verbis, & factis impugnavit, in tantum, quod omnes Prælatos, Doctores, Magistros, Clericos, & religiosos ab ipsa veritate avertit, & ad contrarium errorem, per præfata Concilia implicite reprobatur, attraxerit, & per hoc tanquam alter Ieroboam peccavit, & peccare fecit Israël, præsertim in literatis: & tanquam Arius noui erroris auctor extitit; ut sicut ab Ario Ariani, sic ab Eugenio, Eugeniani dicerentur."

<sup>7</sup>Meijknecht, 84.

<sup>8</sup>Meijknecht, 92.

a decade after that council was dissolved. Thus the reconstruction of fifteenth-century Carthusian conciliarist thought is as well and perhaps more profoundly a reconstruction of Carthusian reform thought. The dynamics of that thought have yet to be fully recovered.

### Note on Appendices

Appendices A-E following contain texts of pertinent documents. Appendices B, C, and D are edited from what are, to the best of my knowledge, unique witnesses. Appendices A and E are working editions made from selected witnesses. Manuscript sources are as follows:

A. Basel, Universitätsbibliothek Hs. A II 25, ff. 86r-87v.

*Bibliothèque Nationale, Catalogue général des manuscrits latins.*  
Paris, 1940 ii, 51 lists what appear to be copies of the first and third letters edited in this appendix in Ms 1516, ff.185r-188r.

B. Vienna, Österreichische Nationalbibliothek Hs. 5116, ff. 410r-v.

C. Basel, Universitätsbibliothek Hs. A I 27, f. 287v.

D. Vienna, Österreichische Nationalbibliothek Hs. 4947, ff. 247r-248v.

E. Basel, Universitätsbibliothek Hs. O II 8, ff. 98v-100r; Vienna, Österreichische Nationalbibliothek Hs. 5116, ff. 253r-254v,

The text offered here is based on the Basel Ms [signified in the apparatus as *B*] which contains a colophon stating that the letter was read before a general congregation of the council on 5. April 1443. I have used the Vienna manuscript [signified in the apparatus as *V*] solely to assist in producing a readable text. No assumptions should therefore be made concerning the general agreement of the witnesses. A full edition will have to incorporate at least two other witnesses (as reported by Meijknecht, 38): Munich, Bayerische Staatsbibliothek 18412, ff. 273r-273v, 278r and Stuttgart, Württembergische Landesbibliothek, cod. theol. 2<sup>o</sup> 76, Band 19, ff. 68r-75v.

In preparing these texts I have regularized punctuation and capitalization to current practice, but I have observed the orthography of the witnesses. I have employed angle brackets (< >) to indicate suppositional lacunas in the texts and square brackets ([ ]) to mark suppositional interpolations. Daggers († †) indicate *loci nondum sanati*. At several points in Appendices D and E I have used square brackets surrounding periods (e.g., [..]) to indicate unreadable letters. In Appendix A I have marked a lacuna of approximately three letters as \*\*\*.

Appendix F is a simple table conveying what I have been able to discover concerning the identities of the diffinitors of Carthusian general chapters from 1432 through 1450. Its purpose is to convey the consistency of leadership the order chose, particularly during the critical years 1438 through 1442. Note that the bottom rank names those monks elected as representatives of the community of the Grande-Chartreuse. Note also that I have data for neither the 1433 nor the 1437 general chapters.



[f. 86r] Bulla Apostolici Electi missa Capitulo generali ordinis Carthusiensi vnacum  
oratoribus pro adhesionem suarum

Felix electus servus servorum dei dilectis filiis dompno maiori ceterisque  
 5 religiosis fratribus ordinis carthusiensis in monasterio maioris carthusie capitulum  
 generale celebrantibus, salutem et apostolicam benedictionem. Grata nobis res fuit,  
 cum generale capitulum vestri ordinis impresentiarum celebrari debere intelleximus,  
 quam, vt estis viri religiosi et servicio dei dati sic pro vestra prudentia et ardenti ad  
 commune bonum desiderio de statu, salute et pace universalis ecclesie cuius hodie  
 10 prohdolor nimium vilipenditur et conculcatur auctoritas in medium cogitabitis circa  
 quas res, vt melius deliberare possitis mittimus ad conventum vestrum, tam nos quam  
 sacrum basiliense concilium dilectos, filios Ludovicum de Montedo militem iuris  
 utriusque doctorem ducalis concilii chamberiaci presidentem ac Michaellem Balduini  
 legum doctorem et in sacra theologia professorem, nuncios et oratores nostros, quibus  
 15 nonnulla commisimus vestris devotionibus referenda dictorum vniversalis ecclesie  
 sacri concilii et nostrum statum concernentia. Quibus hortamur quatenus in dicendis  
 nostro nomine fidem plenariam adhibentes, taliter vos circa bonum ecclesie dispositos  
 demonstretis vt apud eum pro quo mundum reliquistis, tanto maiora consequi premia  
 mereamini quanto ille, qui veritas est, veritatem vos diligentius querere atque sequi  
 20 perspexerit. Ceterum, cum in litteris sacri concilii nominatus sit dilectus filius  
 magister Eneas Senensis secretarius noster, tanquam ipse nostro et eiusdem concilii  
 nomine ad vos venturus esset, ne qua vobis exinde admiratio sit poscimus. Ipsum  
 enim Eneam apud nos pro nostris negociis retinentes, Ludovicum prefatum loco

15 dictorum] *fort.* -cta

eiusdem transmissimus. Nec miremini quia bulla exprimens nomen nostrum non est appensa presentibus, nam hii qui fuerint hactenus in Romanos electi pontifices ante sue consecrationis et coronationis sollemnia in suis bullandis litteris modum hunc observare consueuerunt. Datum Thononii Gebennensis diocesis XV kalendis Maii

5 anno a nativitate domini Millesimo quadringentesimo quadragesimo. Suscepti a nobis apostolatus officii anno primo.

[f. 86v] Bulla alia secunda Concilii Basiliensis similiter  
ad Capitulum ordinis Cartusiensis

Sacrosancta generalis synodus Basiliensis in spiritu sancto legitime congregata  
 5 vniversalem ecclesiam representans dilectis ecclesie filiis dompno maiori ceterisque  
 religiosis fratribus ordinis carthusiensis capitulum generale in magna carthusia  
 celebrantibus, salutem et omnipotentis dei benedictionem. Dignum est devotis  
 amatoribus ecclesie sponse christi et zelatoribus iusticie ac veritatis ea innotescere,  
 que pro succurrendis necessitatibus et languoribus eiusdem ecclesie ad conservacionem  
 10 status et auctoritatis eius defensionemque fidei orthodoxe et sacrorum canonum in  
 quibus christiane religionis stabilimenta constituunt, hec sancta synodus hiis  
 temporibus agere compulsa est. Cum enim manifesta esset vniverso orbi gravis  
 impugnacio quam adversus auctoritatem conciliorum et canones sacros pro honore dei  
 et salute animarum ac status ecclesie vniversalis editos agebat Gabriel olim dictus  
 15 Eugenius papa quartus, declaraciones et decreta in fide et moribus per eandem  
 synodum factam temere parvipendens atque contempnens ac auctoritati dicte synodi  
 eam lacerando fortiter se opponens, et nullatenus dissimulari aut conniventibus oculis  
 pertransiri posset tanta ruina tantaque desolacio que non solum temporibus suis verum  
 eciam futuris diebus ipsi ecclesie imminebat. Si sic prefata conciliorum auctoritas  
 20 haberetur in derisum, si canones in contemptum et ludibrium verterentur, si insuper  
 declaraciones facte per ecclesiam in materia fidei et potestatis a christo date conciliis  
 generalibus et ea ad que de necessitate salutis omnes christiani ex doctrina catholica et  
 apostolica tenentur, in dubium revolvi aut conculcari et confundi permetterentur,  
 necesse fuit huic sancte synodo post longam expectationem in multa paciencia hiis  
 25 moribus occurrere. Et dum prefatus Gabriel post plures ammoniciones se contumacem  
 atque incorrigibilem prebuit ecclesiam notorie scandalizare ac auctoritatem ipsius

huiusmodi fortius atque fortius impugnare non cessans, oportuit facere quod precipit  
 veritas dicens, *Si ecclesiam non audieret sit tibi sicut ethnicus et publicanus*, atque  
 ipsum a papatu propter hec at alia notoria demerita sua per sententiam synodalem  
 deponere, ne, quod absit, si languor non esset curatus in capite, totum corpus morbus  
 5 invaderet ac vniversalis ecclesie et sacrorum conciliorum auctoritas in precipicium  
 corrueret. Qua quidem deposicione per hanc sanctam synodum, necessitate rei publice  
 et fidei catholice exigente, facta, expectatis quatuor mensibus et vltra ad eleccionem  
 alterius summi pontificis procedere duxit, qui suo ministerio ecclesiam dei a suis  
 calamitatibus et languoribus relevare posset fidem defendendo, auctoritatem sacrorum  
 10 conciliorum conservando, eorumque canones et decreta exequendo, mores  
 reformando, et pacem christianorum proseguendo. Tandemque velut in tempore ad  
 hec aptissimus electus fuit sanctissimus Felix V tunc Amedeus, decanus militum in  
 solitudine Ripallie Gebennensis diocesis dompno famulancium, ac Sabaudie dux qui  
 postquam in habundancia pacis et iusticie domui pariter et dompniis suis laudabiliter et  
 15 virtuose prefuit, iam per plures annos in simplici et humili habitu ac in observacione  
 continencie vitam suam in prefata solitudine duxerat, virtutum cultor, bonorum et  
 virtuosorum amator, consolator pauperum, quique cum omnibus pacem habere semper  
 optavit, prudencia et iusticia famosissimus quem eciam in hoc tempus reservasse  
 divina prudencia dignata est, vt in tempore necessitatis succurreret ecclesie sue quam  
 20 Christus ipse non deseret usque ad consummacionem seculi, cuius pietas excitavit  
 animum eiusdem electi, ut postpositis omnibus vellet ipsi ecclesie servire ac corpus et  
 bona pro eadem exponere. Cumque posset in quiete et tranquillitate vitam suam

1 huiusmodi] ? hoc modo *legatur* 2 *Si . . . publicanus*] *Mt. 18.17*

agere non recusavit se multis curis et sollicitudinibus in obsequium ipsius ecclesie  
 exponere propter honorem creatoris sui formidans, si ecclesie vniversalis eius  
 obsequia in hac necessitate requirentis voca [f. 87r] cionem reiceret, divinam  
 offendere maiestatem, volensque pocius servire dompno deo suo in defensione fidei et  
 5 auctoritatis conciliorum generalium ac prosecucione publice salutis quam proprie  
 quieti consulere, multa benignitate de omnipotentis dei misericordia confisus,  
 consensum suum eleccioni de se facte prestitit, acceptans summi apostolatus officium,  
 fecitque professionem ordinatam per hanc sanctam synodum prout hec plenius  
 recitantur in decreto nostro super horum omnium ratificacione promulgato die  
 10 vicesima septima mensis february, cuius tenorem devocionibus vestris transmittimus  
 in quo seriem celebrate eleccionis ac reliquorum deinceps gestorum preclare  
 conspicietis. Cum hec itaque pro salute vniversorum gesta sint ne diebus nostris  
 auctoritas ecclesie, fides orthodoxa, canonum reverencia, veritas et iusticia  
 confunderentur in terris, nec miserabiliter deperiret animarum salus, et tocius  
 15 ecclesiastice discipline vigor maxime convenit omnes qui christiano nomine censentur  
 glorificare deum in mirabilibus suis, qui et si ecclesiam temptari atque agitari nunquam  
 tamen vinci aut superari permittit, quique hoc periculoso tempore talem deputavit  
 ecclesie sue pastorem, qui sciat velit et possit iuxta vires fidem defendere auctoritatem  
 ecclesie sustinere mores et abusus reformare, ac in mansuetudine benignitate et  
 20 sapientia feliciter regere populum dompni in adquisicione sempiternae salutis, ipsosque  
 omnia et singula fideliter amplecti que auctoritate vniversalis ecclesie

21 ipsosque] *intellege ipsaque* 9/10 decreto . . . february] *MC ii, 465-469*, Cum,  
 sicut si beatus Hylarius

per hanc sanctam synodum multis iam annis cum variis laboribus pro fide et veritate decertantem acta sunt. Que omnia attendere velint vestre devociones et ut dei omnipotentis indignacionem effugiatis in exhibenda obediencia firmaque adhesione prefato Felici V, quem verum et indubitatum Iesu Christi vicarium in terris nullus christifidelium ambigere potest, tanto vos prompctiores ostendatis quanto in ordine vestro religionis et sanctimonie decus inpresenciarum singulariter fulget quantoque observancia regularis precipue colitur et aliis estis in speculum vite et discipline normam constituti. Eisdem preterea devocionibus vestris in virtute sancte obediencie precipiendo mandamus, quatenus prefati decreti tenorem et continenciam, quod sub  
5 bulla sua prefata vobis transmittit synodus, singulis ordinis vestri monasteriorum conventibus vbilibet constitutis publicari, et insinuari procuretis ac vniversos prefati ordinis vestri religiosos et quoslibet alios cure et sollicitudini vestre commendatos ecclesiasticos et seculares ut prefato Felici V tamquam vero et indubitato Romane ecclesie pastori, eiusque litteris mandatis et processibus ac censuris firmiter, vt  
10 tenentur, obediant et intendant inducatis. Super omnia autem advertant devociones vestre ne vniversalis ecclesie et sacrorum generalium conciliorum auctoritas infringatur, que sine fidei macula factis desuper declaracionibus et sacris canonibus editis ledi non potest, vt exinde nostram et prefati Felicis V gratiam et benivolenciam promereri valeatis amplioem. Speramus enim in misericordia dei per opera virtuosa et fructuosos labores ipsius Felicis rem vniversalis ecclesie et religionis christiane in  
15 optimam et felicissimam disposicionem, pacem et vnitatem et laudabilem gubernacionem reduci, prestante gracia spiritus paracliti qui vestras devociones in sacra religione conservare et in cunctis dirigere dignetur. Datum Basilee nonae Aprilis anno a nativitate domini millesimo quadringentesimo quadagesimo.

[f. 87v] Alia Bulla Concilii Basiliensis ad Capitulum  
 generale ordinis Cartusiensis

Sacrosancta generalis Synodus Basiliensis in spiritu sancto legitime congregata  
 5 vniversalem ecclesiam representans dilectis ecclesie filiis dompno maiori ceterisque  
 religiosis fratribus ordinis carthusiensis in monasterio maioris carthusie capitulum  
 generale celebrantibus, salutem et omnipotentis dei benedictionem. Compertum  
 habet hec sancta synodus ordinem vestrum inter alios ab ecclesia receptos ordines  
 sanctimonia et religionis observacione fulgere ac ecclesiam vite et morum honestate  
 10 singulariter decorare. Non ignorat eciam fidem et devocionem quam erga hoc sacrum  
 concilium religiosi ordinis vestri semper exhibuerunt et affectum quem ad  
 reformationem et ecclesiastici status tranquillitatem habuerunt et continuo habent.  
 Propterea cum impresenciarum generale capitulum in prefato loco celebretis, ea vobis  
 que ad effectum premissorum hec sancta synodus hactenus peregit libenter insinuat,  
 15 prout in aliis suis litteris lacius conspicietis. Illa autem que super defensione veritatis  
 quam quilibet christianus tenetur amplecti ac contra rebellionem et obstinatam  
 contumaciam Gabrielis olim Eugenii pape, quibus totus mundus scandalizabatur et fides  
 catholica, que sincera et sine macula esse debet non modicum paciebatur detrimentum  
 eiusque ab administracione papatus tam necessariam quam iustissimam deposicionem  
 20 nec non super eleccione futuri tunc Romane pontificis de persona nobilis Amedei  
 ducis Sabaudie ac decani militum in solitudine Rippallie Gebennensis dyocesis dompno  
 famulancium viri quidem religiosissimi et prudencia ac sapiencia famosissimi nunc vero

20 Romane] *ut vid., intellege -ni*

Felicis quinti, vt spiritus sanctus dictavit, canonicè celebrata prout expedientissimum erat edidimus et promulgavimus quibusdam vestri ordinis religiosi qui nuper apud nos fuerunt ad prefatum capitulum accedentes, devocionibus vestris insinuanda communicavimus. Vt tamen clarius omnia intelligere possitis ac sinceram nostram

5 intencionem radicitus intuere, ad conventum illum vestrum generalem nuncios et oratores nostros destinare proposuimus dilectos ecclesie filios Michaellem Balduini legum doctorem ac baccalarium in theologia et Eneam de Senis prepositum ecclesie sancti Laurentii Mediolanen et apostolicum secretarium, latores presencium, quibus

10 caritatibus exponenda commisimus. Eisdem igitur et vtrique ipsorum insolidum velitis plenam in singulis fidem adhibere, taliter vos in eisdem habentes vt ab altissimo, cuius res agitur, immortale premium prestolari, et apud hanc sanctam synodum et prefatum sanctissimum Felicem Quintum Romanum pontificem electum commendacionem et benivolenciam promereri valeatis ampliozem. Datum Basiliensi iiii Idus Aprilis anno

15 a nativitate domini millesimo quadingentesimo quadragesimo.



[f. 410r] Sacrosancte Basiliensi sinodo in spiritu sancto legitime congregate

Reverendissimi reverendique patres et domini humili recommendacione cum debita reverencia et honore, applicuerunt ad nos egregii vestri oratores viri vtique  
5 omni veneratione digni, videlicet Ludovicus de Monteolo miles vtriusque doctor  
ducalis concilii Chamberiaci presidens ac Michael Balduini legum doctor et in sacra  
theologia professor vna cum decretis vestris nobis destinati, quos in relatis per eosdem  
ad plenum audiuius iuxta tenorem litterarum credenciam in eos continencium. Qui  
revera tanta prudencia et verborum pondere eloquia sibi credita et talentum  
10 commissionis ipsis traditum taliter aput nos dispensaverunt, ac lucerna sue directionis  
tam plena dilucidacione instruxerunt, vt inde nos de multis dubiis claros efficerent et  
cum multa mansuetudine in perfecciones vestras supportantes morum exemplis  
animos nostros optime reficiebant, eramusque intencionis mittere cum ipsis aliquos ex  
nobis qui ad plenum vestrum sanctum concilium de nostra sancta et sincera intencione  
15 informarent. Sed quia actu residendi capitulum nostrum generale pro tocuis ordinis et  
antiqui nostri propositi conservacione, in quo plurima nobis occurrent necessario  
opere peragenda ita vt nostros non tam cito potuerimus expedire, cum eorum  
expedicio pendeat ex capitulariter pertractandis sed ex post absque dispendiosa mora  
sufficienter instructos transmittemus ad easdem reverendas paternitates, ut, deo  
20 volente, prout supra informandas, quas divina providencia ad laudem suam et populi  
christiani profectum gubernare et dirigere dignetur omnibus in agendis. Scriptum  
Carthusie sedente nostro capitulo generali vicesima nona die Aprilis.

R. P. V. humiles filii devotique oratores, frater Franciscus prior carthusie ceterique  
25 diffintores capituli generalis ordinis Carthusiensis.

[f. 410r] Sacrosancte vt supra

Reverendissimi reverendique patres in christo dominique debitis semper honoribus colendissimi, ad easdem reverendas paternitates pertransmittimus  
5 venerabiles fratres nostros priores, videlicet Aula Marie, Antwerpie, Tornacii, et  
Colonie, desuper intencione tocius ordinis statum sancte matris ecclesie concernente  
ad plenum informatos quibus prioribus indicendis nostri ex parte dignentur prefate R.  
P. V. fidem indubiam adhibere. Sancta trinitas et deus V. R. P. in omnibus prospere  
dirigat ad honorem suum et exaltacionem sue ecclesie sacrosancte. Amen. Scriptum  
10 Carthusie tercia die mensis Maii.

V. R. P. humiles filii et devoti oratores, prior Carthusie et diffinitores capitulum  
generalis ordinis Carthusiensis.

15 Lecta in generali congregacione veneris terciadecima mensis Maii anno millesimo  
quadringentesimo quadragesimo.

[f. 410r] Sanctissimo in christo patri domino Felici quinto per sacrum  
 Basiliensis concilium in summum pontificem electo

Sanctissime in christo pater humilima recomendacione tam debita quam  
 5 devota, recepimus litteras credenciales in personas egregiorum vestrorum oratorum  
 virorum vtique omni veneracione dignorum, videlicet Ludovici de Monteolo militis  
 iuris vtriusque doctoris ducalis consilii Chamberiaci presidentis, ac Michaelis Balduini  
 legum doctoris et in sacra theologia professoris, vna cum aliis certis litteris per eos  
 apportatis, tam ex parte sacri Basiliensis concilii quam sanctitatis vestre, eosdemque  
 10 plenarie audivimus, qui reuera tanta prudencia et verborum pondere eloquia sibi credita  
 et talentum commissionis sibi ipsis traditum, taliter apud nos dispensaverunt, ac  
 lucerna sue [f.410v] direccionis tam plena dilucidacione instruxerunt, vt inde nos de  
 multis dubiis claros efficerent, et cum multa mansuetudine in perfecciones vestras  
 supportantes quorum exemplis animos nostros optime reficiebant. Super quorum  
 15 exposicionibus disposuimus aliquos de nostris deputatos ad sanctitatem vestram  
 dirigere, quos concurassemus in continenti cum ipsis vestris transmittere, verum  
 impresenciarum tenemus nostrum Capitulum generale pro tocius ordinis et antiqui  
 propositi nostri observacione, in quo plurima occurrent necessario disponenda.  
 Quamobrem ita repente hoc facere nequi[ra]mus, sed, deo disponente, quam citius  
 20 poterimus eos ad sanctitatem vestram oratores transmittemus, per quos nostre pie  
 intencionis et sincere devocionis affectus in hiis, pro quibus placuit, ipsos vestre  
 sanctitati oratores transmittere. Ad plenum curabimus pro modulo nostro eiusdem

2 electo *cod.<sup>c</sup> (lect. orig. dubia)* 13 efficerent *ego scripsi.* : efficer. *cod (liber phototypicae expressus hoc loco legi nequit)*

sanctitatis vestre magnificenciam informare, quam divina ex alto prospiciens  
clemencia dirigere in omnibus et gubernare dignetur ad laudem et gloriam ecclesie sue  
sancte sibi commisse, vt gloria vestre sanctitatis electoribus honor confirmatoribus et  
pax populo dei in officii exercicione resultent. Scriptum Carthusie sedente nostro  
5 capitulo generali xxix die Aprilis.

Eiusdem sanctitatis vestre humiles filii deuotique oratores, frater Franciscus prior  
Carthusie ceterique diffinitores capituli generalis ordinis Carthusiensis.

## [f. 287v] Relatio de adhesionem ordinis carthusiensis ad concilium

Item de mense maii ordo carthusiensis celebravit capitulum generale in carthusio  
maiore iuxta consuetudinem hujus ordinis verumtamen sacrum generale basiliense  
5 concilium misit ibidem suos oratores hortando eosdem ad cognoscendum viam  
veritatis et iusticie. Qui quidem patres devoti et in spiritu humilitatis congregati in  
magna multitudine inter eos fere sexaginta doctores viri famosi magne sciencie et  
consciencie inbuti lege divina civili et humana, habentes inter se vnam oratoribus  
sacri basiliensis concilii nonnullis tractatibus disputacionibus altercacionibus super hiis  
10 que spectantibus ad salutem anime, finaliter concluderunt consenserunt professi sunt  
vniuersalem ecclesiam fore et esse basiliense consilium reputandum, eidemque fore  
obediendum et sanctissimo domino nostro Felice papa quinto tamquam legitime  
electo, eique obediencie et pro verificatione supradictorum misit quatuor de capitulo  
ipsorum ad prefatum dominum nostrum Felicem et basiliense concilium faciendum  
15 relacionem omnium et singulorum, de ambassiatoribus vero sacri concilii fuit missus  
dominus Michael Baldwini vtriusque iuris et sacre theologie professor, secum  
conferens de singulo faciendo collacionem coram eis bene novem dies, cuius thema  
fuit *Apprehendite disciplinam, nequando irascatur dominus et pereatis de via iusta*,  
cuius collacio multum collaudanda et fructuosa extitit. Et per quam predicti patres  
20 concordati sunt in unum vnanimiter nullo penitus discrepante.

4 carthusio] *intellege* carthusia 9/10 nonnullis . . . altercacionibus] *intellege*  
nonnullos tractatus disputaciones altercaciones 10 spectantibus] *intellege* -ant  
11/12 basiliense . . . reputandum ] *intellege* basiliensi concilio representandam 12  
eidemque] *viz.* concilio || Felice papa] *intellege* -ci -pe 15 faciendo] *intellege* ad  
faciendam 18 novem] *ut vid., nisi forte* quattuor *vel* quinque 18/19 *Apprehendite* .  
. . *iusta*] *Ps. 2.12* 19 cuius] *intellege* que

[f. 247r] Auisamenta eiusdem patris prioris Ruremundensis missa ad capitulum  
generale

5 Oculo circumspectionis late circumducto angustat me vndique consideracionis  
latitudo, caligatur oculus mentis, excecatur intellectus, stupet sensus timore et tristicia  
repletur affectus dum in finibus dierum meorum in ecclesia sancta dei tanta mala  
totque animarum pericula perspicio. Vbicumque me diuerto nodus perplexitatis obuiat  
et eius incursum euadere nequeo ob quod vtique clausuram ori frenum lingue imponere  
10 deberem atque manum retrahere a scriptura in materia tam difficili et superardua, nisi  
obediencia victus cui me totum vendicaui, cuius imperio ego stupidus et ebes sensu et  
intellectu a priore colonie patre meo ac visitatore gratioso requisitus duo auisamenta  
puerilia et grossa sicut dominus dedit incartaui.

15 Cum capitulum nostrum generale totum ordinem potestatiue virtualiter  
representet, valde cauendum est per omnem modum in hac arduissima materia multis  
periculis nodisque perplexitatum involuta, ne determinacio fiat siue limitacio ad  
presens ad hanc partem vel ad aliam a capitulo generali vel a prioribus vt capitulum  
facientibus, determinacio, inquam, provinciarum vel domorum in prouinciis seu  
20 consultacio talis videlicet quod, quo resident sub domino illius teneant cum illo et quo  
sub domino alterius teneant cum alio, ne ex hoc totus ordo videatur fovere diuisionem  
lamentabilem scismatis atque videatur a nonnullis incurrere notam macule culpe  
criminalis potissime vicii precipitacionis. Et si videatur prioribus in capitulo generali

14 Cum] Primum *praem. cod. mg., ut titulus*

congregatis : quod ordo ad tempus debeat se suspendere ab expressa particulari  
 determinacione vltime residencie ad illam vel aliam partem, scripto vel vere per  
 ordinem vel aliquem seu aliquos nomine ordinis †fienda†, exquo adhuc in suspensione  
 quadam huiuscemodi determinacionis residencie finalis stant potissimi principes  
 5 christianitatis, videlicet rex romanorum cum suis electoribus et aliis principibus  
 quamplurimis et, vt intellexi, rex francie etc. ; quod illa suspensio non promulgetur vt  
 facta a capitulo, sed quod patres visitatores provinciarum in loco capituli generalis  
 congregati, attentis arduitate negocii maxima quae transcendit eorum cognoscere ab  
 intra eorumque simplicitate atque dicto beati gregorii in registro dicentis quod  
 10 †nostris† ab intra non cognoscit homo congrue ad extra non disponit, permoti sunt ad  
 hoc, quod ipsi ad tempus suspendat organa sua a determinacione expressa pretacta  
 capitulari nomine ordinis finalis siue vltime residencie etc., ne per eandem ponant  
 totum ordinem ad notam culpabilis macule et ad scandalum pusillorum plurimorum in  
 ecclesia dei, exciteturque per hoc perturbacio in [...] mentibus multorum periculose  
 15 simplicitatem ordinis iudicantium ; sicque patres illi non tamen vt capitulariter  
 congregati capitulum representantes sed aliunde desiderent apud illos, apud quos erit  
 oportunum, vt permittantur ad tempus modicum in tali suspensione determinacionis  
 expresse vltime et finalis residencie ordinis etc., quousque ab aliis maximis et  
 prudentissimis christianitatis eorum simplicitas informetur quid faciendum erit ordini  
 20 [f. 247v] ad promocionem ecclesiastice vnitatis et ad laudem et gloriam dei

3 ††fienda (sic)] fort. facienda determinatio est 4 stant] *intellege* -ent 8 attentis]  
*intellege* -nti 10 †nostris† . . . disponit] *Gregorius Magnus, Regestrum I, 5 in CCSL*  
*140, 7, ll. 66-67* || †† *lect. incerta*, id quod *sensim desiderem* 11 suspendat]  
*intellege* -ant 14 [...] *comp.* 15/16 non . . . aliunde] *intellege cap. repr.*, non tamen  
 vt capitulariter sed aliunde congregati capitulum representantes 19 erit] *intellege* sit

omnipotentis. Fateor quod multum periculosa est secundum doctores talis particularis suspensio in ecclesia et summe vitanda extra casum pregnantis necessitatis excusantis et hoc *ne in toto corpore ecclesie deterior et generalior scissura fiat et inducatur, dum particularia membra consuescunt, non obedire* de quo dicit Philosophus in  
 5 *Politicis, pessimum est consuescere non obedire principi* Tamen de primo ausamento.

Item de fundamento aliquorum qui in presenti materia superardua ponunt residencionem suam in hoc, videlicet quod ipsi non sunt certi de veritate alicuius  
 10 partis, hinc ipsi estimant quod cum bona consciencia possunt tenere cum vna parte, scilicet Eugenii, cum qua tenet eorum dyocesanus in cuius dyocesi ipsi resident, eo quod habeant ignoranciam invincibilem de veritate alterius partii, puta concilii generalis Basiliensis et Felicis etc., qua ignorancia excusant eos, vt asserunt, etiam in toto et adducunt ad eorum confirmacionem cancellarium Parisinam Magister  
 15 Iohannem Gerson, in quodam opusculo in quo ponit octo conclusiones cum suis probacionibus de precedenti tunc inveterato scismate, in quo dicit quod *numquam* fuit *tam* verisimilis *causa dubitacionis in aliquo scismate* sicut in illo eius signum dicit ipse, erat *varietas opinionum inter probissimos et doctissimos ex vtraque parte.*

20 Circa fundamentum istorum et circa eorum sentire ponam duas aduertencias, quarum prima est talis : Quod, si diuisio in ecclesia dei proueniret ex disceptacione

1/6 Fateor . . . ausamenta] *haec Iohannis Gersonis, De auferibilitate sponsi ab ecclesia =Oeuvres complètes, ed. P. Glorieux vi, 305, a Bartholomeo quoque citata, Tractatus de potestate papae, concilii generalis, et ecclesiae, ed. Meijknecht 102f., huc inserui secundum scribae intentionem e corr. mg. inf. 8* Item] Sequiter secundum *praem. cod. mg. ut titulus 16/18 numquam . . . parte*] *haec Iohannis Gersonis, De modo se habendi tempore schismatis =Oeuvres complètes, ed. P. Glorieux, vi, 30-31* 20 Circa] prima aduertencia *praem. cod. mg., ut titulus*



personarum particularium in ecclesia dei, vt vnus partis cardinalium cum alia parte  
 cardinalium vel vnus persone vel aliquarum personarum cum ecclesia particulari vbi in  
 comparacione vtrique parti contingit errorem ascribi occurritque dubium et causa  
 dubitacionis de veritate parcium tanta quod non est ratio sufficiens ad hoc, quare plus  
 5 vni parti debent stare quam alteri, sicut fuit in precedenti inveterato scismate,  
 maiorem firmitatem et firmitatis veritatem viderentur habere, taliter moti et in sua  
 residencia determinati etc.. Sed ubi fit comparacio aliquarum personarum  
 particularium ymmo et priuatarum ecclesiarum particularium contra ecclesiam  
 vniuersalem vel contra concilium vniuersale quod conuictum est in spiritu sancto  
 10 legitime congregatum, representans ecclesiam non solum significatiue sed etiam  
 virtualiter potestatiue secus est, eo quod in tali comparacione potest capi aliqua ratio  
 certitudinis moralis, quare plus standum sit ecclesie vel concilio generali etc. quam  
 particularibus hominibus contra concilium vniuersale barratrantibus, vt infra dicitur.  
 Nec concludit contra istud allegacio multitudinis clamantis contra ecclesiam et  
 15 generale concilium ex multitudine enim obediencium et seruiencium principi mundi et  
 ex paucitate obediencium et seruiencium christo filio dei non arguitur quod ipse  
 princeps mundi maior sit, et etiam dominium eius dignius, christo et eius dominio etc..  
 Applica illud ad propositionem nostram etc..

20 Pro cuius ampliori intellectu, sit illa advertencia secunda : quod secundum  
 tradicionem doctorum triplex ponitur certitudo cognicionis, videlicet supernaturalis  
 naturalis et moralis. Supernaturalis est triplex : quedam est evidencie clare et

5/6 scismate \*\*\* maiorem *cod.* 13 universale] universale *add. man. rec. mg.* 20  
 Pro . . . sciencie (5,13)] *Vid. Joachim Vennebusch, "Bartholmäus von Maastricht  
 gegen Eugen IV," Annuario Historiae Conciliorum 17 (1985), 214 n.31* 20 Pro]  
 secunda aduertencia *prae. cod. mg., ut titulus*

intuitiue, que est beatorum in patria, horum que vident in verbo vel que cognoscunt in genere proprio ; secunda est assensionis, reuelate in illustracione prophetali ; tertia est solius adherencie in speculo et enigmate que est fidei communiter. Et quelibet harum est infallibilis sicut et [f. 248r] noticia diuina siue diuina sciencia a qua dependet.

5 Certitudo naturalis inuenitur per naturam, sicut et naturalis euidentia de qua multum pulchre loquitur Scotus, et de infallibilitate eius cuius recitacionem ex causa pro presenti non pono. Certitudo moralis iuxta sentenciam Philosophi primo *Ethicorum* non consurgit ex euidentia acrobologie mathematice, que in moralibus expetenda non est, sed per relacionem ad regulam rationis in disciplinato ex probabilibus et

10 coniecturis sufficientibus viro prudenti. Hinc vocant eam moralem certitudinem probabilitatis que habetur per probabilem coniecturam et per quamdam ipsius bone voluntatis confidenciam, que dicitur potius certitudo bone consciencie quam neccesarie sciencie. Et colligitur secundum doctores hec certitudo altero trium modorum videlicet ex alterius auctoritate, puta viri prudentis siue sapientis viri,

15 virtuosi cuius iudicio standum et sumendum est medium virtutis, ex secundo *Ethicorum* ; secundo ex propria erudicione ; tertio capitur ab experimentalis consuetudine. Ista applicando ad propositum nostrum nonne, tanquam habenti auctoritatem inducenti hanc moralem neccesitatem, potius standum est concilio generali in spiritu sancto legitime congregato, eo quod auctoritas eius est auctoritas

20 diuina, auctoritas spiritus sancti regentis et presidentis in ipso, quam particularibus hominibus seu particularibus ecclesiis. Vtinam in suis capitibus non muneribus corruptis ! Preterea nonne potissime standum est studiis generalibus et eorum

7/10 Arist., EN, i 1, 1094b11-27, ii 6, 1106b36-1107a2 14/16 Arist., ut supra  
21/22 muneribus corruptis] *intellege* munera corrupta

determinacionibus tamquam determinacioni sapient<i>um quorum iudicium assercionis  
 vtique videtur magni ponderis et sufficientis auctoritatis ad necessitatem moralem  
 inducendam in presenti materia pro ecclesia dei seu generali concilio ipsam  
 representante ? Que necessitas moralis in materia currente, vt colligitur ex premissis  
 5 attentis motivis predictis, per bone voluntatis confidentiam excludit invincibilem in  
 facto ignoranciam excusantem prefatos, de quibus loquitur ista advertencia secunda a  
 periculo culpe in eorum fortassis minus cauta adhesione etc.. Ex quo patet quod  
 loquendo de dubitatione quam excludit moralis certitudo ipsi non habent de veritate  
 concilii dubitare. Secus est loquendo de dubitatione quam excludit certitudo simpliciter  
 10 dicta, que est de infallibiliter cognito assensu revelacionis siue fidei seu assensu  
 scientifico euidenti. Vnde secundum Scotum illa certitudo simpliciter dicta excludit  
 duo, videlicet hesitacionem siue dubitacionem et fallibilitatem siue decepcionem, ita  
 quod qui[s] non incertus de illo de quo dubitat isto modo certitudinis neque etiam  
 certus est isto modo certitudinis si in assenciendo tali potest falli et decipi. Talis  
 15 autem certitudo simpliciter dicta et omnimoda non expetitur in moralibus sicut nec  
 acribologia mathematica etc.

Quia *via est arta que ducit ad regnum celorum et pauci inveniunt eam et lata  
 est que ducit ad perdicionem et multi ambulant* . Nonne pocius sciendum est et  
 sapiendum vt pauci vel boni deum timentes quam vt multi mali filii mundi qui  
 20 loquantur indiscrete per convicia pessima et clamant in eis pro fl[.]ia desideriorum  
 suorum ad alta, videlicet ad episcopatus prelaturas et beneficia magna etc. ?

11 *textum Scoti nondum inveni 16/17 via . . . ambulant] Mt. 7.13-14 19/21  
 multi . . . alta] fontem nondum inveni 20 pro fl[.]ia litterae quasi duo incertae  
 scripturae scriba fortasse delendae sunt; nescio an prae flumina melius scribantur*

- Late circumducamus [f. 248v] oculum circumspectionis, et clamorem eorum docebit nos rei euidentia, adeo per affectus eorum excecati, quod etiam ipsi conantur mortificare auctoritatem omnium conciliorum generalium nimis periculose ponentes *os in celum*, legantur scripta eorum conviciis plena et specialiter legatur vna bulla
- 5 missa studio Montispessulani, et manifeste apparebit in ea derogacio auctoritatis omnium conciliorum cum aliis multis periculis. Non possum credere quod de scitu et voluntate domini Eugenii sic nuncupati emanauerit sed forte callide per quosdam nimis callidos practicata est et missa. Credunt illi indiscreti proficere [proficere] parti sue et estimo quod multum obsint.
- 10 Ampliorem digressionem ac materie extensionem rescindo ex causis quia specialiter fatigatus in itinere discriminoso etiam ex defectu iuvaminis memorie, et alia multa mea indisposicione non habui facultatem amplius aliquid hac vice scribendi sed solum istud superficialiter et in grosso incantaui vt darem dumtaxat legentibus occasionem considerandi maturius et investigandi studiosius quid agendum in negocio
- 15 presenti superarduo etc.

3/4 ponentes . . . *celum*] *Ps. 72.9* 4/5 bulla . . . Montispessulani] *Etsi non dubitemus, vid. Epist.Pont.Conc.Florent., iii, 24-35*

[f. 98v] Epistula responsalis cuiusdam Cartusiensis ad Episcopum Bononiensem  
Cardinalem sancte Crucis

5

Reuerenciam tam debitam quam honestam, si mecum sentitis, katholice et fideliter,  
alias neque cardinalis estis in cardine ecclesie neque in cardinalibus uirtutibus nec  
episcopus animarum sed erroris. Perlecta epistula uestra nuper missa de errore me  
volebatis revocare, si cum Basiliensibus contra sedem apostolicam Romanam  
10 tenerem, etc. Supra omnem modum admirari non sufficio quod vos ipse erratis in :  
sollitudine consciencie cum omnibus adherentibus basilisto Gabrieli vestro olim dicto  
Eugenio iuste deposito per sacrum concilium, et ergo *viam civitatis habitaculi non*  
inuenietis quia *durum est vobis contra stimulum* recalcitrare sacre sinodi ex concilio  
Constanciensi ortum, sicut vester Gabriel bene incepit illud in Basilea, et papa  
15 Martinus ante dormicionem suam, ut ecclesia reformaretur in omnibus deformatis.  
Que reformacio in Constanciensi terminari non potuit et uos iurastis concilio et  
fregistis fidem, et subtilissima et astutissima demonia per elatos prelatos rebelles  
filios Belial zizania horrendi scismatis, seminastis vnde tamen chaos et  
schandalosissimam scissionem fecistis cum vestris pompaticis apibus et stellionibus,  
20 quia auctoritate concilii Constanciensis qua vester papa Martinus electus fuit et  
consequenter Basiliensis supprimere in confusionem vestram et Romane ecclesie  
irrisionem. *O praevaricatores miseri redite ad cor!* Nunc idem Martinus

7 cardine *V*: -done *B* 12 *viam . . . inuenietis*] *Ps. 106.4* 13 *durum . . .*  
recalcitrare] *Acts 9.5* 18 chaos *V*: cahos *B* 21 Romane *V*: -ni *B* 22  
*praevaricatores . . . cor*] *Is. 46.8*

predecessor olim Eugenii vestri ante conclusionem concilii Constanciensis  
 confirmavit omnia acta et facta eiusdem. Quare ergo ceci decretum Frequens ad  
 celebracionem conciliorum obfuscare cupitis. Sic *ceci estis duces cecorum*, et in  
*foveam* multos ducitis perdicionis ignorancie et errorum. Putatisne quod vniversitates  
 5 per almaniam dormitant que omnia acta et facta conciliorum inscribunt et servant ad  
 futuram rei memoriam. Pulcrificato colore penditis velle defendere sedem  
 apostolicam sed maculatis eam pariter et deprimitis sedem Romanam in seculum  
 seculi. Sed *virga direccionis* et equitatis *virga regni* in conciliis est dum caput egrotat  
 cetera membra dolent. Basilienses volebant reducere grecos et cum eisdem legitima  
 10 inire compactata conciliariter in facie vniversalis ecclesie decretata non minus quoque  
 per ipsos grecos in ipsorum legitimorum procuratorum personis in dicto concilio  
 hodie in spiritu sancto legitime congregato et continuato quamquam tunc ab omnibus  
 plus indubitato xix sessione sacramentaliter iurata et acceptata : ipsi tamen greci dolis  
 et fraudibus ac clamdestinis versuciis per vos et partem vestram circumventi, dictis  
 15 compactatis nusquam satisfacere ; vosque gloriam a dicto concilio promeritam et  
 promerendam sustulistis, nunciantes per mundum quia reducti essent per vos  
 miraculose. Ipsi vero ex aduerso disseminare nituntur occidentalem et Romanam  
 ecclesiam ad ipsorum orientalem fore reductam. Requiritur itaque a veridicis si in  
 grecia more christiano omnia gerantur. Si vester Gabriel humiliter in principio  
 20 obedivisset et approbasset decreta ipsius concilii, magnam haberet laudem in ecclesia  
 sanctorum. Sed deo, cui omnia nota sunt, permittente dum potuit noluit dumque

3/4 *ceci . . . foveam*] *Mt. 15.14* 7 *sedem romanam ego scr.:* *sedes roman (comp.)*  
*B:* *sedes romana V* 8 *virga . . . regni*] *Ps. 44.7, Heb. 1.8* 13 *xix . . . acceptata*] *v.*  
*MC ii, 752-757, Sicut pia mater* 15 *satisfecere V:* *satisfacere B* 18 *orientalem V:*  
*occidentalem B:* *origentalem B<sup>c</sup>*

voluit non potuit, quia iam revocavit iam approbavit vnde hoc incessanter est : quia  
 venefici susorrones incunctanter et insipienter venena suggerebant infecti et  
 dampnati proprio sensu et inimico seminante malum semen. Et quia graviter  
 corruistis et expressistis contra concilium, vultis iam sectam antiquam reincipere,  
 5 quod papa [f.99r] sit ultra concilium ut possit id dissolvere et transferre quomodo vbi  
 et quando sibi placet sine eiusdem concilii consensu, allegatis antiqua iura et tacetis  
 interim in [in] conciliis promulgata et confirmata potestatem apostolicam proponitis  
 vos defensuros et fedatis eam quia papa homo potest errare prout in plurimis  
 compertum est. Et quis tunc audebit eum corrigere et emendare cum sic curia Romana  
 10 reformabitur in symonia in annatis et quampluribus aliis deformatis? Vos in Italia  
 congregari soliti estis magnas pecuniarum summas de confirmacionibus prelatorum et  
 prebendarum et bullarum, et opulenti estis, sed ignoratis quia *divice salutis* sunt  
*sapiencia et sciencia: timor domini*, in concilio ipse erit *thesaurus eius* [in] quo vos  
 egere videmini et inopes esse. Porrigitis vos, sicut potestis, ne honores et dignitates  
 15 perdatis, sed cito stabitis ante tribunal Christi reddituri rationem de tantis malis quo  
 scismate dampnatissimo et seduccionem multarum animarum vtriusque scilicet  
 occidentalis et orientalis ecclesiarum in Christi ecclesiam et agrum dominicum  
 seminastis et induxistis, ex quo veritas et iusticia conciliorum obviaverunt sibi in  
 conciliis predictis Constanciensi et Basiliensi propter concilia futura. Pax dudum  
 20 facta fuisset si vestra dura cervix ne restitisset et multa bona impedivisset. Pauperes  
 quidem comparative sunt in concilio, sed divices in fide dei electione et directione  
 firmiter et constanter perstiterunt. Multi abierunt retrorsum olim sanctissimi et  
 constantissimi reputati qui fuerunt ex eis, sed non ex deo quia apostataverunt et in

1 incessanter est *V<sup>c</sup>(inc. mg.): om. B* 10 annatis *V: om. B* 12/13 *divicie . . . eius]*  
*Is. 33.6*

veritate non perstiterunt. Audemus dicere : aliqui promissionibus †quidem† muneribus  
 alii privato pessimo amore favoreque humano alecti et fraudati a desiderio suo <sunt>.

Numquid illi qui perstiterunt firmi et fidei veritatem et iusticiam conciliorumque  
 auctoritatem conculcari quantum in eis erat? Non permiserunt vobis recedentibus et  
 5 quantum poteratis eos in premissis impredientibus et numquam discipuli christi et  
 apostoli qui cum eo permanserunt multis retrocedentibus tamquam de malefacto  
 culpandi et iudicandi sunt, numquam a veritate potius recedentes vtique iam in  
 conciliabolo Florentino defloraverunt fidem a flore veritatis. Et si per potenciam  
 astuciam Italicam et sapienciam mundanam supplantabitis veritatem concilii  
 10 Basiliensis. Quod spero sponsus ecclesie non permittet, qui probat reprobos et  
 illuminatos ; putatis quod vniversitates veritatem obliviscentur indubie primum,  
 secundum, tertium, quartum, quintum, sextum, et septimum concilia futura revocabunt  
 uberius, et retractabunt conciliorum potestatem quam umquam factum fuit. Aperite  
 oculos vestros, oro, et convertimini filii revertentes ad veritatem sacri concilii.

15 Expurgate vos canonice si non vultis dampnari demoniace. Christus multa permittit  
 sed naviculam Petri per vos de portu inferi submergere non sinet. Finaliter succurret  
 enim tempore et sibi placito et auxiliabitur mirabiliter. Antipapa vester vobiscum  
 attraxistis potestatem secularem sicut Antichristus faciet tempore suo et sic vincere  
 potencia et astucia conamini veritatem conciliorum illius et futurorum. Erexistis  
 20 altare ydoli contra altare dei vivi a quo immediate concilia suam habent auctoritatem  
 per spiritum sanctum in quem vos irremissibiliter peccatis. Allegatis libros Sancti  
 Thome pro auctoritate summe potestatis et nescitis quod ipse omnia sua scripta  
 submitit determinacioni sancte matris ecclesie que est representative in quolibet vero

1 quidem V: quibus B



concilio rite et legitime congregato. Isti in concilio ordinaverunt conceptionem  
 purissime [f.99v] virginis et indulgencias dotaverunt que procul dubio suis meritis et  
 precibus succurret tempore oportuno ipsam honorantibus. Ve vobis clerici et prelati  
 de Italia ita talia taliter agitis contra Concilia que numquam tam pestifera audita sunt.  
 5 Relegatis, oro, melius acta et facta sacri concilii Constanciensis alias papa Martinus  
 fuit falsus papa et vos falsi cardinales et erit novissimus error peior priore. Ve tibi  
 turris babilonica cremata vredine indiscreti fervoris cum sciencia non sanctorum  
 quantam confusionem fecisti in linguas multas cum apro *de silva et* singulari fera  
 vineam domini *deuastata es*. Vniversitates in Italia trepidant de timore vbi non est  
 10 timor, *canes muti non valentes latrare* conciliorum veritatem, Caritas autem perfecta  
 fide formata foris mittit timorem. Ecce Parisiensis que mater est vniversitatum cum  
 multis aliis vniversitatibus vobiscum amore fidei intendunt disputare ad talionem ignis  
 pro veritate conciliorum et vos formidolosi fugitis lucem in tenebris adinventionum  
 †vestrarum†. Quid respondebitis *vnum pro mille* inherendo dei iudicem ibi  
 15 illuminabuntur *abschondita tenebrarum*. *Convertimini*, exhortor, *ad dominum deum*  
*vestrum* et vnionem sancte matris ecclesie in concilio Basiliensi representate.  
 Errastis *sicut oves que perierunt*. Querite penitenciam cum lacrimis dum inveniri  
 potest. Humiliamini *sub potenti manu* dei. Resipiscite tandem constructores  
 errorum ratio non bene per graciā illuminata faciliter erat, si fervor non bene  
 20 inflammat, si intellectus non bene sapit, si voluntas a rectitudine deviat, si cognicio a  
 veritate probata recuciat. Multa enim sunt blandimenta que exterius eciam inter

1/2 conceptionem . . . dotaverunt] v. *MC iii, 364-365* 3 ipsam honorantibus *V*:  
 ipsum vel ipsam honorantem (*vid.*) *B* 7 fervoris *V*: fervorum *B* 8/9 de . . . es] *Ps.*  
*79.14* 10 *canes . . . latrare*] *Is. 56.10* 14 respondebitis . . . mille] *Job 9.3* 15  
 illuminabuntur . . . tenebrarum] *1 Cor. 4.5* 15/16 *Convertimini . . . vestrum*] *Joel*  
*2.13* 16 representate *V*: representatis *B* 17 Errastis . . . perierunt] *Ps. 118.176*  
 18 Humiliamini . . . dei] *Gen. 16.9*

altivolos, deo iuste permittente, in errorem mittunt estimatos sapientes et prudentes huius mundi. Publicatus est vester modus agendi clamdestinis perversionibus, donibus, et missibilibus occultis quibus multos in almania eciam corrupistis in conventiculo de sanguinibus Ferrariensi vbi ferrum duricie vestre exactum fuit. Nempe *multi sunt*

5 *vocati pauci vero electi* usque consumacionem. Quis non adheret Gabrieli nisi caro et sangwis cum de monaco fecit cardinalem de cardinali archiepiscopum de magistro episcopum de episcopo cardinalem etc. de pluribus modis largitus est promittens ampliora exultaciones sublimiores etc? Quis non sentiret secum nisi qui bona consciencia *magis* obediret *deo quam hominibus*? Quis nisi qui ponderet illud

10 *munera excecant oculos sapientum*? Alique religiones adherent vobis propter bullas quas a sede retro concilia impetrarunt in graciis multis per manus pecuniarum. Nolentes eas ponere ad lucem in conciliis si recte sint, et an contra decreta conciliorum impetrata ne perdant eas cum graciis et libertatibus suis. Ecce qualis causa et occasio recessus a veritate et auctoritate sacri concilii vtique perfida. Et rogo

15 respondeatis quid servat religionem nostram in observancia regulari et stabili proposito, nisi capitulum generale vniversali concilio comparatum et sicut ibi supremus prior tocius ordinis nichil determinat, nisi quod diffinitores diffinierunt. Sed ipse subest capitulo dans votum suum sicut caput ordinis administratum sic in concilio debet fieri ut caput representatum ecclesie subsit concilio et approbet quod alii patres

20 determinaverint. Scitis enim quid pape Iohanni factum fuit in Constanciensi concilio bene equidem incepit ipsum fugam, petiit citatus, suspensus, depositus est et finivit vitam sicut deus novit hanc paternitati vestre reverende fidem meam profiteor

4/5 *multi . . . electi*] Mt. 20.16 5 *adheret B<sup>c</sup>: had- B* 9 *magis . . . hominibus*] Acts 5.29 10 *munera . . . sapientium*] Deut. 16.19 19 *representatum ego scr.:* representat[.] (comp.)

coram tota ecclesia, quam firmissime credo fore in concilio Basiliensi et  
 Constanciensi et Senensi et non [f. 100r] ad presens vos et vestram congregacionem  
 Florentium que est scismaticorum conventiculum. Consulite ergo olim Eugenio ut se  
 ipsum cognoscat et revertatur ad gremium sancte matris ecclesie, cum omnibus sibi  
 5 adherentibus et non sequatur adulaciones, nec advertat adherenciam quorundam  
 potencium sibi dorsum tenere simulancium. Potens est enim *Deus* servare et salvare  
 ecclesiam suam in paucis, qui *infima mundi eligit et forcia* quoque confundit, et vos  
 cum eo ad verum et indubitatum ecclesie pastorem Felicem quintum canonice electum  
 revertimini, et ipse vos in suum clemencie recipiet. Revertentibus enim post erroris  
 10 declaracionem maior laus sequetur et gloria datis etc.

Lecta in generali congregacione die veneris quinta Aprilis 1443.

## Diffinitors of Carthusian General Chapters, 1432-1450

1432 <sup>1</sup>	1434 <sup>7</sup>	1435 <sup>14</sup>	1436 <sup>19</sup>
PIERRE-CHÂTEL Johannes Placentis <sup>2</sup>	PIERRE-CHÂTEL Johannes Placentis	BOURG-FONTAINE Michael Virey <sup>15</sup>	PIERRE-CHÂTEL Johannes Placentis
BRUGES Henricus van der Laen <sup>3</sup>		VALENCIENNES ?	SCALA DEI ?
ANTWERP Theodoricus Teerlink <sup>4</sup>	ANTWERP Theodoricus Teerlink	GHENT Jacobus Ruebs <sup>16</sup>	ANTWERP Theodoricus Teerlink
HILDESHEIM ?	GOSNAY Johannes D'Auffey <sup>8</sup>	AGGSBACH Vincent von Aggsbach? <sup>17</sup>	GOSNAY Johannes D'Auffey
		MONTMERLE ?	POMIERS Chrispinus <sup>20</sup>
AVIGNON ?	AVIGNON Petrus <sup>9</sup>	MILAN ?	ASTI ?
PAVIA Johannes <sup>5</sup>	PLETRIACH Johannes <sup>10</sup>	ERFURT ?	GAMING Fridericus <sup>21</sup>
BEAUVAL ?	STRASSBURG Henricus de Ludenschede <sup>11</sup>		
	MONTELLO Andreas <sup>12</sup>		
Henricus <sup>6</sup>	Petrus Amodei <sup>13</sup>	Petrus de La< >lier <sup>18</sup>	Johannes Auterii <sup>22</sup>

1438 <sup>23</sup>	1439 <sup>30</sup>	1440 <sup>36</sup>	1441 <sup>39</sup>	1442 <sup>43</sup>
DIJON Michael Virey <sup>24</sup>		DIJON Michael Virey		DIJON Michael Virey
COLOGNE Johannes Schunde <sup>25</sup>		BUXHEIM Albertus Harshusem <sup>37</sup>	COLOGNE Johannes Schunde	BUXHEIM Albertus Harshusem
ANTWERP Theodoricus Teerlink	GHENT Jacobus Ruebs	ANTWERP Theodoricus Teerlink	GHENT Jacobus Ruebs	ANTWERP Theodoricus Teerlink
GOSNAY Johannes D'Auffey	MONTMERLE Guido <sup>31</sup>	GOSNAY Johannes D'Auffey	MONTMERLE Guido	AGGSBACH Vincent van Aggsbach
REPOSOIR Philippus Ronelli <sup>26</sup>		REPOSOIR Philippus Ronelli		REPOSOIR Philippus Ronelli
NÖRDLINGEN Albertus Hershusem <sup>27</sup>	AVIGNON Johannes de Novomagio <sup>32</sup>	PAVIA ?	AVIGNON Johannes de Novomagio	PAVIA Manuel <sup>44</sup>
VAL DE PEZ Manu <sup>28</sup>	MAUERBACH Johannes Span <sup>33</sup>	GAMING Fridericus	ASTHEIM ?	GAMING Fridericus
	STRASSBURG Henricus de Ludenschede		PONTIGNANO Andreas <sup>40</sup>	
	WÜRZBURG Esiraldus <sup>34</sup>		AILLON Petrus Gautenti <sup>41</sup>	
	MONTELLO Andreas			
Petrus Amodei <sup>29</sup>	Johannes Auterii <sup>35</sup>	Petrus Lallier <sup>38</sup>	Johannes de Moriena <sup>42</sup>	Petrus Lallier <sup>45</sup>

1443 <sup>46</sup>	1444 <sup>51</sup>	1445 <sup>54</sup>	1446 <sup>58</sup>	1447 <sup>60</sup>
PARIS Johannes de Vircoria <sup>47</sup>	DIJON Johannes D'Auffey	PARIS ?	DIJON ?	PARIS ?
COLOGNE Johannes Schunde	SCALA DEI ?	COLOGNE Johannes Schunde		COLOGNE Johannes Schunde
GHENT Jacobus Ruebs	ANTWERP Theodoricus Teerlink	GHENT Jacobus Ruebs		GHENT Jacobus Ruebs
	AGGSBACH Vincent von Aggsbach	MONTMERLE ?	GOSNAY Johannes D'Auffey	MONTMERLE ?
POMIERS Chrispinus	REPOSOIR Phillipus Ronelli			POMIERS Johannes de Nuceto <sup>61</sup>
PAVIA Andreas <sup>48</sup>	AVIGNON Guillelmus Tirardi <sup>52</sup>	MILAN Franciscus <sup>55</sup>	AVIGNON Guillelmus Tirardi	MILAN Franciscus
SÉLIGNAC Petrus Pererii? <sup>49</sup>		NOYON ?	SÉLIGNAC Petrus Peverii	MAUERBACH Johannes Span
BEAUVAL ?	BOLOGNA ?	VALBONE Alexandrus <sup>56</sup>	BOLOGNA ?	
			MONICHUSEN ?	
			NÜRNBERG ?	
Emarus <sup>50</sup>	Petrus Lallier <sup>53</sup>	Emarus <sup>57</sup>	Petrus Lallier <sup>59</sup>	Emarus <sup>62</sup>

1448 <sup>63</sup>	1449 <sup>66</sup>	1450 <sup>69</sup>
DIJON ?	PARIS ?	DIJON ?
SCALA DEI ?	COLOGNE Johannes Schunde	SCALA DEI ?
		GHENT Jacobus Ruebs
GOSNAY Johannes D'Auffey	MONTMERLE ?	GOSNAY Johannes D'Auffey
TRIER ?	POMIERS Johannes de Nuceto	TRIER ?
		PAVIA ?
SÉLIGNAC Petrus Pererii	NOYON ?	SÉLIGNAC Petrus Pererii
BEAUVAL ?	NAPLES Andreas <sup>67</sup>	
VENICE Christoforus <sup>64</sup>	CHAPELLE LES HERNNES ?	
Petrus Lallier <sup>65</sup>	Emarus <sup>68</sup>	Petrus Lallier <sup>70</sup>

## Notes for Appendix F

- <sup>1</sup>See: *AC* 100:9:62 for roster of 1432 diffinitors.
- <sup>2</sup>Prior of Pierre-châtel from 1409 until absolved and made prior of Paris charterhouse by 1436 general chapter, see: Gruys i, 113, *AC* 100:9:140-141.
- <sup>3</sup>Prior at Bruges from 1428 until 1433, see: de Grauwe, 140.
- <sup>4</sup>Prior at Antwerp from 1406 until 1449, see: de Grauwe, 301.
- <sup>5</sup>Made prior by 1431 general chapter, see: *AC* 100:9:58.
- <sup>6</sup>*AC* 100:9:62.
- <sup>7</sup>See: *AC* 100:9:86 for roster of 1434 diffinitors.
- <sup>8</sup>Prior at Gosnay from 1433 until 1440, see: Desmons, 129-130.
- <sup>9</sup>Signator to a 1434 general ordination, see: Bligny, 53 for text.
- <sup>10</sup>Signator to a 1434 general ordination, see: Bligny, 53 for text.
- <sup>11</sup>Prior at Strassburg from 1429 until 1439, see: Passmann, 93.
- <sup>12</sup>Made prior by 1431 general chapter, see: *AC* 100:9:58-59.
- <sup>13</sup>*AC* 100:9:86.
- <sup>14</sup>See: *AC* 100:9:109 for roster of 1435 diffinitors.
- <sup>15</sup>Made prior by 1431 general chapter, see: *AC* 100:9:52-53.
- <sup>16</sup>Prior at Ghent from 1420 until his death on 3. July 1460, see: de Grauwe, 166.
- <sup>17</sup>Prior at Aggsbach from sometime in 1435 until 1448, see: Rossmann, 13.
- <sup>18</sup>*AC* 100:9:109.
- <sup>19</sup>See: *AC* 100:9:132 for roster of 1436 diffinitors.
- <sup>20</sup>Made prior by 1434 general chapter, see: *AC* 100:9:92-93.
- <sup>21</sup>Identified as prior at Gaming in documents dated 1434 and 1437, see: Paulhart, 91, 94. Died still prior at Gaming on 28. January 1443, see: *AC* 100:3:118.
- <sup>22</sup>*AC* 100:9:132.



<sup>23</sup>See: *AC* 100:3:16 for roster of 1438 diffinitors.

<sup>24</sup>Absolved as prior at Bourg-Fontaine and made prior at Dijon by 1435 general chapter, see: *AC* 100:9:121-122.

<sup>25</sup>Prior at Cologne from 1434 until 1457, see: Schneider, 40-41.

<sup>26</sup>Made prior by 1434 general chapter, see: *AC* 100:9:92.

<sup>27</sup>Prior at Nördlingen from 1429 until 1439, see: Stöhlker, 385.

<sup>28</sup>Signator to a 1438 general ordination, see: Bligny, 56 for text.

<sup>29</sup>*AC* 100:3:16.

<sup>30</sup>See: *AC* 100:3:34 for roster of 1439 diffinitors.

<sup>31</sup>Signator to a 1439 general ordination, see: Bligny, 57 for text.

<sup>32</sup>Signator to a 1439 general ordination, see: Bligny, 57 for text.

<sup>33</sup>Prior at Mauerbach from 1435 until 1453, see: Theodor Weideman, "Geschichte der Kartäuse Mauerbach," *Berichte und Mittheilungen des Alterthums-Vereines zu Wein* 13 (1873), 102-103.

<sup>34</sup>Signator to a 1439 general ordination, see: Bligny, 57 for text.

<sup>35</sup>*AC* 100:3:34.

<sup>36</sup>See: *AC* 100:3:57 for roster of 1440 diffinitors.

<sup>37</sup>Absolved from priorship at Nördlingen and made prior at Buxheim by 1439 general chapter, see: *AC* 100:3:49. Returned to priorship at Nördlingen by 1442 general chapter.

<sup>38</sup>*AC* 100:3:57.

<sup>39</sup>See: *AC* 100:3:77 for roster of 1441 diffinitors.

<sup>40</sup>Made prior by 1440 general chapter, see: *AC* 100:3:73.

<sup>41</sup>Made prior by 1431 general chapter, see: *AC* 100:9:47; died, still prior at Aillon, during interval between 1442 and 1443 general chapters, see: *AC* 100:3:118.

<sup>42</sup>*AC* 100:3:77.

<sup>43</sup>See: *AC* 100:3:95 for roster of 1442 diffinitors.

<sup>44</sup>Absolved as prior at Pavia and made prior at Val de Pez by 1442 general chapter, see: *AC* 100:3:112-113.

<sup>45</sup>*AC* 100:3:95.

<sup>46</sup>See: *AC* 100:3:117 for roster of 1443 diffinitors.

<sup>47</sup>Made prior by 1442 general chapter, see: *AC* 100:3:107; absolved by 1444 general chapter, see: *AC* 100:3:149.

<sup>48</sup>Absolved as prior of Pontignano (see: above n. 40) and made prior at Pavia by 1442 general chapter, see: *AC* 100:113.

<sup>49</sup>Made prior by 1439 general chapter, see: *AC* 100:3:45.

<sup>50</sup>*AC* 100:3:117.

<sup>51</sup>See: *AC* 100:3:139 for roster of 1444 diffinitors.

<sup>52</sup>Succeeded Johannes de Novomagio by order of 1443 general chapter, see: *AC* 100:3:125.

<sup>53</sup>*AC* 100:3:139.

<sup>54</sup>See: *AC* 100:3:160 for roster of 1445 diffinitors.

<sup>55</sup>Made prior by 1444 general chapter, see: *AC* 100:3:156.

<sup>56</sup>Made prior by 1444 general chapter, see: *AC* 100:3:146.

<sup>57</sup>*AC* 100:3:160.

<sup>58</sup>See: *AC* 100:3:183 for roster of 1446 diffinitors.

<sup>59</sup>*AC* 100:3:183.

<sup>60</sup>See: *AC* 100:4:3 for roster of 1447 diffinitors.

<sup>61</sup>Made prior by 1446 general chapter, see: *AC* 100:3:190.

<sup>62</sup>*AC* 100:4:3.

<sup>63</sup>See: *AC* 100:4:27 for roster of 1448 diffinitors.

<sup>64</sup>Made prior by 1447 general chapter, see: *AC* 100:4:24.

<sup>65</sup>*AC* 100:4:27.

<sup>66</sup>See: *AC* 100:4:51 for roster of 1449 diffinitors.

<sup>67</sup>Made prior by 1448 general chapter, see: *AC* 100:4:49.

<sup>68</sup>*AC* 100:4:51.

<sup>69</sup>See: *AC* 100:4:73 for roster of 1450 diffinitors.

<sup>70</sup>*AC* 100:4:73.

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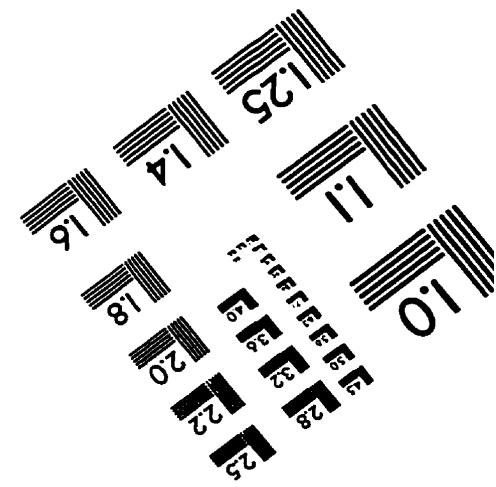
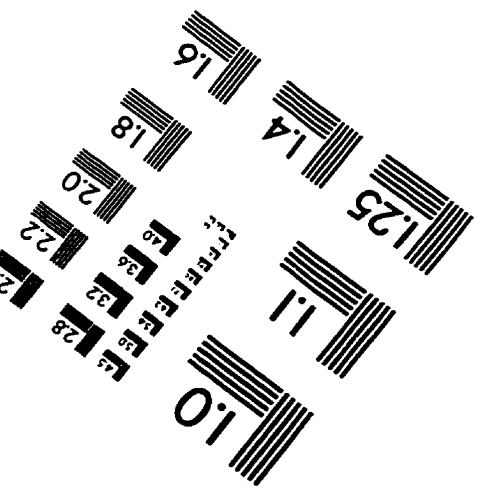
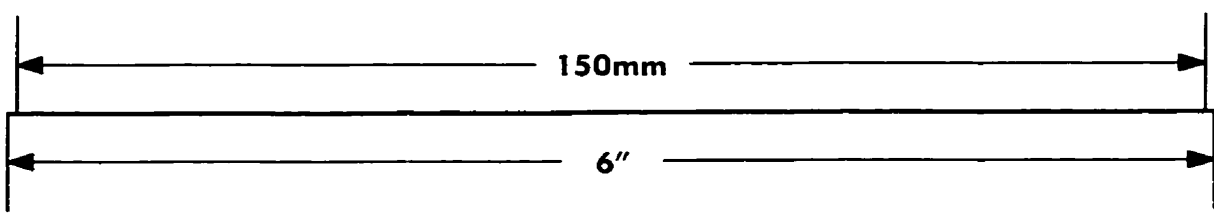
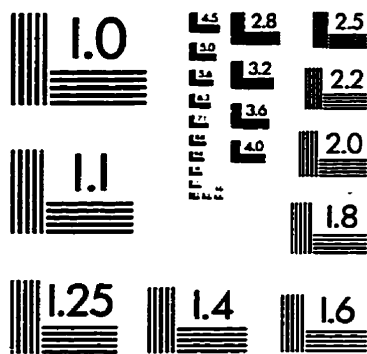
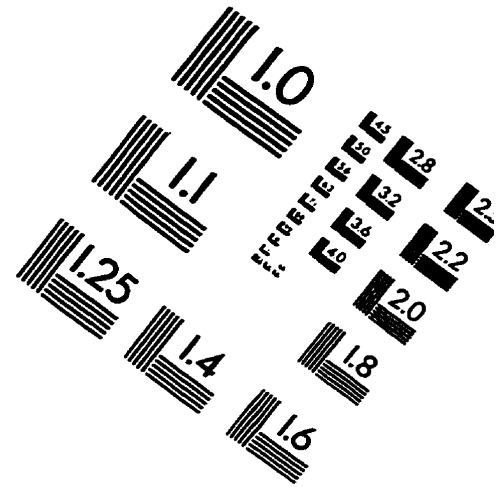
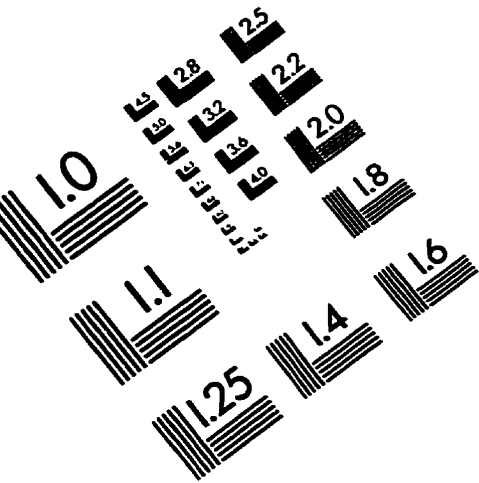
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