

GABRIEL BIEL: BROTHER OF THE COMMON LIFE AND ALTER AUGUSTINUS? AIM AND MEANING OF HIS *TRACTATUS DE COMMUNI VITA CLERICORUM*¹

1. Introduction

Gabriel Biel (*Speyer, 1410) has entered history as the last important exponent of Scholasticism and as an influential Nominalist in the second half of the fifteenth century. He lived his life in the public view until request for entry into the community of the *Fraterherren* in Butzbach in 1469 or 1470. After his ordination to the priesthood in 1438/39 he studied and taught in Heidelberg and read theology in Cologne and Erfurt. Subsequently he completed five comprehensive cycles of sermons as cathedral preacher in Mainz from Christmas 1457 to the fourth Sunday of Advent. These cycles were interrupted twice during the *Stiftsfehde* or diocesan feud of Mainz: once voluntarily (11 November 1459 to 26 October 1460) and once on account of his exile from the city (end of 1461 to 28 November 1462). The *Stiftsfehde* was an armed conflict between two claimants of the episcopal see of Mainz and was not settled until 1475 when Dither von Isenberg acceded to the position. Biel felt compelled to justify his fidelity to the Pope and support for the papal candidate during the feud in an *Offener Brief an einen guten Freund in Mainz* and in a *Defensorium oboedientiae apostolicae*. These works show that he had become a figure of note in the town. Both works became quite influential. Advancing in years and perhaps disconcerted by the troubled times in which he had fulfilled the *officium predicandi*, Biel retired to the Brethren House of Marienthal near Geisenheim (Rheingau) in 1463 to prepare for the possibility of entering the community of *Fraterherren*. At the time he was an unbeneficed priest. He eventually entered the Brethren House of St. Mark in Butzbach (Hessen) and became provost in 1468. After his entry in Butzbach, Biel became involved in the foundation of several monasteries. His role in bringing these houses together in the general chapter of Upper Germany earned him the title of 'Primus inceptor vite communis fratrum in Alemanie'.¹ Count Eberhard of Württemberg

¹ Recently especially biographical research has been done by I. Crusius, 'Gabriel Biel und die oberdeutschen Stifte der devotio moderna', in: I. Crusius (ed.), *Studien zum weltlichen Kollegiatstift in Deutschland*. (Göttingen 1995), 298-322 (*Veröffentlichungen*

asked him to co-operate with ecclesiastical reform in Württemberg in 1476. At Eberhard's request, Biel founded the chapter of Urach and became provost there in 1479. After the count had founded the University of Tübingen, Biel became professor of theology and philosophy there in 1484 and retained the office until 1489/1491. As provost of Schönbuch he worked at his *Collectorium circa IV libros sententiarum* until his death in 1495. This book was a commentary on the Sentences of Peter Lombard, and provided a clear exposition of the teachings of William of Ockham, of whose doctrines Biel was an ardent advocate.²

This article addresses the question as to whether Gabriel Biel may be regarded as an exponent of the Modern Devotion. H. Oberman has contended that the extraordinary interaction between the *via moderna* and the *devotio moderna* at the university of Tübingen was due to Gabriel Biel's influence. The events of Biel's life seem to confirm this idea. This appraisal of Biel is founded entirely upon his *Tractatus de communi vita clericorum*. The problem is, however, that Biel provided very little information there about how the *via moderna* and the *devotio moderna* were connected in his life.³ The *Tractatus* is primarily an argument for a communal form of life, where members would live according to the evangelical counsels of obedience, poverty

des Max-Planck – Instituts für Geschichte 114; *Studien zur Germania Sacra* 18); id., 'Gabriel Biel – eine Karriere zwischen vita contemplativa und vita activa', in: U. Köpf, S. Lorenz (ed.), *Gabriel Biel und die Brüder vom gemeinsamen Leben. Beiträge aus Anlaß des 500. Todestages des Tübinger Theologen* (Stuttgart 1998), 5-23 (*Contubernium. Tübinger Beiträge zur Universitäts- und Wissenschaftsgeschichte* 47); G. Faix, *Gabriel Biel und die Brüder vom gemeinsamen Leben. Quellen und Untersuchungen zu Verfassung und Selbstverständnis des Oberdeutschen Generalkapitels* (Tübingen 1999), 36-55. (*Spätmittelalter und Reformation Neue Reihe* 11). For an initial study on Biels tribute to the Modern Devotion: P. van Geest: 'The Interiorisation of the Spirituality of the Modern Devotion by Gabriel Biel (+1495). Preconditions and Outlines', in: *Augustiniana* 51(2001), 183-223. The question whether the Christian view of God is the basis for a consciousness of liberty in modern times is answered by an analysis of Biels theology in: H. Stinglhammer, *Libertas semper bona: Gottesgedanke und menschliche Freiheit bei Gabriel Biel. Ein Beitrag zur christlichen Legitimität der Neuzeit*. Winzer, 2006 [Habilitationsschrift Tübingen].

² See for a historiography of the research on Biel: P. van Geest, 'Das Niemandland zwischen *Via moderna* und *Devotio moderna*. Der Status quaestionis der Gabriel-Biel-Forschung', in: *Nederlands Archief voor Kerkgeschiedenis/Dutch Review of Church History* 80(2000), 157-192.

³ H. Oberman, 'Via Moderna-Devotio Moderna: Tendenzen im Tübinger Geistesleben 1477-1516. Ecclesiastici atque catholici gymnasii fundamenta', in: M. Brecht (ed.), *Theologen und Theologie an der Universität Tübingen Beiträge zur Geschichte der Evangelisch-Theologischen Fakultät*. (Tübingen, 1971), 1-64, esp. 41: 'Wir sind in der glücklichen Lage, mit Hilfe der Verteidigungsschrift, in der Gabriel Biel die Ideale der Brüder beschreibt und vertritt, wesentliche Züge der *devotio moderna* in Tübingen rekonstruieren zu können'.

and chastity, but without taking vows to a Rule. This meant that they did not receive the canonical status of 'religious'. In Biel's time, the word *religio* was confined to the religious life in the canonical sense of the term. Biel certainly demonstrated affinity with the Modern Devotion by arguing in the *Tractatus de communi vita clericorum* that the word *religio* should be rid of this strictly canonical connotation. According to him, it was possible to live in *religio* by forming communities in the spirit of the primitive Church without taking monastic vows. Scholars such as Landeen, Oberman and Faix have regarded the *Tractatus* as an apologia, because Biel's defence of the semi-religious life reveals an essential trait of the *devotio moderna*. Geert Grote had also advocated a form of life in which *conclusa et proposita* were preferred to *vota*, or vows, which bestowed the canonical religious state. This classification of Biel as an adherent of the Modern Devotion was further based on the fact that he was familiar with certain ideas that were typical for the movement, formulated by Gerard Zerbolt's apologia *Super modo vivendi devotorum hominum simul commorantium*.⁴

This article attempts to give a more precise definition of Biel's connection to the Modern Devotion and of the extent of his indebtedness to the movement. It will venture to do this by examining the dating of the *Tractatus de communi vita clericorum*, its apologetic character and textual structure, and also by analysing the way Biel treated his sources. It will become clear that Biel's connection to the spirituality of the *devotio moderna* was a matter of convenience rather than of essential indebtedness or real affinity.

⁴ Cf. W. Landeen, 'Gabriel Biel and the Devotio Moderna in Germany', in: *Research Studies of the Washington State University* 28(1960), 22: 'The opening sentences show that it was a defense which had been solicited – that is, in effect, an answer to his critics'; *ibidem*: 26: '... an able treatment. The proud modesty with which its author claims for the brethren the privilege of attaining, according to the measure of their ability and without becoming monks, the evangelical purity and perfection which existed in the primitive church, (...) – all lend vitality to the *Tractate*'; *ibidem*, 26., footnote 21: 'Biels treatise on the common life naturally invites comparison with that of Gerard Zerbolt of Zutphen, written during the early struggles of the *Devotio Moderna* for existence. Zerbolt's treatise – more thoroughgoing, better arranged, and more accurate in detail than Biel's – has been edited by Hyma...'; H.A. Oberman, *Werden und Wertung der Reformation: vom Wegestreit zum Glaubenskampf* (Tübingen 1977), 41 (*Spätscholastik und Reformation* 2) characterises the work as 'Verteidigungsschrift' and states: 'Biel gibt potentiellen Angreifern zu verstehen, dass die Windesheimer nicht mehr ohne Schirm und Schutz dastehen' (43); Oberman characterizes *De communi vita clericorum* as a treatise, in which Biel 'nur die Windesheimer Kongregation und nicht auch die Brüder und Schwester des Gemeinsamen Lebens ins Auge fasst' (69). See also Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 61.

2. The date of the *Tractatus* as the key to understanding the reason for its inception

Only one known copy of Gabriel Biel's *Tractatus de communi vita clericorum* is extant. It is in the Koninklijke Bibliotheek in The Hague, ms. 75 G 58 (fol. 1r-21r). Three critical editions have been published up to 1998: by W. Landeen and, more recently, by W. Werbeck and G. Faix.⁵ The postscript records that Brother Hieronymus completed the copying of the manuscript in Windesheim on 9 June 1475. This has led one of the more recent editors, W. Werbeck, to conclude that the manuscript had been transcribed in *Fraterherr* circles or in the Congregation of Windesheim.

The autograph of the tract has not been preserved and its dating is consequently much in dispute. W. Landeen has suggested that Biel wrote it between 1464 and 1468, after entering the Brethren House in Marienthal and before moving to Butzbach. However, W. Ernst has argued correctly that Biel did not enter the brethren house in Marienthal at all, but in Butzbach. He has consequently concluded that Biel must have written the tract either directly after his resignation as cathedral preacher in Mainz or in Butzbach after 1469. H. Oberman has concurred with this by suggesting 1468/9 as the earliest dates. But Oberman has not ruled out the possibility of a later date, because Biel could also have written the tract as a manifesto upon his departure to Württemberg. Biel wrote the *Tractatus* in the first person plural, and this has led G. Faix to conclude that it must have been written after his entry into the 'fraternity': i.e. between 1469 and 1470 at the earliest. He was not called *bruder sant Marcs zu Butzbach* before that date.⁶

⁵ Ed. W. Landeen in: *Research Studies of the Washington State University* 28(1960), 79-95; ed. G. Faix in: G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 347-368; ed. W. Werbeck in: U. Köpf, S. Lorenz (ed.), *Gabriel Biel und die Brüder vom gemeinsamen Leben. Beiträge aus Anlaß des 500. Todestages des Tübinger Theologen* (Stuttgart 1998), 137-154.

⁶ G. Faix, *o.c.*, 60-61, gives a summary of older literature concerning dating. W. Landeen, 'Gabriel Biel and the Devotio Moderna in Germany', in: *Research Studies of the Washington State University* 26(1959), 155, considers that Biel had written the treatise after he entered in Marienthal. W. Bayerer, *Gabriel Biel Gratiarum Actio und andere Materialien zu einer Testimonien-Biographie bezüglich seiner Universitätsjahre in Heidelberg, Erfurt, Köln (und Tübingen)*, in: *Forschungen aus der Handschriftenabteilung der Universitätsbibliothek Gießen*. (Gießen 1985) considers the treatise to have appeared before 1468; W. Ernst, *Gott und Mensch am Vorabend der Reformation. Eine Untersuchung zur Moralphilosophie und -theologie bei Gabriel Biel* (Leipzig 1972), 27 (*Erfurter Theologische Studien* 28) and I. Crusius, 'Gabriel Biel und das Oberdeutsche Generalkapitel', 307-308 remove this misconception;

However, arguments derived from the text itself allow for a much more precise dating of the *Tractatus de communi vita clericorum*. Biel mentioned Popes Eugene IV (1431-1447), Callistus III (1455-1458) and Pius II (1458-1464) as *auctoritates* because all three had granted special privileges to the Brethren House.⁷ But he did not mention Pope Paul II (1464-1467), who granted permission to the house at Königstein to establish a collegiate monastery on 23 August 1466.⁸ It is unlikely that Biel would not have known about this last privilege, or that he bore Pius a grudge because the Christian Renaissance took a pagan turn during his pontificate. We may therefore safely assume that Biel wrote the treatise before 23 August 1466. Moreover, Biel revealed in the prologue of *De communi vita clericorum* that he himself supported the form of life of the brethren, although he wasn't a *Fraterherr*. Since we know from a charter that he held the position of cathedral preacher in Mainz on 29 November 1465, it is possible to conclude that he must have completed it after that date.⁹ Therefore Biel must have written the tract between 29 November 1465 and 23 August 1466.

W. Ernst has persuasively demonstrated that the theory that Biel entered the brethren house in Marienthal before 23 August 1466 is erroneous and that he only officially joined the *Brüder* around 1469 in Butzbach. This gives rise to the question as to why Biel consistently used the first person plural in his tract, even though he had not joined the brethren yet. As has been seen, there were at least three full years between the completion of the *Tractatus de communi vita clericorum* and Biel's final entry into the 'fraternity'. However, the early dating advocated here makes it possible to establish Biel's reasons for writing the tract. It also enables us to discern Biel's 'sovereignty'. Both contentions will now be substantiated.

cf. furthermore H. Oberman, *Werden und Wertung*, 66; G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 62.

⁷ *Tractatus de communi vita clericorum*, ed. Faix, 357: 'Ex quibus fuit unus bone memorie Eugenius papa quartus. Hic cum <a> quodam de istis fratribus, qui ad eum de domo Monasteriensi missus erat, intellexisset, quod ista communis vita clericorum in inferioribus Almanie partibus resuscitata vigeret, admodum gavisus est multisque ex his, pro quibus supplicabatur, ad instar fratrum suorum canonicam et collegialem foundationem dedit multaque privilegia apostolica large concessit, que postea a successoribus suis domino Calixto papa tertio et domino Pio papa secunda ampliata sunt et dilatata.'

⁸ Cf. H. Langkabel, 'Königstein', in: W. Leesch, E. Persoons, A. Weiler, *Monasticon Fratrum Vitae Communis* (Brüssel 1979), dl. 2, *Deutschland*, 121-125, esp. 124.

⁹ 'Quaesitum est a me pridem, unde ordo noster vel institutio communis vitae clericorum, sub qua et in qua nos vivere dicimus, sumpserit exordium', ed. Faix, 347. Compare for the relevant act W. Ernst, *Gott und Mensch*, 22-23.

Biel explicitly remarked at the beginning of the *Tractatus* that he had been asked to write it.¹⁰ It is no surprise that the brethren chose Biel, because he had helped them to found Marienthal, and he must have struck them as a learned and able man. A conflict between two schools of thought had emerged among the brethren in Germany around 1465 during the process of reflecting on and defining their form of life. Until 1431, the Colloquium of Zwolle had united all existing houses of brethren and sisters of the Common Life. In that year a second Colloquium was founded by Henry of Ahaus, the Colloquium of Münster, which consisted of all the German brethren houses. A tendency towards restructuring the life and organisation of the brethren houses according to the monastic model subsequently emerged in the houses of the Münster Colloquium.

This tendency towards 'monasticisation' was encouraged by the fact that Pope Eugene IV had offered the brethren the opportunity of reconstituting their houses at Münster, Cologne and Wesel as collegiate churches in 1439.¹¹ At the 1440 colloquium of Münster, some brethren regarded this privilege as a break with the past. Ever since Geert Grote, the fraternity had aimed to embody the ideals of the primitive Church without seeking a foundation in canon law, whereas the assumption of the status of canons would provide such a foundation. It is important to realise that the process of 'monasticisation' had a long history among followers of the Modern Devotion. The free associations of women which Geert Grote and others had encouraged had already been transformed into regulated houses of sisters of the Common Life, tertiary convents or observant convents of Windesheim. Similarly, when accusations of heresy had been made against the brethren in the diocese of Utrecht with a view to suppressing them, they had acquiesced in canonical recognition by the bishop as a means of survival.¹² Moreover, Floris Radewijns had established a house of regular canons of

¹⁰ See previous footnote.

¹¹ The Bull of pope Eugene IV is published in: R. Doebner (ed.), *Annalen und Akten der Brüder des gemeinsamen Lebens im Lüchtenhofe zu Hildesheim* (Hannover-Leipzig 1903), 210-212 (*Quellen und Darstellungen zur Geschichte Niedersachsens* 9).

¹² *Corpus documentorum inquisitionis haereticae pravitatis neerlandicae. Verzameling van stukken betreffende de pauselijke en bisschoppelijke inquisitie in de Nederlanden*. Ed. P. Fredericq, a.o. Gent's Gravenhage, 1889-1906. 3 vols. vol. 2, 190-192; See also the approval by the other bishops that only Frederik van Blankenheim: R.R. Post, *The Modern Devotion. Confrontation with Reformation and Humanism* (Leiden 1968), 216 (*Studies in Medieval and Reformation Thought* 3); Jacobus Traiecti alias de Voecht, *Narratio de inchoatione domus clericorum in Zwollis met akten en bescheiden betreffende dit fraterhuis*. Ed. M. Schoengen (Amsterdam 1908), 526-539. See also K. Goudriaan, 'De derde orde van Sint Franciscus in het bisdom Utrecht. Een

Windesheim as early as 1387. This foundation was to become the motherhouse of the Congregation of Windesheim, which attracted the allegiance of several houses of third order men after 1418.¹³ As far as their external manifestation was concerned, the brethren could hardly be distinguished from the religious; the 'only' difference being that they did not take vows to a Rule and thus did not become religious in the canonical sense of the term.¹⁴ Apart from the communal life practised in the Colloquiums of Zwolle and Münster, a third form also emerged: the 'canons of the Common Life' in Upper Germany and the Middle Rhineland. This development involved the transformation of brethren houses into secular chapters and collegiate churches.¹⁵ The brethren houses that joined the Upper German general chapter became chapters of canons and, like secular chapters, sang the office in choir and fulfilled pastoral duties. However, unlike secular chapters, they had a fully communal life – a feature they shared with the houses of the Congregation of Windesheim. The fact that they did not take vows to a Rule distinguished them from Windesheim, while the fact that they sang the entire office and that pastoral responsibilities were entrusted to the community as such set them apart from the brethren of the Common Life in the *Colloquia* of Zwolle and Münster.

Some of the brethren regarded Pope Eugene's privilege, which had stood at the beginning of these developments, as a renunciation of the ideals of the original brethren of the Common Life. Following in the spirit of Grote, they had rejected the *vota* (vows), which would have made them religious in the canonical sense, in favour of *proposita* (intentions). According to them, the status of canons resembled the vowed religious life too closely. Pope Eugene's privilege was consequently not invoked until 1463 – just before Biel wrote the *Tractatus* –, and then by the house of Hildesheim. The brethren of this house had become embroiled with the magistrates of the city, and at the instigation of Cardinal Nicholas of Cusa they decided to reconstitute their house into a collegiate chapter, which enhanced their legal security.

voorstudie', in: *Jaarboek voor middeleeuwse geschiedenis* 1(1998), 205-260, esp. 207-210.

¹³ Johannes Busch, *Liber de origine devocionis moderne*, in: *Des Augustinerpropstes Iohannes Busch Chronicon Windeshemense und Liber de reformatione monasteriorum*. Herausgegeben von der Historischen Commission der Provinz Sachsen. Bearbeitet von Karl Grube (Halle 1886), 25 (*Geschichtsquellen der Provinz Sachsen und angrenzender Gebiete*, dl. 19).

¹⁴ R.R. Post, *Modern Devotion*, 460-463.

¹⁵ R.R. Post, *Modern Devotion*, 450-452; R. Doebner, *Annalen und Akten der Brüder des gemeinsamen Lebens im Lüchtenhofe zu Hildesheim*, 22, 61-64.

Almost paradoxically, but very much in the spirit of their form of life, they received the privilege of not having to assume the title of canons. Thus the privilege of the *Bulla* gradually became a leading principle in the organisation of the *Fraterherren*, the German brethren of the Common Life.¹⁶

In his *Narratis itaque quibusdam* (1467), Peter of Dieburg, a brother of Hildesheim, strongly disapproved of this development. He also upbraided the members of the Congregation of Windesheim, who were religious in the canonical sense. He accused them of deluding the brethren in Hildesheim into thinking that it was safer to assume the canonical status of religious, because their current status only caused uncertainty and confusion.¹⁷ It is obvious that relations between the house in Hildesheim on the one hand and the Colloquium of Münster and the Congregation of Windesheim on the other had become rather strained between 1465 and 1470.

During this confusing episode, Biel found himself in a phase in which his involvement with the brethren gradually increased. He became more committed. It is consequently quite natural – especially in view of his stature and reputation – that the brethren asked him to clarify their status and form of life in the Catholic Church. Biel's *Tractatus de communi vita clericorum* did the brethren a great service in what appeared to have been a very dark hour for them indeed. But it also provided Biel with an opportunity to shape the further development of the Modern Devotion in a way he desired himself.

Biel did not refer to the conflict between the 'schools of thought' at all in the *Tractatus*. He did reveal that he preferred Pope

¹⁶ Cf. Van Geest, 'The Interiorisation of the Spirituality of the Modern Devotion by Gabriel Biel', *passim*. By the way, W. Ernst and H. Oberman do not minimise the difference between *Fraterherren* and Windesheimers; cf. W. Ernst, *Gott und Mensch am Vorabend der Reformation*, p. 26, n. 91; H.A. Oberman, *Werden und Wertung der Reformation*, 41-42, 57, 66, 69. See also the *Tractatus de communi vita clericorum*, ed. Faix, p. 350.

¹⁷ Cf. Peter van Dieburg, *Narratis itaque quibusdam*, in: *Annalen und Akten der Brüder des gemeinsamen Lebens im Lüchtenhofe zu Hildesheim*. Ed. R. Doebner (Hannover-Leipzig 1903), 154-159. In de kroniek stelt Dieburg: 'Nam inpetrare a se[de] ap[ostolica], ut hujusmodi compellantur intrare religionem aut redire, videtur mihi nichil aliud esse quam cum expensis nostris vendere libertatem nostram, singulare decus Christianae religionis, et emere laborem magnum vincula et carceres ad complacendum et conformandum religiosis in hac parte, ut et nos inveniamur subjecti servituti generis servorum, qui non nisi cum suppliciis emendantur. Unum enim est, ac si solempnem faceremus professione. Restat, ut et regula acceptetur' (ed. Doebner, 113). See also U. Hinz, *Die Brüder vom Gemeinsamen Leben im Jahrhundert der Reformation. Das Münstersche Kolloquium*. (Tübingen 1997), 25-29 (*Spätmittelalter und Reformation*. Neue Reihe 9).

Eugene's 'solution' to the problem of the form of life of the devout. Thus, he reminded his readers that the pope had allowed the brethren to transform their houses in Münster, Cologne and Wesel into collegiate churches in 1439. He must have viewed the canonical form of life as a middle way between the monasticism of the Colloquium of Münster and the 'love of freedom' of the brethren house of Hildesheim. It is almost certainly due to Biel's influence that the brethren houses of Königstein (1467), Butzbach, Urach (1477), Wolf (1478), Herrenberg (1481), Tübingen (1482), Dettlingen (1482), Dachenhausen (1486) and Einsiedeln (1492) became collegiate churches, giving their members the canonical status of canons.

When we consider that Biel must have written his *Tractatus de communi vita clericorum* between 29 November 1465 and 23 August 1466, it is very likely that Biel allowed his own decision whether or not to join the *Fraterherren* to depend on what side the brethren themselves would take in the conflict between the schools of thought. Biel seems to have written his tract to gauge if the brethren were prepared to order their life (and potentially his own life) according to his own principles before he decided to throw his lot in with them. If the brethren chose the form of life advocated in the *Tractatus*, they would be making a choice for him. If they decided to adopt the order of life and the canonical status advocated by him, he would make a choice for them. It must be noted that Biel approached this issue in a spirit of humility.¹⁸ The brethren must have valued Biel's organisational and human qualities and must have realised that they could expect to find in him an energetic leader if they embraced the letter and the spirit of the *Tractatus*.

In view of the dating of the *Tractatus*, Biel's use of the first person plural was therefore intended to express his ideological, though not yet formal, affinity with the brethren. Biel only finally decided to enter the brethren house after it had agreed to adopt 'his' ideas about the order of life. Shortly after they did so, the brethren in Butzbach 'institutionalised' their bonds of friendship into the canonical form of life which Pope Pius had offered them in his bull. The bull was their security, the *Tractatus* was their programme.

The dating thus not only provides insight into Biel's aim in writing the tract, but also suggests that he could not possibly have expected his life after entry in Butzbach (1469) to have consisted only of prayer

¹⁸ Cf. *Tractatus de communi vita clericorum*, ed. Faix, p. 368: 'Que et satis, ut arbitrator, sobrie sunt descripta et correctioni cuiuslibet sanum sapientis humillime submittenda'.

and study. Biel must have known very clearly that the writing of the *Tractatus* would bring him further responsibilities. He must have sought these responsibilities purposefully.

3. The *Tractatus* in the light of the apologetic literature of the Modern Devotion

3.1 Introduction

In order to assess Biel's debt to the Modern Devotion properly, it is necessary to view the *Tractatus de communi vita clericorum* in the light of the movement's apologetic literature. Several apologies are included in the *Corpus documentorum inquisitionis haereticæ pravitatis neerlandicae*, in which erudite followers of the Modern Devotion vehemently defended their form of life.¹⁹ This collection is the third component of the movement's legacy to fifteenth-century Middle Dutch spiritual prose. Firstly, adherents wrote or copied spiritual works in imitation of the Carthusian example, initially to help their own progress in virtue, but subsequently also to aid the formation of others.²⁰ These works were incorporated into their own spirituality and were disseminated among the movement's following. The readers-copyists integrated these works into their own spirituality and subsequently transmitted the fruits of this process of interiorisation to the community. Sometimes the line between copying an existing treatise and writing a new one was a very fine one indeed. Secondly, followers of the Modern Devotion wrote chronicles. These recorded events in the lives of the communities or of figures worthy of imitation for the purposes of edification and consolation.²¹ John Busch's *Liber de*

¹⁹ *Corpus documentorum inquisitionis haereticæ pravitatis neerlandicae. Verzameling van stukken betreffende de pauselijke en bisschoppelijke inquisitie in de Nederlanden*. Ed. P. Fredericq, e.a. Gent-'s Gravenhage, 1889-1906. 3 vols. vol. 1: *Tot aan de herinrichting der inquisitie onder keizer Karel V (1025-1520)*. Gent-'s Gravenhage, 1889; vol. 2: *Stukken tot aanvulling van het eerste deel (1077-1518)*. Gent-'s Gravenhage, 1896; vol. 3: *Stukken tot aanvulling van deelen I en II (1236-1513)*. Gent-'s Gravenhage, 1906. From here indicated as *Corpus*.

²⁰ Th. Mertens, 'Boeken voor de eeuwigheid. Ter inleiding', in: Th. Mertens e.a. (ed.), *Boeken voor de eeuwigheid. Middelnederlands geestelijk proza*. (Amsterdam 1993), 8-35, esp. 16-20.

²¹ Examples are: Wilhelmus Vorncen, *Epistola de prima institutione monasterii in windesem* (1450). This letter is published in J.R.G. Acquoy, *Het klooster Windesheim en zijn invloed*. Utrecht, 1875-1880. 3 vols. vol. 3, 235-255; Rudolf Dier van Muiden, *De magistro Gherardo Grote, domino Florencio et multis aliis devotis fratribus* (1455), published in G. Dumbar, *Analecta seu vetera aliquot scripta inedita*,

origine devocionis moderne may be regarded as a link between the second and the third category, that of the apologias, since Busch not only described the origins of the Congregation of Windesheim through the foundation of monasteries, but also defended its form of religious life. He emphasised that it was the explicit desire of Geert Grote's to establish monasteries within his movement.

Not the religious but the semi-religious among the Modern Devotion were eventually called upon to defend their origins, their right to exist and their form of life against accusations from outside.²² The *Corpus* contains seven apologias by semi-religious: firstly, *Nos publice protestamus*, (1394; *Corpus* II 156-158); secondly, *Ex tribus*

ab ipso publici juris facta. Deventer 1719. 2 vols., vol. 1; Jacobus Traiecti alias de Voecht. *Narratio de inchoatione domus clericorum in Zwollis met akten en bescheiden betreffende dit fraterhuis*. Ed. M. Schoengen. Amsterdam, 1908; Johannes Busch, *Liber de origine devocionis moderne*, in: *Des Augustinerpropstes Iohannes Busch ...*, ed. K. Grube; *Het Frensweger handschrift betreffende de geschiedenis van de moderne devotie*. Ed. W. Jappe Alberts and A.L. Hulshof. Groningen 1953; Thomas a Kempis, *Chronicon Montis Sanctae Agnetis* and *Dialogi noviciorum* in: *Thomae a Kempis Opera omnia*. Ed. M.J. Pohl. Freiburg, 1902-1922. 7 vols., vol. 7, 3-329; 333-478. Cf. R. Th. M. van Dijk, 'De spiritualiteit van de devote regulier. Beschouwingen over de Agnietenbergkroniek van Thomas van Kempen', in: *Ons Geestelijk Erf* 78(1998), 54-104; U. de Kruijf +, J. Kummer, F. Peereboom+ (ed.), *Een klooster ontsloten. De kroniek van Sint-Agnietenberg bij Zwolle door Thomas van Kempen in vertaling en commentaar*. Kampen, 2000.

²² Th. M.M. van Rooij, *Gerard Zerbolt van Zutphen. I. Leven en geschriften*. Nijmegen-Utrecht-Antwerpen, 1936 discusses on p. 251-276 the contents of the apologia of Zerbolt. Cf. voor Zerbolt: N. Staubach, 'Christianam sectam arripe. Devotio Moderna und Humanismus zwischen Zirkelbildung und gesellschaftlicher Integration', in: K. Garber, H. Wissmann (ed.), *Europäische Sozietätsbewegung und demokratische Tradition. Die europäischen Akademien der Frühen Neuzeit zwischen Frührenaissance und Spätaufklärung*. Tübingen, 1996. 2 vols. Vol. 1, 112-167; id., 'Gerhard Zerbolt von Zutphen und die Apologie der Laienlektüre in der Devotio moderna', in: Th. Kock, R. Schlusemann (ed.), *Laienlektüre und Buchmarkt im späten Mittelalter* (Frankfurt a.M. 1997), 221-289. (*Gesellschaft, Kultur und Schrift* 5); id., 'Memores pristinae perfectionis. The Importance of the Church Fathers for devotio moderna', in: I. Backus (ed.), *The Reception of the Church Fathers in the West from the Carolingians to the Maurists*. Leiden, 1997. 2 vols. vol. 1, 405-469. Cf. also F. van de Borne, 'De aanvallen op Geert Grote en zijn Stichtingen', in: *Studia Catholica* 18(1942), 19-40. He refutes the opinion that the brothers encountered much resistance by the mendicants by showing that this view can be reduced to the appearance of Matheus Grabow in later times. C. van der Wansem, *Het ontstaan en geschiedenis der Broederschap van het Gemene Leven tot 1400*. Leuven, 1958. (*Publicaties op het gebied der geschiedenis en der philologie, vierde reeks* 12), discusses several pleas in ch. IX and X. Cf. further R.R. Post, *The Modern Devotion*, 271-292. He states that the key of the defense speeches was: 'to show that the Brethren and Sisters did not found any new order, even though their way of life bears much resemblance to that of any established order' (287).

medijs videntur isti velle procedere contra istos pauperes (1397; *Corpus* II 169-172); thirdly, *Primo quaeritur utrum* by Everard Foec (1397; *Corpus* II 159-167); fourthly, *Quaesitum est mihi* by Arnold Willemsz. (1397; *Corpus* II 172-176); fifthly, *Sequentes quaestiones* (1398; *Corpus* II 503-511); sixthly, *Reverendissime pater et domine* by Pierre d'Ailly (1417; *Corpus* II, 221-222) and seventhly, *Contra conclusiones Matthei Grabow* by Jean Gerson (1417; *Corpus* II 222-224; = *Super assertiones Fr. Matthaei Grabow* in: Johannes Gerson, *Opera Omnia*, ed. Ellies du Pin (Antwerpiae 1728), 5 vol., vol. 1, 468).

M. Haverals has also counted the treatise *Super modo vivendi devotorum hominum simul commorantium* (1398), the *Defensio veritatis agnate* by William of Lochem (1415), *De communi vita* (1406/9-1415; 141) and *De utilitate monachorum* by Dirk of Herxen (1419) among this category.²³ *Super modo vivendi* was handed down anonymously, but can plausibly be ascribed to Gerard Zerbolt of Zutphen.²⁴ This brings the total number of extant apologies to eleven. Others have also included the anonymous and unpublished work *Apologeticus perbrevis* (1455) and Peter of Dieburg's *Narratis itaque quibusdam* (1467).²⁵ These works lost none of their influence after the demise of

²³ M. Haverals, 'Contra detractores monachorum alias *De utilitate monachorum* van Dirk van Herxen', in: W. Verbeke, M. Haverals, R. De Keyser, J. Goossens (ed.), *Serta devota in memoriam Guillelmi Lourdaux. Pars Prior: Devotio Windeshemensis* (Leuven 1992), 241-294, esp. 247, footnote 13 (*Mediaevalia Lovaniensia Series I/Studia XX*).

²⁴ A. Hyma, 'Is Gerard Zerbolt of Zutphen the author of the "super modo vivendi"?', in: *Nederlandsch Archief voor Kerkgeschiedenis* N.S. 16(1921), 107-128. Cf. Van Rooij, *Gerard Zerbolt van Zutphen*, 47-90. He states great parallels in *Super modo vivendi* on the one hand and *De reformatione virum animae* and *De spiritualibus ascensionibus* on the other. Cf. also Post, *The Modern Devotion*, 286, and G.H. Gerrits, *Inter timorem et spem. A Study of the Theological Thought of Gerard Zerbolt of Zutphen (1367-1398)* (Leiden 1986), 190 (*Studies in Medieval and Reformation Thought* 37).

²⁵ Zerbolt's work has been published by A. Hyma, in: *Archief voor de Geschiedenis van het Aartsbisdom Utrecht* 52(1926), 1-100; William's work has been published by St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', in: *Sankt Gabrier Studien. Festschrift zum 50-jährigen Bestandsjubiläum des Missionshauses Sankt Gabriel Wien-Mödling* (Wien-Mödling 1939), 289-376; Dirk van Herxen, *De communi vita*, has not been published; the consulted manuscript of *De communi vita*, is kept in the UB in Utrecht, Catal. cod. Ms. II 1909, Ms. 1586, fol. 206r-212r; Dirk van Herxen, *De utilitate monachorum* is published by M. Haverals in: M. Haverals, 'Contra detractores monachorum alias *De utilitate monachorum* van Dirk van Herxen', in: W. Verbeke, M. Haverals, R. De Keyser, J. Goossens (ed.), *Serta devota in memoriam Guillelmi Lourdaux*, 249-294; cf. also Ph. H.J. Knierim, *Dirk van Herxen (1381-1457). Rector van het Zwolsche Fraterhuis* (Amsterdam 1926), 95-98, 135-136; W. Lourdaux, 'Dirk of Herxen's Tract *De utilitate monachorum*: A Defence of the Lifestyle of the Brethren and Sisters of the Common Life', in:

the Modern Devotion and continued to be used, for instance by the Jesuits.²⁶

As has been seen in the introduction, scholars have always maintained that Biel's *Tractatus de communi vita clericorum* was an apologetic work. This view was based on the fact that Biel constantly referred to ideas from apologies of the Modern Devotion. However, just as the dating rules out the possibility that Biel wrote it as a defence of his entry into a house of the brethren, Biel's aim in writing the tract undermines this notion.²⁷ The question now arises as to what these apologies reveal about Biel's *Tractatus*.

3.2 *Apologetic literature of the Modern Devotion*

The Dutch brethren of the Common Life were not mistaken in regarding ecclesiastical, and occasionally secular, statutes as serious threats to their way of life. Such statutes often led to the writing of an apology.

In his bull *Ex iniuncto* (7 January 1394), Pope Boniface IX ordered the Archbishops of Trier, Mainz and Cologne and their suffragan bishops to investigate those men and women who lived a communal life in poverty without seeking entry into a religious order.²⁸

R. Lievens, a.o. (ed.), *Pascua medievalia. Studies voor Prof. Dr J.M. de Smet* (Leuven 1983), 312-336 (*Mediaevalia Lovaniensia* series I, studia X); W. Lourdaux, 'De utilitate monachorum van Dirk van Herxen: een verdediging van de moderne devoten tegenover de burgerlijke overheid', in: *Ons Geestelijk Erf* 59(1985), 184-196. *De utilitate monachorum* is left out of consideration because this is an independent legal defense in which the right to property and inheritance of the brothers is defended against the civil leaders of Zwolle. The work of Peter van Dieburg is published by R. Doebner in: *Annalen und Akten der Brüder des gemeinsamen Lebens*, 154-159.

²⁶ K. Elm, 'Vita regularis sine regula. Bedeutung, Rechtsstellung und Selbstverständnis des mittelalterlichen und frühneuzeitlichen Semireligiosentums', in: Fr. Šmahel (ed.), *Häresie und vorzeitige Reformation im Spätmittelalter*, esp. 262-262 (*Schriften des Historischen Kollegs Kolloquien*): 'Im Rückgriff auf ältere kirchenrechtliche Bestimmungen, vor allem aber ausgehend von den Digesten entwickelten die Kanonisten so für die *vita media* eine Rechtsfigur, die bereits im 14. Jahrhundert (...) von den Apologeten der *Fratres vitae communis* in zahlreichen juristischen Gutachten gestützt, ausgebaut und so präzisiert wurde, dass sie ein Jahrhundert später von der *Societas Jesu* (...) übernommen werden konnte'.

²⁷ Cf for example W. Landeen, *The Brethren*, 155; G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 61.

²⁸ *Instrumentum protestationis prioris et subprioris in Windesem, prioris in Arnem...* Ed. J.A. Hofman, in: *Archief voor de Geschiedenis van het Aartsbisdom Utrecht* 2 (1875), 225-229; cf. *Corpus* II, 156-158 and M. Schoengen, *Jacobus Traiecti alias de Voeght*, 499-501.

A result of this bull was that several Dutch members of the Congregation of Windesheim who had originally been part of the brethren responded by swearing an affidavit on 19 March 1395. In this document, which was entitled *Nos publice protestamus*, they recorded before the imperial notary William Hendriksz that the brethren's form of life was orthodox and contributed to the edification of the Church. The anonymous *Ex tribus medijs* was written to defend the brethren against prosecution by the Inquisition. This threat of involvement of the Inquisition also inspired the provost of St Saviour's church in Utrecht, the civil and canon lawyer Everard Foec to write *Primo queritur utrum*, which was published circa 1397. After Pope Boniface XI issued his bull *Sedis apostolicae providentia* on 31 January 1396 in which he branded all Beghards, Lollards and Zwestriones illegal heretics, the Inquisition started to investigate these groups in Cologne, Utrecht, Mainz, Salzburg and Magdeburg. The brethren feared that this measure would also affect them and Foec's work was an attempt to prevent an inquiry of the Inquisition.²⁹ The treatise *Quesitum est mihi* by Arnold, Abbot of Diknningen, and the *Sequentes quaestiones* were written with a similar aim during this period. The *Sequentes quaestiones*, two versions of which have been handed down, were written by a group of theologians and jurists from Cologne and was essentially a synthesis of the three apologias mentioned.³⁰

Gerard Zerbolt subsequently wrote his *Super modo vivendi* (1398) when the papal Inquisitor attempted to refute the defence of the Cologne theologians. He tried to obtain a condemnation of the *secta Gherardinorum*, the female branch of the Modern Devotion.³¹ Dirc of Herxen, rector of the brethren house in Zwolle, wrote his *De communi vita* and *Contra detractores monachorum* or *De utilitate monachorum* between 1405 and 1419, when the magistrates of the city

²⁹ 'Tercio ex bulla, sed ista bulla non videtur esse nisi executoria c. Ad nostrum, ut patet ex forma bulle'; *Corpus* II, 170; *Corpus* I, 257. After all Foec stated: 'Ecce quomodo clarissime est ostensum, quod predicti homines (...) in communi extra religionem viuentes non sunt de iurisdictione inquisitoris...', *Corpus* II, 166. William wrote his work with the intention that his work could serve the approval of the brothers by the bishop of Utrecht; an approval which came in 1401. Cf. *Corpus* II, 190-193.

³⁰ The first version is published in: *Corpus* II, 176-181; the second in: Jacobus Traiecti alias de Voecht, *Narratio de inchoatione domus clericorum in Zwollis*, ed. M. Schoengen, 503-511.

³¹ G. Dumbar, *Analecta*, dl. 1, 88. Cf. Van Rooij, *Gerard Zerbolt van Zutphen*, 247

and the guilds tried to ban the brethren from possessing and acquiring property through inheritances. The orthodoxy of their form of life was thus not an issue in this case, but the form of life itself came under serious threat nonetheless.³²

A third cluster of apologies were written when the Groningen Dominican Mattheus Grabow embarked on a campaign against the Modern Devotion. Grabow used the Fourth Lateran Council's prohibition of the establishment of new religious orders (1215) to denounce the brethren's form of life to the Bishop of Utrecht.³³ Since the Bishop of Utrecht had already approved it in 1401, he unsurprisingly ruled that Grabow's charges were unsubstantiated. Grabow refused to let the matter rest and took his case to the Council of Constance. The Bishop subsequently asked William of Lochem to write his *Defensio veritatis agnate* before 15 November 1417. This treatise was probably intended to advise one of the cardinals on the tribunal.³⁴ Pierre d'Ailly also addressed Cardinal Anthony of Verona in his sharply-worded *Reverendissime pater et domine* to secure a condemnation of Grabow's propositions. Much of this work was derived from the *Sequentes quaestiones*, written by the Cologne theologians. Finally, d'Ailly's pupil and friend Jean Gerson, later chancellor of the university of Paris, trod in his master's footsteps and used arguments from d'Ailly for his *Contra conclusiones Matthei Grabow* (3 April 1418).³⁵

The remaining group of apologies of the Modern Devotion consists of two works. The anonymous *Apologeticus perbrevis pro*

³² Cf for literature on Dirc van Herxen note 25. *Contra detractores* is published in: M. Haverals, 'Contra detractores monachorum alias *De utilitate monachorum* van Dirk van Herxen', in: W. Verbeke, M. Haverals, R. De Keyser, J. Goossens (ed.), *Serta devota in memoriam Guillelmi Lourdaux. Pars Prior: Devotio Windeshemensis* (Leuven 1992), 249-294. (*Mediaevalia Lovaniensia Series I/Studia XX*).

³³ The accusation against Grabow is published in: *Corpus* II, 216-220. See for the Grabow case: R.R. Post, *The Modern Devotion*, 269-290, 358-59, 430. The convicted statements can be found in: St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', 356-358; *Corpus* II, 133-137, 216-227, 397-411. Cf. *Corpus* II, 220: 'excommunicati sunt omnes vitam communem ducentes extra religionem approbatam'. St. Wachter, *o.c.*, 352-358 has pointed out that there are two traditions of Grabow's statements and that he can not be held responsible for the first. This also applies for the reproduction of his opinion of the council of Konstanz.

³⁴ St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', 331.

³⁵ The conviction of Grabow by d'Ailly is published in: *Corpus* II, 220-221; the conviction of Grabow by Gerson in: *Corpus* II, 222-224; the repeal of Grabow's conviction in: *Corpus* II, 226-227. Cf also the summary in *Chronicon Windeshemensis* by Busch, published in *Corpus* II, 227-229.

fraternitate Gregoriana alias communi vitae was completed circa 1455 and was probably prompted by a treatise written by Jan Hus. During the Council of Constance, Hus appealed to the example of the primitive Church to downplay the importance of ecclesiastical authority. This reference to the primitive Church was most unwelcome to the brethren, who themselves used its example to legitimise their own form of life and who did not wish to be associated with Hus. After the condemnation of Hus at the Council of Constance (6 July 1415), the brethren felt compelled to distance themselves from him.³⁶ Finally, when the Congregation of Windesheim put pressure on the brethren of Hildesheim to become religious, Peter of Dieburg responded by writing the second of these works, the *Narratis itaque quibusdam* (1467). Although Windesheim had assisted the brethren in their defence of themselves in 1394 in *Nos publice protestamus*, relations had clearly deteriorated much by 1467, at least in Germany. In his *Descriptio quorundam eventuum circa domus nostre primarium erectionem et institutionem anno domini LXVIII*, Dieburg had already identified the animosity of the citizenry and the continuing obstruction of the magistrates as serious threats to the semi-religious form of life.³⁷ In this second work, however, Dieburg branded the canons of Windesheim persecutors of Christians, who worked to eliminate the primitive Church and were criminal intruders in the sheepfold of Christ.³⁸ Nor did he hesitate to characterise the transformation into a religious order as a sign of impatience, vanity, instability and even depravity. Dieburg

³⁶ Cf. E. Wilks Dolnikowski, 'The Encouragement of Lay Preaching as an Ecclesiastical Critique in Wyclif's Latin Sermons', in: B. M. Kienzle e.a. (ed.), *Models of Holiness in Medieval Sermons. Proceedings of the International Symposium (Kalamazoo, 4-7 May 1995)* (Louvain-La-Neuve 1996), 193-209 (*Fédération Internationale des Instituts d'Etudes Médiévales. Textes et Etudes du Moyen Age* 5).

³⁷ Cf. R. Doebner, *Annalen und Akten der Brüder des gemeinsamen Lebens im Lüchtenhofe zu Hildesheim*, XXIII-XXIV; XXVII. See also G. Boerner, *Die Annalen und Akten der Brüder des gemeinsamen Leben im Lüchtenhof zu Hildesheim. Eine Grundlage der Geschichte der deutschen Brüderhäuser und ein Beitrag zur Vorgeschichte der Reformation*. Fürstenwalde, 1905; E. Barnikol, 'Bruder Dieburgs deutsches Christentum und Luthers Stellung zu den Brüdern vom gemeinsamen Leben', in: H. Etzrod, K. Kronenberg (ed.), *Das Eisleber Lutherbuch* (Magdeburg 1933), 18-28; W. Schültke, *Die Brüder vom gemeinsamen Leben und Peter Dieburg, 1420-1494*. Rostock, 1969.

³⁸ 'a spiritualibus quibusdam amicis et proximis nostris et religiosis nunc aperte nunc occulte a juventute sua et usque nunc expugnata sit et expugnatur, dijudicatur, ut non dicamus condempnatur. Nec hoc mirum et novum videatur nobis, cum et pene omnis religio, eciam Christiana sepe a juventute sit expugnata' (154); 'non ut fideles persuasores set Christi ovilis crudeles invasores statim in occulto insidiantes rapere festinant, dum attrahunt eum' (ed. R. Doebner, 155).

regarded the binding character of religious vows as a curtailment of free religious self-development.³⁹

The example of this last tract shows that Biel did not intend his *Tractatus de communi vita clericorum* to be an apologia. It is true that both Biel and Dieburg rejected an intrinsic and exclusive connection between perfection and monasticism. But while Dieburg criticised Windesheim, poured scorn on its handling of the crisis and listed the negative aspects of religious life, Biel pointed to the age-old diversity of forms of life in the Church. He also played down the importance of the *ordo canonicus* by emphasising that the brethren were the foundation and first centre of the Modern Devotion.⁴⁰ And while Dieburg flamed against the canonical interpretation of the concept of 'ordo', Biel used it in an Augustinian sense by applying the term primarily to the ordering of life by reason.⁴¹ The contrast between the *Tractatus* and the contemporaneous *Narratis itaque quibusdam* suggests that Biel's tract should not be regarded as an apologia.

It is possible that the recruitment of brethren of the Common Life by the Congregation of Windesheim had a more threatening and polarising effect in Northern Germany than in Southern Germany. This could perhaps also explain the emotive tone of Dieburg's *Narratis itaque quibusdam*. At any rate, Gabriel Biel certainly judged the atmosphere in Southern Germany to be less competitive and his *Tractatus* has a thoughtful tone. He carefully reflected on the subject of the brethren's

³⁹ 'taceo de vita clericorum ad religionem aliquam, set quia *recessus* (sic, pvg) omnes communiter mutacionesque locorumque ceteris paribus quasi origines et indices esse impaciencie, vanitatis, instabilitatis aut eciam perversitatis sepe inventi sunt et ideo omni studio, discussione et discrecione examinandi aut vitandi non solum patrum sentenciis set eciam cotidianis exemplis docemur, cum non loco mutando (...) set viriliter pugnando laudabilius reperitur et fructuosius' (Ed. R. Doebner, 155); 'Legitur autem, b[eatum] Benedictum mandasse cuidam: "Si verus dei servus est, non te liget cathena ferrea, pene dixissem professio tua set caritas Christi"', ed. R. Doebner, 156-157). In 1490 Dieburg wrote after all that the return to a religious order or entering in one seems 'quam cum expensis nostris vendere libertatem nostram, singulare decus Christianae religionis (...) ut et nos inveniamur subjecti servituti generis servorum, qui non nisi cum suppliciis emendatur. Unum enim est, ac si solempnem faceremus professionem. Restat, ut et regula acceptetur. In qua opinionem me quondam fuisse recolo, sed resipui audiens magistrum Gabrielem super hec respondisse, quod sufficerent religiosi', ed. Doebner, 113.

⁴⁰ *Tractatus de communi vita clericorum*, ed. Werbeck, 146-147.

⁴¹ After 1 Cor. 14, 40. Biel and Dieburg give *ordo* the same definition. The cynical manner in which Dieburg asks whether the apostle in the biblical passage quoted directs himself towards religious when the order have not even been founded yet shows that Dieburg felt more pressure than Biel. Cf. R. Doebner, 158.

form of life. As we will see, he also discussed its canonical status. He diplomatically argued that the *medius vivendi modus* created a space for people who wished to be protected from the dangers of the secular state without actually assuming the religious state.⁴² He had nothing negative to say about Windesheim, which admittedly might have been less of a threat in Southern Germany because of Biel's influence with the secular authorities – an influence which Dieburg lacked in the north.

The contrast between Biel's tract and the other apologias also demonstrates that the *Tractatus* cannot be characterised as an apologia. There is not a trace of specific or immediate threats from the outside, nor of any need to seek approval from the ecclesiastical authorities. While Pierre d'Ailly and Jean Gerson were at pains to undermine Grabow's accusations in their apologias, Biel merely referred to the Grabow affair in passing. He nevertheless made sure to show in the *Tractatus de communi vita clericorum* that he was well aware of the Bishop of Utrecht's approval of the brethren's form of life in 1401, of the Council of Constance's silence on their account and of various popes' granting of privileges to the brethren of the Common Life.⁴³ The dating advocated above has shown that the *Tractatus* was an attempt to prepare both the author and the brethren for a decision. Biel's aim and the fact that he had influence with the secular power in Southern Germany make it unlikely that his tract was intended to be an apologia. We will now analyse the structure of argumentation in the apologetic works of the Modern Devotion in order to probe further the meaning and aim of Biel's *Tractatus de communi vita clericorum*.

⁴² Cf. *Tractatus de communi vita clericorum*, ed. Werbeck, 141.

⁴³ *Corpus Iuris Canonici. Editio Lipsiensis secunda post Aemilii Ludouici Richter curas ad Librorum manu scriptorum et editionis Romanae fidem recognovit et adnotatione critica instruxit Aemilius Friedberg. Pars prior: Decretum Magistri Gratiani. Pars secunda: Decretalium collectiones.* (Leipzig 1879²) *Decretales Gregor. IX, liber III, titulus XXXVI, De religiosis domibus, capitulum IX, Ne nimia*: 'Ne nimia religionum diversitas gravem in ecclesiam Dei confusionem inducat, firmiter prohibemus, ne quis de cetero novam religionem inveniat, sed quicumque ad religionem converti voluerit, unam de approbatis assumat. Similiter qui voluerit religiosas domum de novo fundare, regulam et institutionem accipiat de (religionibus) approbatis. Illud etiam prohibemus, ne quis in diversis monasteriis locum monachi habere praesumat, nec unus abbas pluribus monasteriis praesidere'. The council of Lyon would enforce this decision of 1215 and add that receiving clothing resembling religious habit was prohibited. For Gerard Zerbolt was the *Ne nimia* point of departure for his defensive speech. Cf Gerard Zerbolt van Zutphen, *Super modo vivendi devotorum hominum simul commorantium*, ed. A. Hyma, in: *Archief voor de Geschiedenis van het Aartsbisdom Utrecht* 52(1926), p. 1-100, esp. 2. The convicted statements of M. Grabow can be found in: St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', 356-358.

3.3 *The structure of argumentation in the apologias of the Modern Devotion*

The *Tractatus de communi vita clericorum* has a different structure of argumentation than the apologetic works of the Modern Devotion. Though Biel's tract does reflect the debate of his day about the legitimacy of the brethren, neither his reasons for writing it, nor the structure of argumentation he used, nor the sources he used indicate that it was intended to be an apologia for the brethren.⁴⁴ On the contrary, Biel used the apologetic literature of the Modern Devotion to his own ends.

The argument of *Nos publice protestamus* concluded with a denial of heresy among the brethren and a protestation of their obedience to the hierarchy.⁴⁵ Similarly, the strategically constructed arguments in *Ex tribus medijs* and in the works of Foec, Willemsz. and the Cologne theologians reveal that a vindication of the semi-religious form of life is their primary objective. In all of these works, the strongest arguments for the legitimacy of this form of life and its immunity from prosecution are given at the beginning or at the end. Just as in an army, the flanks needed cover most. Thus the first tract started by disputing that the injunction against the Beghards and the Zwestriones in the legal ordinance *Sancta Romana* was applicable to the Modern Devotion and then argued that the brethren of the Common Life were not Beghards. It ended by concluding that the bull *Sedis apostolica providentia* had nothing to say about a communal form of life based on the example of Acts 4: 31-36, and stated: 'ex quo patet, quod perfectionis est eciam extra religionem in societate honesta et caritatiua communiter vivere.'⁴⁶

Other apologists of the Modern Devotion used the Scholastic question-and-answer method for their argument, the most important issues being dealt with in the first and last question.⁴⁷ The *quaestiones* about the legitimacy of the Modern Devotion's form of communal life

⁴⁴ For the rhetorical analysis the following has been used: A. C. Braet, A.B. Lee-man, *Klassieke retorica: haar inhoud, functie en betekenis*. Groningen, 1987.

⁴⁵ 'Videlicet nullam haeresim, sectam, scisma aut occulta conventicula reperimus inter ipsos, nec percepimus eos predicare extra ecclesias vel disputare de articulis fidei vel de Summa Trinitate aut de divina clementia vel assumere sibi regulam aliquam novam vel ordinem aut habitum novae religionis'. The argument is that the Modern Devote the 'Romanae ecclesiae eorumque praelatis ... reverenter obediunt, ecclesias devote frequentant nec aliquibus se erroribus involvunt sed intimo charitatis amore sibi invicem serviunt...', *Nos publice protestamus*, in: *Corpus* II, 157.

⁴⁶ *Corpus* II, 170-171.

⁴⁷ 'Cum quorum responsionibus concordat dominus et magister Everhardus Foec (...) sicut patet in eius scriptis, et multi alii', *Corpus* II, 177.

were addressed first, followed by those about obedience to the superior and the *obedientia caritativa*. The *propria confessio* of fraternal *correctio* were discussed subsequently, as were the delicate topics of the reading of books in the vernacular and the use by non-religious of a monastic daily schedule with alternating times of prayer and manual work.⁴⁸ These points culminated in the final question of whether the Inquisition had the right to intervene. The reply, of course, was that no such right existed.⁴⁹

Zerbolt also used the format of nine *quaestiones* to structure his strongly-worded legal treatise *Super modo vivendi*. Again he chose the first and the last question to answer the most substantial objections against the Modern Devotion's form of life. The first *quaestiones* proved that it was perfectly legitimate to live together as a *societas simplex* or as an *unio fraterna caritatis* (1), without belonging to a religious order (2). He went on to rebut the criticism that community of property is a prerogative of religious orders (3) and to contest the charge that gatherings of members of such communities are unlawful (4). In the two subsequent *quaestiones* he attempted to prove the legitimacy of fraternal correction (5) and the legality of possessing and reading books in the vernacular (6). Other topics addressed were obedience (7) and the confession of sins outside of the sacrament of confession (8). These *quaestiones* culminated in the final *quaestio*, which challenged the view that the brethren's form of life was unlawful because it reflected monastic life but did not require the taking of vows.⁵⁰

⁴⁸ For the issue of reading books written in the vernacular by lay people, and the apologia written for this by Zerbolt, Foec, abbot Arnold and the lawyers from Cologne, see: V. Honemann, 'Zu Interpretation und Überlieferung des Traktats *De libris teutonicalibus*', in: E. Cockx-Indestege and F. Hendrickx (ed.), *Miscellanea Neerlandica. Opstellen voor dr. Jan Deschamps ter gelegenheid van zijn zeventigste verjaardag* (Leuven 1987), 113-124. The agreements between *Super modo* and *De libris teutonicalibus* (and thus the authenticity of the first work) have been researched by V. Honemann, 'Textvarianz im Milieu der Devotio Moderna. Zur Genese der verschiedenen Fassungen von 'Super modo vivendi devotorum hominum simul commorantium' und 'De libris teutonicalibus'', in: J. Cajot, L. Kremer, H. Niebaum (ed.), *Lingua Theodisca. Beiträge zur Sprach- und Literaturwissenschaft. Jan Goossens zum 65. Geburtstag* [z.p., z.j.], 969-978; cf for the different versions and Grote's more practical suggestions: N. Staubach, 'Gerhard Zerbolt von Zutphen und die Apologie der Laienlektüre in der Devotio moderna', 231-248, 258-263.

⁴⁹ Cf. E. Foec, 'Utrum inquisitor heretice prauitatis potest inquirere de vita et conuersacione predictarum personarum sic extra religionem simul habitantium et viuencium in communi', in: *Corpus* II, 165-166.

⁵⁰ *Super modo vivendi* has been published by A. Hyma, in: *Archief voor de Geschiedenis van het Aartsbisdom Utrecht* 52(1926), 1-100; see also: A. Hyma, A.,

The tracts of Pierre d'Ailly, Jean Gerson and William of Lochem were also structured strategically. They culminated not in a refutation of Grabow's accusations, but rather in his denunciation as a heretic.⁵¹ Revealing the influence of *Ex tribus medijs*, William of Lochem started his *Defensio* by repudiating the view that the brethren could be placed on the same line as the Lollards, the Beghards and the Zwestriones. He concluded his treatise by reminding his readers of the 1401 episcopal approbation.⁵² Dirc of Herxen concluded his *Tractatus de communi vita* in a similar fashion. However, in spite of the polemical tone of his tract, Dirc also addressed the substance of the issue by discussing the values of communal life. Thus he contended that a communal struggle for the necessities of life can lead to closer observance of the commandments of God, to greater self-knowledge and to the practice of virtue.⁵³ This argument corresponds to similar points argued in Biel's *Tractatus*.

Many substantial similarities exist between Biel's *Tractatus* and this work. Like Gerson, d'Ailly, Zerbolt, Dieburg and the author of the *Apologeticus perbrevis*, Biel attempted to broaden the concepts of *ordo* and *religio*.⁵⁴ All of them contended that the perfect communal life instituted by Christ, the Abbot, must be described as *religio*. This term may not be restricted to the monastic form of life only.⁵⁵ Incidentally,

'Is Gerard Zerbolt of Zutphen the author of the "super modo vivendi"?', in: *Nederlandsch Archief voor Kerkgeschiedenis* N.S. 16(1921), 107-128, esp. 117-120.

⁵¹ Pierre d'Ailly, *Reverendissime Pater et Domine*, 'Est igitur deliberatio mea, quod propter ista et similia, que tractatus vel libellus, a quo sunt extracte conclusiones seu propositiones antedictae, continet, damnandus est ut erroneus et temerarius et scandalosus et ut dogma falsum sacre scriptura contrarium, et per consequens quod tractatus est hereticus et igni tradendus....' (*Corpus* II, 221).

⁵² Cf. St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', 365-370.

⁵³ See for the works by Dirc van Herxen note 25. M. Haverals was so kind to provide me with a microfilm of the *Tractatus de communi vita*. For the *Apologeticus perbrevis* I depended on the doctoral thesis by B. Leurink, *Ut securius Deo serviant. De broeders van het Gemene Leven in het licht van hun verdedigingsgeschriften*. Amsterdam, 1988. [Unpublished doctoral thesis KTUA]

⁵⁴ Cf. Peter van Dieburg: 'Ergo in christianae religione viventes citra religiones sine ordine sunt? ...nonne clericus in ordine est clericali, sacerdos sacerdotali, virgines virginali, vidue viduali, maritati aut uxorati in maritali seu matrimoniali?' (Ed. R. Doebner, 158); 'nonne possibile esset eam, scilicet obedienciam, fieri tali utpote corde magno et perfecto ac omnimoda sui suorumque resignacione efficaci necnon animo jugiter sic manendi, quia coram deo qui intuetur cor equipari valeat voto... solempni', (ed. R. Doebner, 157); *Apologeticus perbrevis*, fol. 61v: 'Religio enim christiana que prior et maior est omnium religionum approbatissima est, utputa a christo legislatore instituta et approbata'. For the passages in the work of Biel, see below.

⁵⁵ Zerbolt states, after Hendrik van Gorkum, *Quolibet* III, *quaestio* XV, 'Religio est modus quidem et ordo vivendi sub certe regula professione et alicuius superioris regimine (...) Largo autem modo, secundum Hostiensem, ubi supram, dicitur aliquis

Geert Grote had also argued this case.⁵⁶ Like the *Ex tribus medijs* and the works of Foec, Willemsz, d'Ailly, Gerson and Gerard Zerbolt of Zutphen, Biel appealed to Acts 4: 31-35.⁵⁷ Almost all apologies also quoted from the Letter of Clement and mentioned Seneca's views on private property. Biel also referred to them in his *Tractatus*. Zerbolt and others mentioned the notion that private property was a disastrous consequence of original sin and that community of property was therefore an inherent aspect of humanity and by no means exclusive to religious, and so did Biel. He argued that the brethren undid this negative consequence of original sin by adopting community of property.⁵⁸

religiosus non ideo, quod asstrictus sit alicui certe regule, sed respectu vite, quam arciolem et sanctiorem ducit quam ceteri homines seculares' (Cf. Ed. A. Hyma, 17, cf also 19-20). The *Apologeticus perbrevis* states that the evangelical vows in the most perfect way have been fulfilled by the *religio* as founded by Christ. Cf. B. Leurink, *Ut securius Deo serviant*, 86. Dirc van Herxen stated in his *De communi vita* just as Jean Gerson that the *religio christiana* in non-canonical sense can be attained by living out the evangelical vows. 'Ille status [perfectionis, pvg] non dicit apud religiosos perfectionem habitam vel acquisitam,... sed dicit tantummodo perfectionem acquirendam. Constat autem quod perfectio acquirenda non est iam acquisita', *Contra conclusiones Matthei Grabow*, in: *Corpus* II, 223; cf. *Corpus* II, 224. For the image of Christ as abbot in Gerson's *Super Magnificat* see: H. Oberman, *The Harvest of Medieval Theology. Gabriel Biel and Late Medieval Nominalism* (Cambridge (Mass.) 1963), 343-346.

⁵⁶ 'Dese doeghet religio is seer geestlic vnde na den gotliken doechten gheloue, hope vnde mynne, een de geestelixte doecht ... Vnde so een mensch in synen werken, oefenisse, leuene vnde staet dese dinge, meer vnde meer, vaster vnde puerliker vnde beredeliker doet, so he meer heft de doghet der religien... Vnde dit mach men wal hebben also vullencomelike buten ghemeynte vnde buten cloesteren vnde buten cappen, also sulke in den cloesteren. (...) Vnde so woert de doeght vulcomen, de religio heit', R. Langenberg, 'Gerrit de Grootes verlorener Traktat 'de Simonia ad Beguttas'', in: *Quellen und Forschungen zur Geschichte der deutschen Mystik* 2(1902), 1-33, esp. 27, 29. Grote therefore develops the idea of *religio* as holiness and as a virtue which is not connected to taking final vows, as in Thomas Aquinas: 'Sic igitur et in statu perfectionis proprie dicitur esse aliquis, non ex hoc quod habet actum dilectionis perfectae, sed ex hoc quod obligat se perpetuo, cum aliqua solemnitate, ad ea quae sunt perfectionis', *Summa Theologiae* II-II 184. 4; Cf. *Tractatus de communi vita clericorum*, ed. Werbeck, 140 '... quod excellentius et melius sit vivere ex voto quam sine voto'.

⁵⁷ Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 29-30; *Ex tribus medijs*, in: *Corpus* II, 170-172; Arnold Willemsz., *Quesitum est mihi*, in: *Corpus* II, 172-175, esp. 173; *Apologeticus perbrevis*, fol. 68v-69r. All apologies refer to Acts 4: 31-35, when the restoration of the communal way of life is discussed. Cf. E. Foec, *Primo queritur utrum*, in: *Corpus* II, 160-161; cf. *Ex tribus medijs*, in: *Corpus* II, 170-171; A. Willemsz., *Quesitum est mihi*, in: *Corpus* II, 173; *Sequentes quaestiones*, in: *Corpus* II, 178; *Super modo vivendi*, ed. Hyma, 7-8; *Apologeticus perbrevis*, fol. 60r. Cf. *Tractatus de communi vita clericorum*, ed. Werbeck, 139, 143.

⁵⁸ *Super modo vivendi*, ed. Hyma, 29; 34; *Tractatus de communi vita clericorum*, ed. Werbeck, 139-140; 145. *Apologeticus perbrevis*, fol. 68r: 'Proprietas vero bonorum solum malicia hominum introducta est, ut dicit Seneca'.

Following the Cologne jurists, Biel also defended the use of a monastic daily schedule.⁵⁹ And like Zerbolt, Foec and William of Lochem he emphasised that the brethren were not mendicants but supported themselves with their own work. As most apologists he appealed to Genesis 3: 19 and Psalm 128: 2 in this regard.⁶⁰ Finally, Biel's reference to the First Letter of Peter (1 Peter 1: 22) demonstrated his knowledge of the apologetic tradition of the movement, because all apologias used this quote to explain the value of the *oboedientia caritatis*. Even his diplomatic argument that the *medius vivendi modus* should be regarded as a way for those unsuited for monastic life was derived from the apologetic tradition of the Modern Devotion.⁶¹ It is clear that Biel was acquainted with more than one work from this genre, because none of these themes can be traced back to one specific source in particular.

Biel's *Tractatus* was nonetheless not itself an apologia. It is nothing short of misleading to conclude that it is because Biel used sources also used by apologists. Even apart from the fact that Biel's tract did not include any legal arguments, the organisation of the different parts of the text and the structure of the argument prove that the *Tractatus* differs essentially from the apologias. He did not use the format of *quaestiones* ('an sit prohibitum', etc.) nor a strategic order of arguments in the Scholastic format. The dating and the organisation of the text argue against the view that it was an apologetic work. Biel did not reinforce his own opinion with persuasive arguments. Neither did he advance the views of opponents with counterarguments in order to weaken their views. Biel did not use similar arguments as the apologists to support his views. Neither did he advance counter-arguments against the views of opponents. Moreover, the issues addressed by Zerbolt in the fourth, fifth, sixth, eighth and ninth *quaestio* did not interest Biel, even though they contained points raised by critics. He rarely used rhetorical questions or an argumentative strategy. The predominantly referential character of Biel's tract is further borne out by the extensive historical overview which he gave to show the roots of

⁵⁹ *Sequentes quaestiones*, in: *Corpus II*, 179.

⁶⁰ Cf. Willem van Lochem, *Defensio veritatis agnita*, in: St. Wachter, 'Matthäus Grabow. Ein Gegner der Brüder vom gemeinsamen Leben', 366. cf. *Tractatus de communi vita clericorum*, ed. Werbeck, 145-146.

⁶¹ *Apologeticus perbrevis*, fol. 72v-73r; cf. *Tractatus de communi vita clericorum*, ed. Werbeck, 140: 'Nobis interim satis est ad omnem perfectionem stare et vivere in libertate legis christianae sub uno abbate Christo Iesu, ... voluntarie sacrificare Deo, servando nonnulla ex consiliis euangelicis quae possumus. In his vero quae non possumus, satius nos iudicamus non esse irretitos et obligatos voto vel professione strictiori'.

the Fraterherren in the diversity of forms of life in the history of the Church. This historical survey demonstrates again that Biel must have written the book in an atmosphere of sympathetic co-operation rather than angry polemics. There is no indication that he believed that he was being pressurised into writing a tract to convince the reader of the orthodoxy of the brethren.

These observations lead us to the following question. If the *Tractatus de communi vita clericorum* cannot be considered part of the Modern Devotion's apologetic genre on the basis of the dating advocated above and of other arguments extrinsic to the text, to what genre does it then belong?

4. Structure and first characterisation

Biel wrote at the beginning of the *Tractatus*: 'Quesitum est a me pridem, unde ordo noster vel institutio communis vite clericorum, sub qua et in qua nos vivere dicimus sumpserit exordium'. In view of the dating, it is more than likely that this demand came from his future brethren. G. Faix has rightly divided the rest of the book into three parts: *Defensio communis vita tamquam medii modo vivendi* (fol. 1r-5v); *Progressus et commendatio communis vite* (fol. 5v-13r) and *constitutio communitatis* (fol. 13r-20r).⁶²

In the first part, Biel offers a justification for the *medius modus vivendi* – the semi-religious form of life – by examining the original meaning of the concepts of *ordo* and *religio*. As has been seen, these terms had become exclusive to the religious orders. Biel characterised this use as 'improprie et in significatione minus principali'. By following Augustine and Gerson in defining *ordo* as 'forma alicuius honeste et ordinate vite' (fol. 1v), he denied that there was any exclusive connection between the monastic *status perfectionis* on the one hand and the way to perfection on the other.⁶³ And he defined 'religio' primarily as that form of life 'quam Christus observavit perfectissimo

⁶² G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 62-67.

⁶³ Gerson saw the *religio christiana* as the way of living and ordered life as lived through by Christ in the most perfect way: 'Prima propositio. Sola religio christiana est propria, vere et anthonomastice dicenda religio, quam Christus observavit perfectissimo et summo modo', *Contra conclusiones Matthei Grabow*, in: *Corpus* II, 222; he sees religious orders as derived ('religiones factities') from the true *religio*. For the observance of the *religio christiana* it is therefore not necessary to take religious vows (*ibidem*, 223); cf. *Apologeticus perbrevis*, fol. 61v.: 'Religio enim christiana, que prior et maior omnium religionum approbatissima est, utputa a christo, summo legislatore, instituta et approbata et a fidelibus deinceps observata nec indigens aliqua

modo' (fol. 2v). For Biel, *religio* was of a higher order than the *religiones* in the canonical sense. Continuing the line of argumentation developed by Foec, Willemsz. and the Cologne jurists, Biel asserted at the end of the first part that it was therefore lawful 'non esse monachum et nihilomenus religiose vivere ut monachum' (fol. 3v). Following Gerard Zerbolt, Biel concluded that the *status medius* between the 'saeculares saeculariter viventes' and the 'status religiosorum' is of benefit to the Church (fol. 5v).

In the second and central part, Biel demonstrated how 'his' form of life was derived from the apostles in the *ecclesia primitiva*. Community of property was of its essence.⁶⁴ Biel's treatment of the *possessio communis* was interwoven with a survey of the diverse forms of life in the Church and an overview of groups that had practiced the *vita communis* without taking vows. Biel also reminded his readers of the approbation of the Council of Constance. Moreover, he mentioned several *auctoritates* to stress the legitimacy of the semi-religious form of life. Biel thus attempted to create an awareness of the normality of this form of life in the Church.

Biel also included a remarkably lengthy quotation from a letter from 'Pope Clement' at the beginning of the second part of his tract. This quotation recommended the communal life with community of property as the *status perfectissimus*. Some seven percent of the *Tractatus* is taken up by it.⁶⁵

approbatione sedis apostolice'; *Ex tribus mediis*, in: *Corpus* II, 170, '...nobis interim satis est ad omnem perfectionem stare et viuere in libertatis legis christianae'.

⁶⁴ *Tractatus de communi vita clericorum*, ed. Werbeck, 142, 'Subinde magis accedendo ad propositum, dicimus quod institutio vitae nostrae exordium et formam sumpsit a primitiva ecclesia. (...) Deinde ne paulatim succedente tempore refrigeret fervor iste devotionis et unusquisque ad vitium proprietatis defleceret, etiam apostolica constitutione sancitum est per sanctum Clementem papam...'

⁶⁵ See for this letter: *Corpus Iuris Canonici*. Pars prior: *Decretum Magistri Gratiani*. Ed. A. Friedberg, kolom 812f. This letter is not to be confused with the two genuine letters of Clement. Here it concerns a letter of 'pope Clement' from one of the collections which together form the Pseudo-Isidorian Decretals. These Decretals which consist of five collections of canon law, is known as the most elaborate and influential falsifications from the Middle Ages. For a survey of the works and letters in this collection see: E. Seckel, 'Pseudoisidor', in: *Realencyklopädie für protestantische Theologie und Kirche*³, vol. 16 (1905), 265-307. Doubts on the authenticity of the Pseudo-Isidorian Decretals (large parts of which have also appeared in the *Decretum Gratiani*) already existed in the fifteenth century, with eg Nicolaus Cusanus, but apparantly not with Gerard Zerbolt (cf note 86) and Biel. K. Zechiel-Eckes has shown that the later abbot of Corbie, Paschasius Radbertus (842-847) was one of the ones who may have bene involved in the forgery; cf. K. Zechiel-Eckes, 'Auf Pseudoisidors Spur. Oder: Versuch einen dichten Schleier zu lüften', in: W. Hartmann, G. Schmitz (ed.), *Fortschritt durch Fälschungen? Ursprung, Gestalt*

Ideas of Zerbolt's resonate as Biel contends that communal property was an inherent aspect of the human condition before the Fall. He regarded community of property as a *proprium* of the entire Church which was awaiting restoration.⁶⁶ Biel viewed this unadulterated form of the *vita communis* as something restored by Christ and renewed by Augustine. It had always been retained in the Church, not in the least because of papal protection (fol. 8v-9v). Following John Busch, Biel subsequently described the origins and development of the Modern Devotion as a renewal of the life of the primitive Church, starting with Geert Grote and Florens Radewijns. He emphasised the reforming zeal of the brethren and canons in Germany (10r-13r). Moreover, his survey of the history of the Modern Devotion also served to gently enlighten the members of the Congregation of Windesheim about their own origins. Thus Biel stressed that they owed a debt of gratitude to the brethren of the Common Life, who had stood at the beginning of the Modern Devotion and continued to provide recruits for its monastic branch.⁶⁷

Finally, the tract's third part or *constitutio communitatis*, deals with the internal organisation of the brethren houses (fol. 13r-20r). It reemphasised the importance of communal property. It also recommended the *labor manuum*, in a given case the copying of manuscripts, as the most important means of support. Following Gerson's tract *De laude scriptorum*, this activity was characterised as 'spiritualibus studiis et exercitiis devotionis magis vicinus et accomodus' (fol. 15r) and also as beneficial to the cure of souls and to the preaching of the Word. However, Biel added the condition that it was to be alternated

und Wirkungen der pseudoisidorischen Fälschungen. Beiträge zum gleichnamigen Symposium an der Universität Tübingen vom 27. und 28. Juni 2001 (Hannover 2002), 1-28 (*Monumenta Germaniae Historica, Studien und Texte*, vol. 31; id., 'Pseudoisidorische Dekretalen', in: *Lexikon der Kirchengeschichte* 2 (2001), 1345 ff.

⁶⁶ Cf. Th. Wetzstein, 'Jenseitsvorsorge im Spätmittelalter. Die Bruderschaftspredigten Gabriel Biels als frömmigkeitsgeschichtliche Quelle', in: *Roma, magistra mundi. Itineraria culturae medievalis. Mélanges offerts au Père L.E. Boyle à l'occasion de son 75e anniversaire*. Turnhout 1998. 3 vols. vol. 3, *Parvi Flores*, 383-406, esp. 393-394, 405-406; *sermo In commemoratione fraternitatis*.

⁶⁷ 'Itaque factum est, ut ex ista radice annuente gratia Dei pullulaverit fructus tam universalis reformationis non solum illius ordinis, verum etiam plurimorum aliorum ordinum, quibus adhuc usque in hodiernum diem per fratres istos de communi vita clericorum instituuntur et providentur personae idoneae et regularibus disciplinis aptae. (fol. 13r) Utinam autem multi ex his, qui noviter surrexerunt atque defunctis patribus succedere, etsi debita gratitudine non responderunt, saltem ingrati non existerent his ipsis fratribus communis vitae, a quibus primum tanti profectus tantaeque utilitatis beneficium susceperunt.', ed. Werbeck, 146-147.

with other activities.⁶⁸ Analogous to the way in which he rid the terms *ordo* and *religio* of the exclusivity of their canonical reference to the religious life, Biel continued by separating the evangelical counsels of obedience and chastity from the attendant monastic vows. He also emphasised that in the primitive Church, superiors were obeyed not 'ex necessitate', but 'ex caritate' (fol. 18r). This was a reference to the distinction between *obedientia iusticie* (to a superior who exercises *potestas iurisdictionalis* – as in the religious orders) and *obedientia caritatis* (to each other, based not on vows and duty, but on freedom and compatibility). This distinction had also been made by Everardus Foec, Arnold of Dikningen and Gerard Zerbolt. The *necessitas* alluded to referred to the canonical obligation binding upon everyone who had taken the vow. Biel clearly regarded it as a dangerous thing, because living according to the letter of the vow was likely to diminish awareness of the original good it embodied. By contrast, *caritas* implied a free and conscious decision made before the community to follow the way of poverty, chastity and obedience. His terse discussion of the canonical regulation of chastity suggests that the observance of this counsel was non-contentious. A slightly apologetic note emerged when discussing the habits worn by the brethren. Apart from stipulating that the brethren's clothing was to be 'pretio mediocris et in colore humilis', Biel took up position in the debate about the attire of the *Fraterherren* that was taking place at the time. Mindful of the decrees of the Council of Lyons (1274), Biel argued that the wearing of habits did not mean that a religious order had been founded and did not constitute a 'habitus nove religionis' (19r/v). Biel concluded his tract with the observation that it bore a 'provisional' character.

It is not easy to give a definite characterisation of Biel's *Tractatus de communi vita clericorum*. Historical surveys and directives about the organisation of communal life go hand in hand with *auctoritates* from the apologetic literature of the Modern Devotion. However, unlike the apologias, the *Tractatus* placed particular stress on the community of property and the organisation of communal life. Biel's semantic and historical explanations of the terms *ordo* and *religio* and his interpretation of the evangelical counsels indicate that he was aiming for acceptance of the proposed form of life and not primarily to prove its canonical legitimacy. There is more to be said about this issue, however. As will be seen, Biel's primary intention was to write

⁶⁸ *Tractatus de communi vita clericorum*, ed. Werbeck, 146–147.

a Rule, vaguely resonant of Augustine's and indicative in particular of his own interest in the Christian communities of the first centuries.

5. The individual character of the *Tractatus* in the light of Gerson's *Discours sur l'excellence de la virginité* and Zerbolt's *Super modo vivendi*

The individual character of Biel's *Tractatus de communi vita clericorum* is probably best discovered through an examination of the sources used by Biel. Apart from Biel's translation of Jean Gerson's *Opus tripartitum* and the latter's *Contra conclusiones Matthei Grabow* which has been mentioned already, scholars have also suggested that Gerson's *Discours sur l'excellence de la virginité* helped Biel to explore the Modern Devotion's perspective on the communal life and its spirituality. Scholars have suggested that Biel discovered the spirituality of the Modern Devotion through reading Gerson's works.⁶⁹ As has been seen, however, the influence of Gerard Zerbolt's *Super modo vivendi* is also evident.

5.1 Jean Gerson's *Discours sur l'excellence de la virginité*

Gerson, who was at a crucial phase of his life at the time, completed his *Discours sur l'excellence de la virginité* around 1400. This work proposed an alternative form of life for the female inhabitants of the convent of St. Donatus in Bruges.⁷⁰ Gerson set out to show which *estat* was the most certain way *pour bien vivre en ceste presente misere: mariage charnel or mariage spirituel*. Exploring the latter option, he advised the inhabitants of the convent to live from the proceeds of their work in community of property, to learn to read, to meditate on manuals of virtue, but not to join an order (*religion*) or become Beguines.⁷¹ He made no reference to the condemnation of the Beguines

⁶⁹ H. Kraume sees a 'weitgehenden Abhängigkeit Biels von Gerson in der Verteidigung der freien Laiengemeinschaft gegen die traditionelle monastische Lebensweise', in: H. Kraume, *Die Gerson-Übersetzungen Geilers von Kaysersberg. Studien zur deutschsprachigen Gerson-Rezeption* (München 1980), 54.

⁷⁰ Cf. Jean Gerson, *Oeuvres Complètes*. Ed. P. Glorieux. Paris-Tournai-Rome-New York, 1960-1973. 10 vols., vol. 7 (1966) *L'oeuvre Française*, 416-421. Cf. also H. Kraume, *Die Gerson-Übersetzungen*, 20-22.

⁷¹ 'Vous, mes six suers, demourez adez ensamble, sans entrer en religion, sans demourez en citez (de begijnhoven, pvg), et durant la vie de nos pere et mere vous serez avecque eulx comme vous avés est jusquez cy, et a plus grant devocion selonc aussy que mieulx le porriez faire par la maniere que je diray ou samblable, et viverez de nostre labeur ensamble ... Et serez toutes ficheez et arresteez de jamais non prendre

by several authorities. In his tract *Quaestio determinata De consiliis evangelicis et statu perfectionis*, Gerson defended the view against objections by Dominicans and Franciscans that lay people could attain to perfection without taking vows and that a *consilium* (evangelical counsel) did not necessarily have to become a *lex* (law) in order to bear fruit.⁷²

In *De consiliis evangelicis* (written circa 1390) and in *De perfectione cordis* (1428), Gerson referred to the primitive Church as his example. He argued that the first Christians achieved perfection without taking vows. His vernacular tracts, such as manuals of confession, treatises on the Decalogue and the *La Montagne de contemplation* written for *simple gens*, showed that Gerson was convinced on principle of the fact that perfection could be attained by lay people.⁷³ This notion is also emphatically present in the *Contra conclusiones Matthei Grabow*. Gerson must have regarded the Modern Devotion as a prime example of his concept of the *semen vivificum* and *reformativum*, the life-giving and reforming seed which penetrates the entire body of the Church.⁷⁴

In this regard the Modern Devotion, Gerson and Biel are in complete harmony with one another.⁷⁵ Gerson's argument in the *Discours* has led some scholars to observe that Biel's views on the *vita communis* are remarkably similar to his.⁷⁶

The library of Butzbach provides clear evidence that the brethren of the Common Life indeed read Gerson intensively.

autre estat et de jamais non demander autre mari que Dieu'; liures qui declairent les commendemens de Dieu', ed. P. Glorieux, 416.

⁷² 'car a vray dire et sans blasse de religion, je n'avoie pas inclinacion grande que vous fuciés mises en religion que je cogneusse, pour causes plusieurs qui a ce me mouvoyent', ed. P. Glorieux, 417; Cf. Chr. Burger, *Aedificatio, Fructus, Utilitas. Johannes Gerson als Professor der Theologie und Kanzler der Universität Paris* (Tübingen 1986), 159-164 (*Beiträge zur historischen Theologie* 70).

⁷³ Cf. D. C. Brown, *Pastor and Laity in the Theology of Jean Gerson* (Cambridge ..., 1987), 47, 74-77, 274.

⁷⁴ Cf. L. Pascoe, *Jean Gerson: Principles of Church Reform* (Leiden 1973), 44-48, 99-104 (*Studies in Medieval and Reformation Thought* 7).

⁷⁵ *Dominus his opus habet*, ed. Glorieux, vol. 5, 223: 'Sic instituta videtur et gubernata fuisse sufficienter Ecclesia primitiva sub Apostolis, ac deinde per successiones varias usque ad doctores sanctos, ... quibus temporibus non erat distinctio theologorum et canonistarum'; cf. Johannes Busch, *Liber de origine devocionis moderne*, ed. K. Grube, 11: '... cum iuxta primitive ecclesie institutionem sine solempni professione vita vivant apostolica'. For the opinion of Geert Groote on the *curiositas* see: N. Staubach, 'Gerhard Zerbolt von Zutphen und die Apologie der Laienlektüre in der Devotio moderna', 253-263.

⁷⁶ Kraume speaks of a 'überraschende Übereinstimmung Biels mit Gersons bereits zitierten Überlegungen zum Thema der Laienhäuser', in: H. Kraume, *Die Gerson-Übersetzungen Geilers von Kaysersberg*, 52.

It contained not only the first three printed *opera omnia* of the famed chancellor's writings, but also almost all Latin Gerson-editions and no less than four copies of his *Tripartitum*.⁷⁷ Biel – ever true to the principle of community of property – integrated his own library with the Butzbach collection and we may therefore assume that the brethren's interest in Gerson is due to him. Biel also drew inspiration from Gerson in his reflection on the reasons for choosing the particular order of life he favoured. Thus he used Gerson's description of Jesus as Abbot in the *Tractatus*. Similarly, his assessment of the relation between copying manuscripts and other forms of labour as asceticism ('pro deuitando ocio') is derived from Gerson's *De laude scriptorium*, as is his interpretation of manuscript copying as a form of pastoral work because it amounts to preaching and not only as a source of income.⁷⁸ Biel's translation into *Rheinfränkisch* of the *Opus Tripartitum* is another clue that he took Gerson as an important guide during his formation in the Modern Devotion. It is significant that the first edition of this work was printed by the press of the Marienthal brethren house in 1468.⁷⁹ It is quite possible that Biel also prepared the translation of Gerson's tract about the ten commandments, his manuals of virtue and the *ars moriendi* during in the same orientational phase before his entry in 1469, probably just after he had completed the *Tractatus*. Biel must have regarded the translation of Gerson's works as a source of inspiration for his own new life as a follower of the Modern Devotion, and he must have considered it a good way of creating order in the lives and faith of a wider readership.

This assumption that Gerson was the most important source for Biel is nevertheless only partly true. Gerson's *Discours sur l'excellence de la virginité* and Biel's *Tractatus* were written with the same aim, addressed the same issues and were both sceptical about the religious life. But it is not likely that Biel used Gerson's *Discours* directly when he writing his own tract. He did not use the distinction between *mariage charnel* and *mariage spiritual*. Nor did he include the prayers to *Dieu, nostre Sauveur* ('Tu sces, vray Dieu...') or to the *tres digne et glorieuse mere de Jhesucrist nostre Seigneur* that are characteristic

⁷⁷ *ibidem.*, 51-52.

⁷⁸ 'Quod sane artificium quam commendabile et fructuosam sit, luculenter exsequitur venerabilis magister Iohannes Gerson.... Nos... voce tacemus, scripto praedicamus damusque operam, ut sancti libri et sacrae litterae multiplicentur et venia[n]t in usus plurimorum ex quibus verbum salutis populo deinceps possit ministrari', ed. Werbeck, 148.

⁷⁹ H. Kraume, *Die Gerson-Übersetzungen Geilers von Kaysersberg*, 49.

of Gerson's book. Moreover, there was no trace in Biel's *Tractatus* of the *sept enseignemens* which Gerson used to instruct women not to be proud, to say their prayers at the proper time, to eat soberly, go to confession frequently, live together in harmony, not to speak to strangers and to learn to read.⁸⁰ Biel and Gerson undoubtedly share several fundamental ideas. Biel has certainly followed Gerson's example as a popularising theologian and above all as a champion of the primitive Church. And like Gerson, he regarded the Modern Devotion as a good example of the realisation of these ideas. Nevertheless, the *Tractatus* betrays more of an affinity with ideas advanced by reformists than a great indebtedness to Gerson.⁸¹

5.2 Gerard Zerbolt's *Super modo vivendi devotorum hominum simul commorantium*

Did writers of the Modern Devotion form the greatest influence on Gabriel Biel's thought about the communal life? Zerbolt's *Super modo vivendi* provides the best clue as to Biel's debt to the Modern Devotion.⁸² As has been seen, Biel's acquaintance with the movement's apologetic tradition influenced the development of several of his ideas. Zerbolt, Biel and the apologists shared certain notions about the legitimacy of the *medius vivendi modus* and used the same sources to defend their views.⁸³ Thus they were all agreed that community of

⁸⁰ *Discours sur l'excellence de la virginité*. Ed. P. Glorieux, 418, 419-420.

⁸¹ Gerson's comment on the *castitas* as well, as stated in the *Dialogus apologeticus pro celibatu ecclesiasticorum*, does not resound in the *Tractatus*. Nowhere does Biel mention that chastity is the difference between animal and human and enables him to meditate. Cf. N. Grévy-Pons, *Célibat et nature. Une controverse médiévale. à propos d'un traité du début du XV^e siècle* (Paris 1975), 110-115 (*Centre d'histoire des sciences et des doctrines. Équipe de recherche sur l'humanisme français des XIV^e et XV^e siècles. Textes et études 1*).

⁸² Cf note 24.

⁸³ To use but one example: Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 33: 'Septimo, sicut dicit Beda in quadam omelia, perfectum vite magisterium est semper ecclesie primitive actus imitari illamque edificii spiritualis normam ad finem usque servare, quam ab ipsis apostolis in fundamento fidei liquet esse propositam. Status enim ecclesie fuit status perfectissimus christianitatis, ut dicit Thomas quolibeto IV, questio XXIII. Sed in primitiva ecclesia omnia erant communia, ut patet Actuum IV, cum tamen nondum erant religiones alie quam vite Christiane. Ergo sequitur, quod sit meritum in hac parte primitivam ecclesiam imitari. Unde ad communem vitam exemplo primitive ecclesie pulchre hortatur Clemens, scribens ad Iacobum Iherosolimitanum episcopum et habetur in decreto XII, questio 1, capit. II. "Communis", inquit, "vita omnibus est necessaria, fratres, maxime hiis, qui irreprehensibiliter Deo militare cupiunt et vitam apostolorum, eorumque discipulorum imitari volunt"; Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Werbeck, 142: 'Unde sanctus Thomas

property was a trait of the prelapsarian state of mankind and an essential aspect also of the primitive Church and of their own form of life.⁸⁴ They clearly concurred with one another in regard to fundamental concepts about the order of life.

A further analysis of the way in which Zerbolt and Biel treated shared sources provides a clearer picture of Biel's intentions in writing the tract. It will become evident that Biel used sources also used by the apologists of the Modern Devotion, but to achieve a different aim.

Biel and Zerbolt both quoted from the Letter of St Clement, which has since been proven false. However, Biel quoted from this source much more profusely than any of the writers of the Modern Devotion. He quoted from Psalm 132 ('Ecce quam bonum et quam iocundum habitare fratres in unum') and Acts 4: 32-35 ('...erat multitudinis eorum cor unum ut anima una...') in order to place the letter, which dealt with community of property, explicitly in the context of the unity of the community and the joys of communal life.⁸⁵ By contrast, Zerbolt used the letter not as a general source of inspiration but to extract from it a number of *rationes* as to why non-religious could also have communal possessions.⁸⁶ Biel's quotations from Seneca were

Quodlibeto quarto quaestione 23: "Status", inquit, "primitivae ecclesiae perfectissimus erat". In cuius etiam praeconium scribit venerabilis Beda: "Perfectum", inquit, "vitae magisterium est ecclesiae primitivae semper actus imitari illamque aedificii spiritualis normam ad finem usque servare, quam ab ipsis apostolis in fundamento fidei liquet esse propositam."; cf also 142-143 (Letter of Clement).

⁸⁴ Cf. Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 347: 'ad modum vel formam alicuius honeste et ordinate vite dicimus nos habere vel gerere ordinem apostolorum vel discipulorum Christi vel sancte primitive matris ecclesie...'; cf. *ibidem*, 355: '[communis vita] a Christo et primitiva ecclesia iterum instituta et servata ut supra'; Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 33: 'Ergo sequitur, quod sit meritorium in hac parte primitivam ecclesiam imitari'; *ibidem* 39: 'Quomodo autem hic modus vivendi in statu gratie sit, quodammodo a Christo innovatus, ab apostolis et eorum discipulis observatus et continuatus, superfluum est dicere'; Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 355: 'Est [hec communis vita, pvg] enim ab initio nascentis mundi instituta'; Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 37 '...semper fuit in communi vivere, non solum a principio ecclesie, sed a principio creacionis humane [...] Hic enim modus vivendi incepit in statu innocencie in paradyso ...'. Cf also f.i.: ed. Faix 351-ed. Hyma 23; ed. Faix 367-ed. Hyma, 20.

⁸⁵ Cf. Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 354.

⁸⁶ Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 34-42: 'Hierosolymis erant quidam qui propriis renunciaverunt cum ipsis Apostolis sed non bene servabant: & ideo Clemens Papa (...) docet, quod omnia debent esse communia. Et hoc probat sex rationibus ... Prima est, quia de uno naturali a principio (...) Secundo auctoritate Platonis ... Tertio, auctoritate Prophetarum Quarto, exemplo Apostolorum. Quinto, exemplo christianorum primitivae Ecclesiae ... Sexto, exemplo Ananiae et Saphirae...'

also more precise than Zerbolt's. He used the philosopher's words – famous among followers of the Modern Devotion – to substantiate the notion that communal property brought peace to a community.⁸⁷ Zerbolt was not interested in this argument. He was writing an apologia, while Biel's intention was to explain rather than defend the form of life he was proposing. Biel also quoted more copiously from other shared sources, such as *De moribus ecclesiae catholicae* and *De vita honestate clericorum*. He was more interested than Zerbolt in the advice these works had to offer about the order of life.⁸⁸ We may conclude that Biel was more concerned to clarify his form of life than to defend it. Biel wanted to motivate, inspire and perhaps confront his readers with his own decision, while Zerbolt primarily wished to prove the legitimacy of his community. The difference between their respective aims is demonstrated by the way they dealt with mutual sources.

These differences also emerged in their discussion of manual labour. Both Zerbolt and Biel quoted Genesis 3: 19, 1 Thessalonians 4: 11 and 2 Thessalonians 3: 11. But while Zerbolt mentioned these passages in a list of *auctoritates* (including Ambrose, Bernard, the *sancti patres in Egipto...*), Biel argued that manual labour was instituted to avoid idleness and that the holy fathers recommended it to strengthen the autonomy of the community because it was a source of income. Moreover, he supplemented these admonitions with quotations from Paul's second letter to the Thessalonians (2 Thessalonians 3: 8 and 12: 8).⁸⁹ Biel therefore added other counsels to those taken from the sources shared with Zerbolt to achieve his objectives more clearly. This comparison between Zerbolt's *Super modo vivendi* and Biel's tract shows that Biel aimed to give a detailed explanation of the form of life he was proposing inspired by the example of the primitive Church. Again it is

⁸⁷ Cf. Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 32; '...iuxta illud Senece, "De moribus": "Quietissimam vitam homines agerent, si duo verba a natura rerum tollerentur, meum et tuum"; cf. Gabriel Biel, *De communi vita clericorum*, ed. Werbeck, 145: 'Est etiam paci et quieti vitae temporalis magis accommoda, quemadmodum supra in Glossa Dilectissimi allegatur dictum Philosophi: "Quietissimam vitam ducerent homines, si de medio sublata essent ista duo pronomina" meum "et" tuum'.

⁸⁸ See Gabriel Biel, *De communi vita clericorum*, ed. Werbeck, 153-154; ed. Faix, 358; 364-366.

⁸⁹ See Gabriel Biel, *De communi vita clericorum*, ed. Werbeck, 147; Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 98-99; cf also the constitutions of the Brotherhood in Deventer: *De labore* (in: A. Hyma, *The christian Renaissance. A history of the "Devotio Moderna"* (Hamden 1965²), 445: 'Que causa promovit beatissimum Paulum, cum scribit ad Thessalonicenses: "Nec panem gratis manducamus ab aliquo, sed in labore et fatigacione, ne quem vestrum gravaremus"').

clear that while Zerbolt's intention was to prove legitimacy, Biel wished to inspire. And lest his essentially referential treatise might fail to do this, he quoted papal exhortations to supplement his own deficiencies.

A further example of the way Biel used sources also used by apologists of the Modern Devotion for his own ends comes in the way Zerbolt and Biel availed of the writings of Augustine. Both quoted Augustine with reverence and assent. Zerbolt quoted him 23 times and mentioned him 36 times. Biel's *Tractatus*, though only a quarter of the length of *Super modo vivendi*, quoted Augustine 17 times. The two works share just one quotation, a passage often used by writers of the Modern Devotion. It is taken from *De opere monachorum* and is in turn derived from Cicero. It argues that inner harmony is the result of an orderly daily routine.⁹⁰ The fact that Zerbolt and Biel share so few quotations from Augustine is due to the fact that their aims were different. Thus Zerbolt mentioned the Church father among other *auctoritates* when addressing themes not referred to at all by Biel: Christ's secret teachings, study engaged in by lay people, the advantages of community life as compared to solitude and its legitimacy even outside of the religious life. He mentioned Augustine as an *auctoritas* on seven occasions in this section among many other sources.⁹¹ Biel's way of dealing with Augustine was different. Thus he hardly mentioned him as an *auctoritas*, but quoted freely from *De opere monachorum*, the *Praeceptum* and *De moribus ecclesiae catholicae*: works in which Augustine specifically addressed the issue of the order of life. While Zerbolt 'simply' used Augustine as one of many *auctoritates*, Biel's use of directives taken from *De opere monachorum* shows that he was concerned with writing a work that was both a statute and a rule of life.

In this respect, Biel derived nothing from other works of the Modern Devotion. It is true that the statutes for the Master Geert House

⁹⁰ Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 99: 'Unde Augustinus in libro "De opere monachorum": "Optima est", ait, "gubernacio, ut omnia suis temporibus distributa gerantur ex ordine, ne animum humanum turbulentis implicacionibus involuta perturbent". Cf also the constitutions of the Brotherhouse in Deventer, in Hyma, *The Christian Renaissance*, 441: the quote under consideration was much cited in the circle of the Devotes. Cf also L.A.M. Goossens, *De meditatie in de eerste tijd van de moderne devotie* (Haarlem-Antwerpen 1952), 180.

⁹¹ Cf. Gerard Zerbolt, *Super modo vivendi*, ed. Hyma, 53-56; 56-58. Zerbolt legitimizes the transcription and reading of books by lay people by using a reference to Augustine's *epistola ad Bonifacium*, *De fide et operibus* and the *Retractationes*. Books in vernacular were legitimized by referring to *De civitate Dei* and *De doctrina christiana* (ed. Hyma, 57, 78-80).

and Florens Radewijns' *Tractatulus devotus* – and consequently Zerbolt's *Super modo vivendi* – prove that manual labour was an important part of the tradition of the Modern Devotion, as it was for Augustine.⁹² But Biel's *Tractatus* betrays no structural influence of statutes such as those of the Master Geert House in Deventer, the *Consuetudines domus nostre* (the brethren house of Zwolle) or the *Consuetudines sive statute domus fraternae Embricensis*, a house that maintained close relations with the Master Florens House in Deventer.⁹³ Who then inspired Biel in writing a Rule?

6. Towards the basic structure of the *Tractatus*

6.1 *Jordan of Quedlinburg and Augustine as sources for writers of the Modern Devotion*

Biel wrote the *Tractatus de communi vita clericorum* to revitalise the form of life of the primitive Church. This aspiration was wholly in line with the spirit of the Modern Devotion. However, in spite of this affinity with the apologias of the Modern Devotion, Biel's greatest debt was to the writings of the Order of Augustinians.

Of course Augustine also played an important role among the adherents of the Modern Devotion. Geert Grote had insisted that the brethren of the Common Life and the religious of his movement should adopt the Rule of Augustine.⁹⁴ Augustine's *Praeceptum* formed the

⁹² Cf. Gerard Zerbolt van Zutphen, *Super modo vivendi*, ed. Hyma, 99; Florens Radewijns, *Tractatulus devotus*, in: L.A.M. Goossens, *De meditatie in de eerste tijd van de moderne devotie*, 213-254, esp. 232 (quote from *De opere monachorum*: Cantica vero divina cantare eciam manibus operante facile possunt, *op. mon.* 17.20). Cf. Biel, *Tractatus de communi vita clericorum*, ed. Faix, 364-365. Cf. G. Epiney-Burgard, 'Saint Augustin et la "vie commune" dans la dévotion moderne', in: *Medioevo. Rivista di storia della filosofia medievale* 9(1983), 61-75, esp. 73.

⁹³ For Deventer, see: P. Verdeijen, 'La dévotion moderne: une spiritualité pour les laïques', in: *Rencontres de Colmar-Strasbourg (29 septembre au 2 octobre 1988): "La dévotion moderne dans les pays bourguignons et rhénans des origines à la fin du XVIe siècle"*. Actes publiés sous la direction de Jean-Marie Cauchies (Neuchâtel 1989), 5-8, esp. 6-7; for Zwolle see: Jacobus Traiecti alias de Voecht. *Narratio de inchoatione domus clericorum in Zwollis*, ed. M. Schoengen, 239-273; for Emmerik see: *Fontes historiam domus fratrum embricensis aperientes*, ed. W. Jappe Alberts and M. Ditsche (Groningen 1969), 81-115 (*Teksten en Documenten, uitgegeven door het instituut voor middeleeuwse geschiedenis*).

⁹⁴ W. Lourdaux, 'De broeders van het gemene leven', in: *Bijdragen* 33(1972), 372-416, esp. 380; id., 'Dévotion moderne et humanisme chrétien', in: *The late Middle Ages and the Dawn of Humanism outside Italy. Proceedings of the international*

basis for the 1402 *Constitutions* edited by John Vos of Heusden. Thomas a Kempis' *Sermones ad novicios* and Zerbolt's *De reformatione virium anime* described the community of property according to the ideal of the *Praeceptum*.⁹⁵ Similarly, the Congregation of Windesheim adopted the Rule of Augustine because it propagated the ideal of the primitive Church that community of property is necessary to enable unity of hearts and souls (cf. *Praeceptum* 1.1-2). The Rule served as an inspiration to the brethren and as a means of legitimisation for the Congregation of Windesheim.⁹⁶ G. Epiney-Burgard has nevertheless contended that the Congregation of Windesheim only adopted Augustine's views on communal property to a limited extent, as it placed too much emphasis on the connection between renunciation of property and renunciation of one's own will.⁹⁷ The *Fraterherren* of Butzbach also held Augustine in high regard. They possessed many manuscripts containing his works and the *florilegia* which they made consisted mostly of quotations from Augustine. These *florilegia* were often organised according to dogmatic themes, and must have been used as an aid for preachers.⁹⁸

How did Gabriel Biel relate to the spirituality of the Modern Devotion and the Augustinian tradition respectively? Three works provide an answer: the *Tractatus de communi vita clericorum*, a sermon preached before a confraternity between 1461 and 1466 entitled *In commemoratione fraternitatis* and the *Collatio de vita communi*, possibly held in 1477. These writings describe communal life on the basis of community of property as a 'sanctissima vetustissimaque institutio', which had been an intrinsic aspect of the human condition

conference Louvain, May 11-13, 1970 (The Hague-Leuven 1972), 57-77, esp. 67; G. Epiney-Burgard, 'Saint Augustin', 62-63.

⁹⁵ G. Epiney-Burgard, 'Saint Augustin', 68.

⁹⁶ L. Verheijen, 'Réflexions sur les identités augustinienes 386, 397, 412, 426, "1215", in: L. Verheijen, *Nouvelle approche de la Règle de saint Augustin. II. Chemin vers la vie heureuse* (Louvain 1988), 74-85 (*Institut Historique Augustinien Louvain*).

⁹⁷ *Ibidem*, 72-74: '...La référence aux *Actes des Apôtres* (4, 32-35), aux commentaires du psaume 131 sur le partage des biens et du psaume 132 sur la vie fraternelle est constitutive des communautés dévotes, avec le lien entre l'union des âmes et des cœurs et la mise en commun des biens, la conception de la communauté comme "lieu pour Dieu". Pourtant, la Dévotion Moderne n' épuise pas la richesse de ce thème tel qu'il se développe dans la pensée augustinienne: il y manque la quête de la vérité, une dimension plus contemplative (sauf chez Grote) et surtout ce sens ecclésiale, figurée par l'unité de la communauté'.

⁹⁸ W. Bayerer, 'Libri Capituli Ecclesiae Sancti Marci. Zur Katalogisierung der Butzbacher Handschriften an der Universitäts-Bibliothek Giessen', in: *Wetterauer Geschichtsblätter* 24 (1975), 68.

before the Fall.⁹⁹ Biel blamed *avaritia humana* for the disappearance of community of property, which necessitated the creation of *ius humanum*; the *vita communis* was continued however by the philosophers, renewed by Christ and practised again in the primitive Church.¹⁰⁰

Biel continually demonstrated that he viewed communal property as an instrument to restrain man's desire for *delicias*, *diuicias* (private property) and *honores*, which enslave the world and those who live in it.¹⁰¹ Biel apparently derived his remedy against the interrelated maladies of world and private property from Jordan of Quedlinburg's *Liber Vitasfratrum* – a work associated with the Augustinian tradition rather than that of the Modern Devotion. Jordan was a fourteenth-century Augustinian friar and was the first to write a history of his order. He also composed more sermons than any other Augustinian in the Later Middle Ages.¹⁰²

Just as many other medieval spiritual writers, Biel seems to have regarded Jordan's work as a veritable mine of ideas. G. Faix has established that Biel transcribed *capita* I–VI of the *tertia pars* of the *Liber Vitasfratrum* while in Butzbach. In a marginal comment, Biel referred to this excerpt as *Commendacio communis vite*. The index of the manuscript (now ms 675, Universitätsbibliothek Giessen) records the transcript as *Sermo recommendatorius communis vite et de diversis modis vivendi communi*.¹⁰³ In the context of an extensive treatise about Augustinian monasticism, Jordan devoted these chapters to the origins and development of communal life and of voluntary poverty, which he argued was intrinsic to community of property and to the original

⁹⁹ Th. Wetzstein, 'Jenseitsvorsorge im Spätmittelalter', 391, 393–394; Cf. for the *Collatio* see G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 68–71.

¹⁰⁰ Cf. Jean Gerson, *Conversi estis nunc ad pastorem*. Ed. Glorieux, vol. 5, 172: 'non aliter Ecclesia primitiva legem evangelicam cum canonica conjungebat quamvis evangelica ad Deum et canonica magis ad proximum ordinaret'; Jordanus van Quedlinburg, 'Ab exordio enim rationalis creaturae de iure naturali et divino omnia fuerunt communia omnibus', in: Jordani de Saxonia, *Ordinis Eremitarum S. Augustini, Liber Vitasfratrum*. Ed. R. Arbesmann, W. Hümpfner (New York 1943), 320: 18–19 (*Cassiciacum. Studies in St. Augustine and the Augustinian Order*, 1 (*American Series*)).

¹⁰¹ Gabriel Biel, *Collatio de vita communi*. Ed. Faix, 374: 'Evellatis carnis concupiscentias, destruat is fraudes diabolicas, disperdat is proprietates noxias, dissipet is presumptiones superbas, edificet is autem humilia, plantet is virtutum germina!'

¹⁰² For Jordans biography and the historiography on Jordan see E.L. Saak, *High Way to Heaven. The Augustinian Platform Between Reform and Reformation, 1292–1524* (Leiden 2002), *passim* (*Studies in Medieval and Reformation Thought* 89).

¹⁰³ Hs. Giessen 675, fol. 87r–96v; cf. G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 72, footnote 100–101.

condition of humanity. In this *status originalis rectitudinis* the *ius naturale et divinum* prevailed and there was as yet no need for the ordering of private property according to the *ius humanum* (I). In *caput* II, Jordan explained the eight *modi vivendi in communi* that arose over the centuries by tracing their origins to different ways of dealing with communal property. According to Jordan, the splitting up of ecclesiastical property into prebends (*septimus modus*) and private property of clerics (*octavus modus*) was the undoing of the ideal of the *communis possessio*. He presented Augustine as the *renovator vitae communis* in the subsequent four *capita*, because Augustine had written a Rule which, unlike other rules, derived its inspiration from the Acts of the Apostles (III, IV). Jordan argued that Augustine had done this because Acts regards the *communis possessio* as an unconditional precondition of communal life.¹⁰⁴

Jordan's writings probably prompted Biel to turn to Augustine for inspiration when he was developing his order of life.¹⁰⁵ Faix has correctly suggested that *caput* I is similar to certain passages in the *Collatio*.¹⁰⁶ Moreover, Biel followed Jordan precisely by mentioning that Augustine wrote three versions of his Rule: The *Regula Consensoria* was a provisional compendium for lay monks in the desert, which he later ascribed to Basil; he presumed that Augustine had written the *Regula secunda* while he was a priest and the *Regula tertia* when he had been made a bishop and had the *fratres* and *canonici* in mind.¹⁰⁷

¹⁰⁴ *Liber Vitasfratrum*, ed. R. Arbesmann, W. Hümpfner, III: 1-6; 320-340; cf. G. Faix: *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 72-79.

¹⁰⁵ G. Faix, *Gabriel Biel und die Brüder vom Gemeinsamen Leben*, 74.

¹⁰⁶ *ibidem*, 74; *Liber Vitasfratrum*, ed. R. Arbesmann, W. Hümpfner, III: 1-6; 324: 103-116: 'consequenter haec paupertas a Christi fidelibus in primitiva Ecclesia acceptata et observata... pretia ponebant ante pedes apostolorum... Et non dicatis aliquid proprium, sed sint vobis omnia communia'. Cf. Chapter III: 'Qualiter beatus Augustinus primus communionem apostolicam per regulam renovavit', and IV: 'Qualiter Regula sancti Augustini super actus apostolorum est fundata. Quia erant illis omnia communia, et distribuetur unicuique sicut cuique opus erat. Ecce quomodo fundata est haec Regula in Actibus Apostolorum'. (*Liber Vitasfratrum*, ed. R. Arbesmann, W. Hümpfner, 333-334).

¹⁰⁷ In general with the *Regula Prima* the *Regularis informatio* is meant (see note 114). Jordanus meant the *Ordo Monasterii*; with the *Regula Secunda* the *Ordo monasterii* is meant; with the *Regula Tertia* both the *Praeceptum* as the *Regula recepta* are referred to. L. Verheijen, *La règle de saint Augustin*. Paris, 1967. 2 vols. vol. 1: *La tradition manuscrite*; dl. 2: *Recherches historiques*. [diss.]. vol. 2, 7-16, esp. 14-16. Cf. *Liber vitasfratrum*, pars II, caput 14 (De regula sancti Augustini, qualiter fratribus nostri ordinis sit collata et de constitutionibus ordinis (*Liber Vitasfratrum*. Ed. R. Arbesmann, W. Hümpfner, 165-179, cf. lxxv-lxxxvi. Cf. However also G. Faix, *Die Brüder vom Gemeinsamen Leben*, 356, footnote 85.

In view of the fact that Biel transcribed some of Jordan's work, it is not impossible that he copied these sources directly from him.¹⁰⁸ The passages in which Biel described the history of communal life up to Augustine and the treatise on the Rules have the same *ductus* as Jordan's *pars* III, *caput* I, III and IV. Biel's thought about the communal life was thus informed by ideas stemming from the tradition of Augustinian hermits, and especially from the work of the Augustinian hermit Jordan of Saxony. Remarkably, while Biel was at pains to emphasise the canonical distinction between 'his' form of life and the religious state, he drew his inspiration for the organisation of life from the works of Jordan, which enjoyed great popularity during the Middle Ages. As an Augustinian hermit, Jordan was a member of one of the four mendicant orders, which were embedded in the canonical structures of the Church!

The dating of the *Tractatus* and the *Commendacio communis vite* shows that Biel must have completed the transcription of Jordan's work after he wrote his own *Tractatus*. However, it is quite possible that he had become acquainted with Jordan's writings before he started working on the *Tractatus*. Perhaps he realised in Butzbach that the passage from the *Liber Vitasfratrum* which he copied could serve as

¹⁰⁸ The relevant passages from the *glosa Nolo*, in: *Codex Iuris Canonici editio Lipsiensis Pars Prior Decretum Gratiani*. ed. A. Friedman (Leipzig 1879²), kol. 683; cf. G. Faix, *Die Brüder vom Gemeinsamen Leben*, 356 (footnote 87); Cf. Jordanus *Liber Vitasfratrum*. ed. R. Arbesmann, W. Hümpfner, 168: 105-111-169: 112-119: 'Propter hoc sciendum, quod, sicut notatur XII^a, q. 1^a, *Nolo*, Augustinus fecerat tres Constitutiones super proprietate clericorum. Prima fuit, quod clerici non possunt habere propria. Secundo, illa male servabatur; et quia plurimi erant transgressores illius, ideo revocavit eam. Tertio, de consensu clericorum suorum conformavit primam Constitutionem. De prima Constitutione sua loquitur in primo sermone De communi vita clericorum, qui incipit *Propter quod volui*, usque *Certe ego sum, qui statueram*. Et ibi loquitur de secunda Constitutione revocatorie primae, ut XII^a, q. 1^a, *Certe*. De tertia loquitur in secundo sermone De communi vita clericorum, qui incipit *Caritati vestrae*... Et omnes has tres complectitur Gratianus sub eodem capitulo *Nolo*...'. Biel summarizes the developments in the very same way as Jordanus: cf. Gabriel Biel, *De communi vita clericorum*, ed. Faix, 356: '...Est et per sanctum Augustinum iterum renovata et reservata, ut in eodem capitulo *Nolo* et capitulo sequenti, et in sermonibus suis de communi vita clericorum (*sermo* 355, 356, pvg) et in regula sua, (...) Et licet sanctus Augustinus istam constitutionem revocaverit adhuc vivens propterea, quia vidit multos transgressores eius et minus malum iudicaverit revocare preceptum, quam non obedientibus augere transgressionis peccatum. Postea tamen eam iterum conformavit pro clericis suis, qui secum vivebant et constitutioni huic voluntarie obediebant, nam non revocaverat eam ut malam, sed ne vergeret in maius discrimen et periculum eorum, quos contravenire videbant, ut videtur in *glosa Nolo* ut supra et eadem questio prima capitulo *Certe* etc. Fecit itaque sanctus Augustinus in ea revocatione non quidem, quod ipse voluit, sed quod eum inobedientia clericorum et contumacia facere coegit'.

an excellent continuation of his own tract. Jordan provided a Christological foundation for the community of property. He interpreted Christ's poverty as a 'paupertas perfectissima et nobilissima' (cf. *caput* I of the *Commendacio communis Vitae*). Jordan's historical treatise was also more exhaustive than Biel's in the *Tractatus*. Moreover, Jordan's contention that Augustine had rediscovered communal life was argued more persuasively. Biel traced the origins of his movement back to the spirit of Geert Grote, but then argued that Grote's life and work were important because they supported the ideal of the primitive Church, which itself came from Augustine.¹⁰⁹ Grote's significance was subordinate to that of Augustine and not vice versa. It is likely, therefore, that Biel turned to Jordan and the Augustinian tradition rather than to the Modern Devotion when he was developing his own order of life during and after his entry into a house of the brethren. Perhaps Jordan was important to Biel because he enjoyed general popularity in the Middle Ages and not because he belonged to the Order of Augustinian hermits. Nonetheless, his influence was such that Biel regarded his own *Tractatus* as connected with Jordan's *Commendacio communis vite*. This observation brings us to the last argument of this article. What was the significance of the Rule of Augustine according to Biel?

6.2 The canonical 'dismantling' of the Praeceptum

Biel had found confirmation in Gerson's writings that Augustine did not write his Rule exclusively for *monachos*. Both wanted to rid Augustine's *Regula* from their canonical connotations.¹¹⁰ The fact that

¹⁰⁹ Cf. Gabriel Biel, *De communi vita clericorum*, ed. Faix, 359-360. This piece follows a treatise where Biel after diverging on versions of the Rule of Augustine (see note 106) renders the developments of the fraternities in Italy, founded on this Rule, and the developments in Modern Devotion around Grote. Of Grote it is also explicitly said that he drew his inspiration from the works by Augustine. Gabriel Biel, *De communi vita clericorum*, ed. Faix, 359: 'Cum itaque non inveniret, ubi requiesceret pes eius, excogitato consilio una cum sibi adherentibus presbiteris et clericis communem vitam instituere decrevit et, quemadmodum de sancto Augustino legitur, *monasteriorum clericorum mox instituit et cepit vivere secundum regulam sub sanctis apostolis constitutam*'. By tailoring this quote from Possidius, *Vita S. Augustini Episcopi*, c. 5; *Patrologia Latina* 32, kol. 37) to Grote, he identifies Grote with the church father and legitimizes the foundation of semireligious ways of living, for he ascribes the foundation of a similar way of living also to Augustine.

¹¹⁰ Jean Gerson, *Contra conclusiones Matthei Grabow*, in: *Corpus* II, 223: 'Religio christiana non requirit ad perfectionem sui observationem tam in preceptis quam in consilijs, quod superaddatur alia religio quales dicuntur observationes institute per sanctos Basilium et Augustinum, etc. et quales Anselmus vocat religiones facticias, patet ex precedentibus'

there were different versions of the Rule convinced Biel that rules did not necessarily have to be definitive and unchangeable, but that they can be rewritten to take the possibilities and the limits of a community into account. As soon as a rule became a static entity used merely to obtain legal certainty, it became unable to avoid the pitfall of hubris. Biel believed that the religious state in the canonical sense implicitly embodied hubris because it claimed to be the sole *via perfectionis*.¹¹¹ Just as he had freed the concept of *ordo* of its exclusively canonical sense by quoting from *De civitate Dei*, he divested Augustine's Rule of its canonical implications, thus restoring its power as a moral guide and legitimising his own interpretation of the Rule. But what exactly did this interpretation amount to? Are his quotations from Augustine's *Praeceptum* and *De opere monachorum* in the *Tractatus de communi vita clericorum* merely ornamental, or do they truly reveal the influence of Augustine – an influence which precludes the possibility of any substantial indebtedness to the Modern Devotion? In order to discover the extent of Augustine's influence on Biel's *Tractatus de communi vita clericorum* it is necessary to examine some of the Church father's writings.

6.3 *The Praeceptum and De opere monachorum*

When Augustine returned from Italy in 388, where he had become acquainted with the monastic life and its rhythm of manual work, prayer and study, he established a community in his parental home in Thagaste (*Provincia Africa*). Having been elected to the priesthood in Hippo in 390, he founded a similar community there. L. Verheijen has demonstrated that Augustine completed the *Praeceptum* or Rule around 397. Verheijen has also established that the *Praeceptum* was a compendium and index to all of Augustine's works. The Rule's scope of words, thoughts and spirituality is not fully discovered until it is viewed in the context of Augustine's teaching in his other writings.¹¹²

¹¹¹ Cf. Gabriel Biel, *De communi vita clericorum*, ed. Faix, 356.

¹¹² 'Les idées n'y sont guère développées, bien au contraire, elles sont présentées de façon très concise (...) Pour les familiers de saint Augustin, la Regula a certainement été une sorte d'aide-mémoire renvoyant et faisant suite à un enseignement oral habituel', T. van Bavel, 'Parallèles, vocabulaire et citations bibliques de la "Regula sancti Augustini"', Contribution au problème de son authenticité', in: *Augustiniana* 9(1959), 12-77, quote 75; L. Verheijen, 'La Règle de saint Augustin comme prisme pour une lecture "orientée" de ses oeuvres', in: L. Verheijen, *Nouvelle approche de la Règle de saint Augustin. II. Chemin vers la vie heureuse* (Louvain 1988), 60-73

Alypius brought the *Praeceptum* back to Italy.¹¹³ The history of the manuscript shows that the tradition of the *Praeceptum* was linked to that of the *Ordo Monasterii* at least from the sixth century onwards. The latter was a Rule probably compiled by Alypius and authorised by Augustine and was based on Eastern rules. The two works were frequently copied together in Gaul, Spain and Italy and were included in collections of rules to serve as source material for the writing of other rules. Copies of the *Praeceptum* without the *Ordo monasterii* have survived from the ninth century onwards. Very often the *Praeceptum* was transcribed with the first lines of the *Ordo monasterii*: 'Ante omnia, fratres carissimi...', followed by the text of the *Praeceptum*. The *Praeceptum* was disseminated very rapidly, especially in Spain and Gaul. In Spain this happened because the female version of the *Praeceptum*, the *Regularis informatio*, was always transmitted together with a female version of the *Ordo monasterii*.¹¹⁴

The *Praeceptum* succinctly covered all aspects of the life of the community. The initial aim of this life was the unity of hearts and souls (*Praeceptum* 1.1; Acts 2: 42-47 and 4: 32-37). This unity was itself but the prelude to the final aim of communal life: to be moved by a longing for spiritual beauty, 'giving forth the good

(Institut Historique Augustinien Louvain). Parallel textual passages which deepen the insight into certain passages of the *Praeceptum* are for example found in *De opere monachorum* (on manual work and obedience to the *prepositus*), *Epistola* 210 and 48 (on the question whether monk should accept priestly duties), *Enarrationes in Psalmos* 131, 5 (*Corpus Christianorum* 40, 1913-1914 and *Enarrationes in Psalmos* 132, 2 and 5 (*ibidem*, 1927); *sermões* 355 and 356 (*De vita et moribus clericorum suorum*) (on communal goods). Cf also: L. Verheijen, 'Réflexions sur les identités augustiniennes 386, 397, 412, 426, "1215"', in: id., *Nouvelle approche de la Règle de saint Augustin*. II, 74-84, esp. 82-83. For Augustine's opinion on the early Christians: 41-43; see also: id., 'Spiritualité et vie monastique chez Saint Augustin. L'utilisation monastique des Actes des Apôtres 4, (31) 32-35 in: id., *Nouvelle Approche de la Règle de Saint Augustin* (Bégrolles en Mauges 1980), 75-105 (*Vie monastique* 8).

¹¹³ L. Verheijen, 'La Règle de saint Augustin', *L'état actuel des questions* (début 1975), in: *Augustiniana* 35(1985), 193-263.

¹¹⁴ The four different religious rules which in later times were ascribed to Augustine are delivered to us in nine different versions: four for men and five for women. See for the history of research on the *Regula Prima* (sometime named the *Regularis informatio*), the *Regula secunda* (*Ordo monasterii*) the *Regula tertia* (either *Praeceptum* or *Regula recepta*): L. Verheijen, *La Règle de saint Augustin. II Recherches Historiques* (Paris 1967), 7-85; id., 'La Règle de saint Augustin', *L'état actuel des questions*, 193-263, completed in: id., 'La Règle de saint Augustin. Complément bibliographique', in: *Nouvelle approche de la Règle de saint Augustin. II. Chemin vers la vie heureuse* (Louvain 1988), 394-400 (*Institut Historique Augustinien Louvain*).

odour of Christ in the holiness of your lives' (*Praeceptum* 8.1).¹¹⁵ Community members' dealings with each other were to be such as to make Christ's presence felt almost tangibly. Because perfection in communal life is related to perfection in the individual life of each member of the community, Augustine formulated seven *praecepta viuendi* that could contribute to establishing this unity. Community of property was the first condition for a unity of hearts.¹¹⁶ Other precepts concerned communal and individual prayer, the use of the refectory, reading during meals, leaving the house, personal hygiene, the young who have yet to reach adulthood, dealings with the opposite sex, fraternal correction, service to the community such as the washing of clothes and the lending of books, the asking and giving of forgiveness and relations between the *praepositus* and the other brothers (1: 2-8; 2: 1-4; 3: 1-5; 4: 1-11; 5: 1-11; 6: 1-4; 7: 1-4).¹¹⁷

Wanderprediger of the twelfth century defended the theory that the *Ordo monasterii* betrayed the strong hand of Augustine himself, and that the *Praeceptum* was the softer version of the canons (*canonici ordinis antiqui*). As a consequence, the regular canons (*canonici ordinis novi*) who developed out of these circles took their vows on the *Ordo monasterii*.¹¹⁸ All versions of Augustine's *Praeceptum* have deeply influenced communities, by providing them with legitimacy or inspiration or both.¹¹⁹ It is no surprise, therefore, that

¹¹⁵ 'Primum, propter quod in unum estis congregati, ut unanimes habitetis in domo et sit vobis anima una et cor unum in deum' (*Praeceptum*, ed. Verheijen, I, 417). English translation: Robert Russell, O.S.A. at <http://www.geocities.com/Athens/1534/ruleaug.html> [4 June 2008].

¹¹⁶ Cf. *Praeceptum*, ed. Verheijen, I, 417-419.

¹¹⁷ 'Donet dominus, ut obseruetis haec omnia cum dilectione, tamquam spiritualis pulchritudinis amatores et bono Christi odore de bona conuersatione flagrantés, non sicut serui sub lege, sed sicut liberi sub gratia constituti' (*Praeceptum*, ed. Verheijen, I, 437); Cf. L. Verheijen, 'Eléments d'un commentaire de la Règle de saint Augustin. Comme des amants de la beauté spirituelle. Dans Augustin évêque', in: L. Verheijen, *Nouvelle approche de la Règle de saint Augustin*. II, 117-165, esp. 122-126, 138, 140-149.

¹¹⁸ L. Verheijen, *La Règle de saint Augustin*. II. *Recherches Historiques* (Paris 1967), 7-85, esp. 19-20.

¹¹⁹ Cf. B. Meijns, 'Veelheid en verscheidenheid. De kanonikale instellingen in het graafschap Vlaanderen tot circa 1155', in: *Trajecta. Tijdschrift voor de geschiedenis van het katholieke leven in de Nederlanden* 9 (2000), 233-25, esp. 233-237. See also K. Elm, 'Vita regularis sine regula. Bedeutung, Rechtsstellung und Selbstverständnis des mittelalterlichen und frühneuzeitlichen Semireligiosentums', in: Fr. Šmahel (ed), *Häresie und vorzeitige Reformation im Spätmittelalter* (Wien-München 1998), 239-273 (*Schriften des Historischen Kollegs Kolloquien* 39).

the *Praeceptum* left a profound mark on Biel's *Tractatus de communi vita clericorum*. However, it is easier to detect direct quotations from *De opere monachorum* in the *Tractatus* because they are more numerous.

Augustine wrote *De opere monachorum* in 400 to challenge the Messalians or Euchytes. They were a group of monks who withdrew from manual work and intended to live only from the offerings of the faithful in deference to Matthew 6: 22-34, thus arousing the ire and concern of the Primate, Aurelius of Carthage (I,2; XXIII, 27-35). Augustine shared Aurelius' concerns as he felt the autonomy and credibility of all monks were at stake. He emphasised that manual work was an intrinsic part of monastic life, excepting only the sick and those engaged in preaching. He regularly quoted a verse from 2 Thessalonians 3: 10: 'quoniam si quis non vult operari, nec manducet' (II, 3 and *passim*). In the first part of *De opere monachorum*, Augustine vehemently disputed the theory that Paul only referred to only spiritual work in this passage. He presented evidence from Paul's writings and especially from his life to refute the assumption that manual work contravened the evangelical instruction to avoid worldly things and that it hindered the preaching of the gospel, which was a task given by Christ to the preachers (Prima pars, sectio prima and VIII, 9, *passim*). However, Augustine also admitted, with Paul, that it should be possible to adjust manual work to the circumstances and that charitable donations should be given to the servants of God as the Church of Jerusalem had done (XV, 16; XVI, 17, 18, 19). In the second part, he frequently used irony to stress that manual work could very easily be combined with spiritual activities and preaching in the lives of monks (XVII, 20; XVIII, 21; XXI, 25; XXII; cf. *Praeceptum* I, 5, 6).¹²⁰ The work of human hands was a way of earning one's livelihood, it strengthened humility and contributed to the common good (XXV, 32-33). Augustine believed that a form of life in which spiritual and manual work alternated sensitised its adherents to the essence and the activity of God: 'quia et hoc quod possumus, ejus munere possumus, et cum hinc vivimus, illo largiente vivimus, qui largitis est ut possimus' (XXXVII).

Biel must have felt attracted to the *Praeceptum* because Augustine gave his instructions about the life of the community with a view

¹²⁰ *De opere monachorum* is published by J. Zycha in the *Corpus Scriptorum Ecclesiasticorum Latinorum*. Wien 1877-..., vol. 41 (Wien, 1900), 529-596.

to revitalise the ideal (and, indeed, idealised) life of the first Christians of Jerusalem.¹²¹ The emphasis of *De opere monachorum* lay on the insight that inner harmony could be fostered by finding a balance between physical and spiritual labour. Although Biel regarded *De opere monachorum* as an important source of practical advice for communal life, it was nevertheless the *Praeceptum* which really determined the basic structure of his *Tractatus de communi vita clericorum*. Moreover, to discern this structure means to discern to ultimate aim of Biel's *Tractatus*.

6.4 *The Tractatus de communi vita clericorum in the light of Augustine's Praeceptum and De opere monachorum*

Our analysis of the apologetic writings of the Modern Devotion has demonstrated that Biel's *Tractatus* was not an apologia. Biel certainly took a stand against the prevailing view that the concept of *ordo* applied exclusively to the religious state. He argued that there were many different forms of life in the Church and that the Council of Constance had approved of non-monastic communal life. However, Biel's aim in writing the *Tractatus* was to write a work similar to Jordan of Quedlinburg's *Liber Vitasfratrum*. As has been seen, Jordan interspersed instructions about the organisation of the life of the community with historical observations about the history of the Augustinian Order to which he belonged.

When we regard Biel's *Tractatus de communi vita clericorum* in the light of Augustine's *Praeceptum*, it becomes obvious that it has the same basic structure, although we do not know which version of the *Praeceptum* Biel was acquainted with. But it is clear that his primary aim was to write a rule similar to Augustine's. Like Augustine in the *Praeceptum*, Biel stressed at the beginning of the *Tractatus* that community of property was the foundation of communal life. He included the entire Letter of St. Clement in order to support this assertion. And like Augustine in the *Praeceptum*, Biel subsequently provided specific instructions about the form of life to be adopted. These instructions were derived entirely from *De opere monachorum*. The similarities indicate that Biel's aim was to write a *Regula* and not an apologia or a historical treatise. The historical and apologetic passages of the *Tractatus* are merely asides.

¹²¹ Cf. T.J. van Bavel, 'Parallèles, vocabulaire et citations bibliques de la *Regula sancti Augustini*. Contribution au problème de son authenticité', in: *Augustiniana* 9(1959), 12-77: 'On sait que "De opere monachorum" renferme de nombreuses phrases dont le libellé est tout proche de celui de la Règle'; cf. L. Verheijen, *La Règle de saint Augustin*, II *Recherches historiques*, 187-193; L. Verheijen, *Nouvelle approche de la Règle de saint Augustin*. II. *Chemin vers la vie heureuse*, 178-193.

Like Augustine in the *Praeceptum*, Biel regarded the communal life of the first Christians as an orthopraxic ideal.¹²² Unlike Augustine, however, he addressed the developments described in Acts 4: 31-35 at length at the beginning of the *Tractatus*. Augustine was content merely to remind his readers of the importance of harmony of hearts and souls in the *Praeceptum* 1.1. Biel by contrast started by discussing the communion of all the faithful: 'Multitudinis autem credencium erat cor unum et anima una'. The fact that he quoted this passage from Acts integrally is significant, because he was attempting to situate the form of life he was proposing within the context of the communion of all the faithful. Moreover, he explicitly if subtly denied that Augustine's aim of the harmony of hearts and souls was attainable for religious only.

Biel's reading and interiorisation of Augustine's *Praeceptum* must have led him to recognise the nature of his own basic intention. L. Verheijen has contended that the *Praeceptum* has a profound fundamental structure, which is obscured somewhat by the fact that it is subdivided into twelve chapters. He has argued that a division into two parts is more appropriate:

'Une repartition qui se laisse guider par le déroulement même de la pensée arrive nécessairement à une division en deux parties: a) fondement de la vie religieuse augustinienne; b) aspects de la vie quotidienne de monastère, vus à la lumière de la première partie.'¹²³

The same structure can be discerned in the *Tractatus de communi vita clericorum*. Biel also used the image of the first Christian community in Jerusalem as his theme. He repeated Augustine's argument – and at great length – that community of property is a necessary condition for unity of hearts and souls. Biel regarded community

¹²² Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 347: 'Et sic accipiendo et applicando istum terminum (*ordo* understood in the sense of Augustine's definition in *De Civitate Dei* 19.3: '*ordo est parium dispariumque rerum sua cuique loca tribuens dispositio*', pvg) alicuius honeste et ordinate vite dicimus nos habere vel gerere ordinem apostolorum vel discipulorum Christi vel sancte primitive matris ecclesie, de cuius ordine vel modo vivendi scribetur Actus 4^o: *Multitudinis credentium erat cor unum et anima una* in Domino, *nec quisquam eorum de his, que possidebat, aliquid suum esse dicebat, sed erant illis omnia communia* (...) *vendentes afferebant precia eorum, que vendebant, et ponebant ante pedes apostolorum. Dividebatur autem singulis prout opus erat cuique*'.

¹²³ L. Verheijen, 'Théologie de la vie monastique de Saint Augustin, in: *Nouvelle Approche de la Règle de Saint Augustin*. I, 33-44, esp. 35; id., 'Spiritualité et vie monastique chez Saint Augustin. L'utilisation monastique des Actes des Apôtres 4, (31) 32-35 in: *ibidem*, 75-105.

of property as a guarantee for the preservation of peace and true freedom, which are lost through living in the world.¹²⁴ This negative appraisal of the world explains why Biel was more forthright than Augustine in recommending the *possessio communis*: 'Qui non renuntiaverit omnibus quae possidet, non potest meus esse discipulus'.¹²⁵ He mentioned Ananias as a warning. Both Augustine and Biel however believed that it was a condition for as well as a result of the virtue of *caritas* to be able to give up the desire for private possessions and live in community of property.¹²⁶

Like Augustine in the *Praeceptum*, Biel provided instructions for the communal life on the basis of community of property in the second part of the *Tractatus*. In this part of the tract, he followed the *Leitmotiv* formulated by Augustine in *De opere monachorum* that everything must be organised according to a fixed time, so that everything will take place without confusion and nothing will disturb the human mind.¹²⁷

Biel argued on the basis of quotations from *De opere monachorum* that a balanced life depended on a balanced daily rhythm. Just as Augustine had done, he mentioned Paul as a witness to this truth.¹²⁸ Biel's discussion of manual work, obedience, clothing and chastity was consistently based on passages from *De opere monachorum*.

Biel devised a schedule of time and activities in which inner balance was facilitated by alternating manual work and prayer. Again like Augustine in the *Praeceptum* and *De opere monachorum*, he described manual labour and thinking as complementary activities.

¹²⁴ Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 358, 'Docet etiam experientia quotidiana, quod multo quietius vivitur et expeditius servitur Deo a pluribus in unum habitantibus, si eis per unum dispensatorem de rebus necessariis providetur... Facit ad hoc Augustini regula (cf. *Praeceptum*, 1.3. and 5, pvg) ...'.

¹²⁵ Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Werbeck, 143 (Luc. 14: 33).

¹²⁶ *Praeceptum*, ed. Verheijen, II, 429-430: 153-156: 'Ita sane, ut nullus sibi aliquid operetur, sed omnia opera uestra in commune fiant (...) Caritas enim, de qua scriptum est quod "non quaerat quae sua sunt", sic intellegitur, quia communia propriis, non propria communibus anteponit'.

¹²⁷ Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Werbeck, 149: 'Commendat hoc Augustinus in memorato libro De opere monachorum ita dicens: Ista "optima gubernatio est, ut omnia suis temporibus distributa gerantur ex ordine, ne animum humanum turbulentis implicationibus involuta perturbent'.

¹²⁸ Cf. Gabriel Biel, *De communi vita clericorum*, ed. Faix, 364: 'Testem, inquit (=Augustinus, pvg), invoco Deum super animam meam, et quantum attinet ad meum commodum, multo mallet per singulos dies certis horis, quantum in bene moderatis monasteriis constitutum est, aliquid manibus operari et ceteras horas habere ad legendum et orandum, dum et aliquid de divinis litteris agendum liberas, quam tumultuosas perplexitates causarum alienarum pati de negociis secularibus' etc.' (= *De opere monachorum*, 29.37).

Like Augustine, he emphasised that contemplation and prayer could occur during manual work or during the activity of writing.¹²⁹ Biel allowed Augustine to speak for himself on this issue. No less than six per cent of the *Tractatus* was taken up by a passage from *De opere monachorum*, in which Augustine recommended the *contemplatio in actione* as a real possibility:

‘Cantica vero divina cantare, etiam manibus operantes facile possunt, et ipsum laborem tamquam divino celeumate consolari. An ignoramus, omnes opifices in quibus vanitatibus et plerumque etiam turpitudinibus theatricarum fabularum donent corda et linguas suas, cum manus ab opere non recedant? Quid ergo impedit servum Dei manibus operantem in lege Domini meditari (Ps 1, 2), et psallere nomini Domini Altissimi (Ps 12, 6).¹³⁰

At the end of *De opere monachorum* and the *Praeceptum*, Augustine wrote that there is a connection between the way the life of the community is ordered and man’s openness to the grace of God. Especially in the *Praeceptum*, he presented community life as an excellent way of becoming attuned to the person of Christ. The *Tractatus* omitted this Christological dimension of freedom. Biel ‘merely’ stated that he believed human freedom would emerge when people refrained from taking vows, and he followed Augustine in arguing that community of property and a harmonious daily rhythm also gave rise to freedom.

This short description of the similarities between Augustine’s *Praeceptum* and *De opere monachorum* on the one hand and Biel’s *Tractatus* on the other suggests that Biel greatly respected Augustine’s orthopraxic writings. He must have held *De opere monachorum* close at hand when he was working on his own tract. It is also remarkable that the structure of the *Tractatus* clearly reflects the bipartite structure which L. Verheijen has observed in the *Praeceptum*. The historical and apologetic passages are anchored in this

¹²⁹ Gabriel Biel, *Tractatus de communi vita clericorum*, ed. Faix, 365: ‘...Quid ergo impedit servum Dei manibus operantem in lege Dei meditari die ac nocte?’ (= *De opere monachorum* 17.20). That Biel was influenced by Augustine and not by the literature of the Modern Devotion as far as work is concerned is also seen in the comparison with a similar passage in the work of Florens Radewijns’ *Tractatulus devotus*, in: L.A.M. Goossens, *De meditatie in de eerste tijd van de moderne devotie*, 213-254: ‘Nec etiam labor manuum impedit sanctas meditationes, ymmo ad eas habendas multum iuvat...’. Where Florens paraphrases the core, Biel is quoting literally.

¹³⁰ *De opere monachorum*, ed. J. Zycha, 17. 20; cf. G. Biel, *Tractatus de communi vita clericorum*, ed. Faix, 356.

structure which was derived from Augustine's Rule. This structure served as Biel's model. In view of the dating of the tract and the fact that the *Tractatus* cannot be classified as an apologia, it is a mistake to regard the historical and apologetic passages of the *Tractatus* as its core.

7. Epilogue. Gabriel Biel: *Alter Augustinus*?

Contemporaries referred to Gabriel Biel as the last of the Scholastics and his systematic commentary on the Sentences of Peter Lombard, which he wrote while professor of the *via moderna* at the recently founded university of Tübingen, greatly influenced Luther and Melancthon. The Fathers of the Council of Trent also referred to his theological writings.¹³¹ Biel himself wrote that, as a Scholastic theologian, he regarded Ockham as his model.¹³²

It is more difficult to discern who was Biel's model as an adherent of the Modern Devotion, or, more appropriately, as a priest seeking a Christian form of life for himself and for others. D. Metz has assumed correctly that Biel 'durch die spirituelle Kraft der Devotio Moderna alte Strukturen (...) mit einem neuen Geist erfüllt und die bisher eher neben der Kirche laufenden Bewegung als Instrument für die Kirchenreform entdeckt'.¹³³ However, this conclusion also lacks a certain depth.

Oberman has observed that 'Die Charakteristika dieser Bewegung [the Modern Devotion] verschieben sich nach Zeit und Ort und sind somit nicht leicht in einem "Programm" zu fassen'.¹³⁴ Biel certainly contributed to this diversity with his *Tractatus*. The form of life which he presented to the brethren in Southern Germany in his *Tractatus de communi vita clericorum* differed significantly from that defended by the brethren of the Common Life in the Northern

¹³¹ Especially the *Sacri canonis Missae expositio resolutissima literalis et mystica* and his *Collectorium sive epitome in magistri sententiarum libros IV* were quoted.

¹³² Cf. W. Bayerer, *Gabriel Biel Gratiarum Actio*, 33; W. Werbeck, 'Gabriel Biel als spätmittelalterlicher Theologe', in: U. Köpf, S. Lorenz (ed.), *Gabriel Biel und die Brüder vom gemeinsamen Leben. Beiträge aus Anlaß des 500. Todestages des Tübinger Theologen* (Stuttgart 1998), 25-34, esp. 26-27 (*Contubernium. Tübinger Beiträge zur Universitäts- und Wissenschaftsgeschichte* 47).

¹³³ Cf. D. Metz, *Gabriel Biel und die Mystik* (Stuttgart 2001), 63 (*Contubernium. Tübinger Beiträge zur Universitäts- und Wissenschaftsgeschichte* 55).

¹³⁴ H.A. Oberman, *Werden und Wertung der Reformation. Vom Wegestreit zum Glaubenskampf*, 57.

Netherlands, or from that attempted by Peter of Dieburg in Northern Germany. In canonical terms, Biel advocated the status of 'canons of the Common Life'. His form of life was based on the *Regula S. Augustini*.

Our analysis of the *Tractatus de communi vita clericorum* has revealed to what extent Biel was influenced by the Rule of St. Augustine. Scholars have traditionally regarded the tract as important material evidence that Biel was a follower of the Modern Devotion. It is certainly true that Biel found much that was interesting, enthusing and motivating in the history of the Modern Devotion. But the spirituality of the Modern Devotion was not the primary source of his thinking about communal life, which was his main concern when writing the *Tractatus de communi vita clericorum*. His inspiration for it came mostly from Augustinian writings and from Augustine's orthopraxic works. Biel's *ordo vitae* is 'Augustinian' rather than inspired by the life and work of Geert Grote.

Dating and structure of the tract suggest that it *cannot* be classified as an apologia for the way of life practiced by the Modern Devotion. Biel was at a time of personal decision when he wrote the *Tractatus* and the brethren houses of Marienthal and Butzbach had little to fear from ecclesiastical or secular authorities. The dating therefore suggests that Biel intended to make a proposal to his future brethren about an order of life. If the brethren decided to adopt the rule embodied in the *Tractatus*, they would be making a choice for him, and he would decide to join them.

Both the dating of the *Tractatus* and Biel's development reveal a remarkable parallel with the life of Augustine. The form of life which Biel advocated by way of preparation for his entry in Butzbach bears many similarities to that pursued by Augustine and his community in Thagaste. The Thagaste community was not a monastic foundation in the strict sense of the word. 'Seine mit ihm dort versammelten Freunde legten keine Gelübde ab, stets in der Klostersgemeinschaft zu verweilen, noch gelobten sie ihm Gehorsam. Auch handelte es sich dort immer noch um einen ausgewählten Freundeskreis, der durch ein gewisses Bildungsniveau gekennzeichnet war.'¹³⁵ Biel may well have been acquainted with the nature of the community in Thagaste and this is likely to have

¹³⁵ I. Hadot, 'Amicitia', in: C. Mayer (ed.), *Augustinuslexikon*. Basel, 1986-..... vol. 1, 287-293, esp. 291; cf. I. Crusius, 'Gabriel Biel und die oberdeutschen Stifte der devotio moderna', on the institutionalised friendships in Butzbach.

led him to a closer study of works such as the *Praeceptum* and *De opere monachorum*. Biel also stated explicitly that Augustine did not write his rule for monks but for clerics.¹³⁶ Moreover, he included a discussion of these early developments in North Africa in the *Tractatus*.¹³⁷

In any event, when considering the different layers of the *Tractatus*, it is evident that as a future *Fraterherr*, Biel drew inspiration from the spiritual writings of Geert Grote and of younger authors from the Modern Devotion. However, he appears to have studied these sources almost cursorily, even perfunctorily, compared to the writings from the Augustinian tradition. Clearly, Biel regarded the Modern Devotion as a credible reform movement. He described the beginning of the Modern Devotion as an example and showed how it was rooted in the history of the Church. Some of the accusations countenanced by adherents of the Modern Devotion in their struggle for survival are addressed in Biel's *Tractatus*. Compared to Augustine's *Praeceptum*, however, the apologias of the Modern Devotion served merely as a collection of quotations. Biel made much use of it to prove that the semi-religious state was a legitimate form of life in the Church. The Modern Devotion was also useful for him because it enabled him to use the canonical state as a 'cover' for his own proposal. But these ideas from the apologetic literature of the Modern Devotion only served the purpose of supporting the legal and technical part of the *Tractatus de communi vita clericorum*. They remained at the surface level of the text and did not form the essence of the tract.

Biel adopted arguments for the legitimacy of his form of life from the apologetic literature of the Modern Devotion, but he derived his inspiration from the Augustinian tradition. This is evident in the way he dealt with Jordan of Quedlinburg's *Liber Vitasfratrum*. In the historical part of his tract, Biel imitated Jordan's practice of combining reflections on the history of the order with observations on the way the evangelical counsels had influenced the daily rhythm in Augustinian communities and their way of dealing with authority. The fact that Biel copied a part of the *Vitasfratrum* is another indication of his interest in Jordan. In his search for a suitable order of life, Biel primarily consulted works dealing with the charism of communal life from the Augustinian tradition.

¹³⁶ *Tractatus de communi vita clericorum*, ed. Werbeck, 144: 'Est [vita communis, pvg] et per sanctum Augustinum iterum renovate et reservata ut in eodem capitulo Nolo et capitulo sequenti, et in sermonibus suis de communi vita clericorum et in regula sua, quam praesumitur adversus clericos scripsisse et non ad monachos, licet postea a multis religiosis assumpta sit'.

¹³⁷ *Tractatus de communi vita clericorum*, ed. Werbeck, 144.

The basic structure of the *Tractatus* suggests that Biel intended to write a Rule that was 'Augustinian', and not a work inspired by the Modern Devotion or an apologia. In view of this basic structure, it is clear that Biel wanted to write a Rule for himself and his future brethren. Its structure is essentially derived from that of Augustine's *Praeceptum*. After explaining the initial aim of the order of life and of the community (unity of hearts and souls) and discussing at length an indispensable condition for achieving it (community of property), Biel gave instructions on how to order the day and shape mutual relations. L. Verheijen has established that the same structure can be observed in the *Praeceptum*. Moreover, Biel derived many of these instructions directly from Augustine's *De opere monachorum*.

Several scholars have argued that Biel interpreted quotations from Augustine in a sense contrary to their actual meaning in his academic work. In his spiritual writings, however, Biel appears to have understood the Church father very well indeed.¹³⁸ Augustine's influence on Biel was immense, not only in this instance, but also in others. His exegesis of the Our Father in the *Canonis Missae expositio* is another case in point.¹³⁹

We may conclude that Gabriel Biel had recourse to the history of the Modern Devotion to enthuse his readership and to establish a connection with a reform movement. He made use of the apologetic tradition of the Modern Devotion to legitimise his own proposed form of life. But while the Modern Devotion legitimised and enthused, Augustine and his order inspired. Biel's debt to Augustine and to the Augustinian heritage much exceeds his debt to the literature of the Modern Devotion. He integrated the wisdom of the Modern Devotion into the wisdom of Augustine, but it was the latter which essentially determined the shape of his own thoughts.

It would be an exaggeration to say that Biel intended to become an *alter Augustinus* for his brethren. He turned to Augustine to be inspired by the forms of spiritual life that existed in the first centuries of Christianity. Biel's interest in the first Christians stemmed from his conviction that the structures of the primitive Church were as yet

¹³⁸ M. Schulze, 'Marsilius von Inghen und die vorreformatorische Theologie: Augustinrezeption, Willensfreiheit und Gnadenlehre', in: M.J.F.M. Hoenen, P.J.J.M. Bakker (ed.), *Philosophie und Theologie des ausgehenden Mittelalters. Marsilius von Inghen und das Denken seiner Zeit* (Leiden-Boston-Köln 2000), 67-87.

¹³⁹ Cf. P. van Geest, 'Aquinas or Augustine? On the sources of Gabriel Biels *Canonis Missae Expositio*', in: *Zeitschrift für Antikes Christentum/Journal of Ancient Christianity* 11(2007), 73-95.

unsullied by a clerical or canonical character. According to Biel, Augustine had been the creator *par excellence* of these structures.

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