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Andrew of Langenstein (ca 1362-1399†) and His Question on Human Freedom from a *Disputatio Aularis*

Chris SCHABEL

As far as we know, the question *Utrum esse liberum contradictorie sit essentielle rationali creature*, attributed to *Magister Andreas*, is the only surviving writing or oral report from Andrew of Langenstein, nephew of the famous Henry of Langenstein.¹ This text also offers a succinct overview of the distinctions between various types of freedom that had developed over the course of the previous two centuries at the universities, just the kind of summary an eager note-taking student would want to have for future use.

A Short Biography

The first record of Andrew's life is dated 1382, when, perhaps during Lent as normal, as a member of the English-German Nation at the University of Paris, *dominus Andreas de Langensteyn de Hassia* determined, along with two others, as bachelor of arts under Master Stanislas of Poland.² Andrew was among a group of 28 who determined under the proctorship of Petrus de Catwiic, who was elected on 10 February. The *dominus* need not detain us, since everyone else who determined at that time was also given that title. The fact that Andrew claimed to be poor and paid nothing, on the other hand, is unusual, since of the group of 28 who determined at the time only Andrew and Johannes Inghemari de Swecia pled poverty, although on 25 February several of the candidates asked to be able to leave something in security and pay their fee within three months, an option that ten candidates eventually chose.³

Determination was a stage on the way to becoming a master of arts, but it is not always clear how long it took between determination and inception as master. In the volume in which the above information is contained, Denifle and Chatelain later state in a footnote that a few years afterward the English-German Nation was devoid of masters, since many left in 1382 because of problems connected to the papal Schism, when France aligned with Clement VII in Avignon and most German princes remained with Urban VI in Rome. In their list of ten examples of departing masters, Denifle and Chatelain mention in third place *Andreas de Langenstein*, in the company of *Gerardus de Kalkar* and *Paulus de Gelria*.⁴ There does not appear to be any documentary evidence that Andrew became master at Paris before leaving, probably with his uncle Henry in October 1382.

¹ In his last will and testament, Henry refers to Andrew as “nepoti meo, magistro Andree”; see the edition of the will in G. KREUZER, *Heinrich von Langenstein. Studien zur Biographie und zu den Schismatraktaten unter besonderer Berücksichtigung der Epistola pacis und der Epistola concilii pacis* (Quellen und Forschungen aus dem Gebiet der Geschichte, 6), Paderborn 1987, pp. 246-249, at 247, l. 45.

² *Auctarium Chartularii Universitatis Parisiensis. Tomus I: Liber procuratorum nationis Anglicanae (Alemanniae) in Universitate Parisiensi. Tomus I: An anno MCCCXXXIII usque ad annum MCCCXVI*, ed. H. DENIFLE, O.P., and A. CHATELAIN, Paris 1894, col. 617, ll. 27-29: “Item determinavit dominus Andreas de Langensteyn de Hassia sub magistro Stennislao de Polonia, cujus bursa nichil, quia juravit statutum <povertatis>.” For Andrew's life, I have begun with the 1932 dissertation of Hermann Göhler, published posthumously as *Das Wiener Kollegiat-, nachmals Domkapitel zu Sankt Stephan in Wien 1365-1554*, ed. J. SEIDL, A. ENDE, and J. WEIBENSTEINER, Vienna-Cologne-Weimar 2015, pp. 202-203, no. 71, and the online biography by Ulrike Denk: <https://geschichte.univie.ac.at/en/persons/andreas-von-langenstein-mag-art>. (last access: 30.01.2021).

³ *ACUP*, cols. 615-617.

⁴ *ACUP*, col. 659, n. 5.

Nevertheless, the phrasing of the record of his matriculation at Vienna along with his brother Paul, dated 13 October 1385, suggests that he was just beginning his tenure there already as a master of arts in 1385, the first year of normal arts classes at the newly reformed university: “Master *Andreas de Langensteyn*, relative of Master *H. de Hassia*, *Paulus de Langensteyn*, his brother.”⁵

It was no coincidence that the Langensteins arrived in Vienna in time to play an important role in the development of the University of Vienna. The university was originally founded in 1365 by Duke Rudolf IV who, as we shall see, also made the first move in the process of creating the diocese of Vienna. Pope Urban V approved neither the university nor the diocese, but the papal Schism provided an opportunity for Rudolf’s son Duke Albert III to pressure Pope Urban VI for full recognition of the university. The main academic involved in this effort on behalf of Duke Albert was Henry of Langenstein, master of theology, who placed his nephew Andrew in a privileged position in the revitalized Faculty of Arts.

The surviving Acts of the Faculty of Arts begin on 14 April 1385 with the election of Stephan of Großenzersdorf as rector.⁶ On 22 April, Henry of Langenstein advised a committee consisting of at least two masters of arts, the dean, and the chancellor concerning a way to license masters in arts.⁷ In May the examination was carried out, with Henry himself conducting the licensing on 31 May in the name of the chancellor.⁸ In the list of the 65 masters of arts at Vienna according to seniority drawn up on 13 September 1385 before the start of the first regular academic year, *Magister Andreas de Hassia* is ranked number 15.⁹ Those who ranked 4 and 7 had already served as rector with the rank of master. Those already referred to explicitly as masters in the *Acta* before 31 May were ranked 2, 5, 6, and 14, although when number 14, *Magister Iohannes de Bremis*, is mentioned, it is followed by *etc.*¹⁰ Strictly speaking it is thus possible that Andrew was the first master of arts licensed at Vienna, but this is highly unlikely, especially when his fellow migrant from Paris, Paul of Geldern (*de Gelria*), was ranked number 12.¹¹ It is thus probable that Andrew had indeed become master of arts at Paris and was an original member of the newly recognized Faculty of Arts. Given that one could not teach in arts at Paris before one’s 21st year,¹² if Andrew did not waste time, we can fix his date of birth in 1362 or shortly before.

Andrew as Administrator

With the establishment of the university in 1384, on the advice of Henry of Langenstein Duke Albert also founded the *Collegium Ducale*, with an endowment for two resident masters of theology with salaries of 115 Viennese pounds each and for

⁵ *Die Matrikel der Universität Wien. Bd. 1: 1377-1450*, ed. F. GALL et al. (Quellen zur Geschichte der Universität Wien, 1), Graz-Cologne 1956, p. 19, l. 33: “Mag. Andreas de Langensteyn, cognatus magistri H. de Hassia, Paulus de Langensteyn frater eius.”

⁶ *Acta Facultatis Artium Universitatis Vindobonensis 1385-1416*, ed. P. UIBLEIN (Publikationen des Instituts für Österreichische Geschichtsforschung. Reihe 6, 2), Graz 1968, p. 1, l. 2-5. See Andrei Marinca’s paper in this volume.

⁷ *AFAUV*, pp. 2, l. 35-3, l. 5.

⁸ *AFAUV*, p. 3, ll. 16-33.

⁹ *AFAUV*, pp. 4-5, esp. p. 4, l. 29.

¹⁰ *AFAUV*, pp. 1, l. 10; 2, ll. 35-36; 4.

¹¹ *AFAUV*, p. 4, l. 26.

¹² *Chartularium Universitatis Parisiensis. Tomus I. Ab anno MCC usque ad annum MCCLXXXVI*, ed. DENIFLE, CHATELAIN, Paris 1889, p. 78, no. 20.

twelve masters of arts paid 20 pounds each. When he drew up the college's statutes in April 1385, Henry of Langenstein listed himself and Henry Totting of Oyta as the first theologians and named eight others of the original twelve masters of arts at the college. Other sources reveal that Andrew of Langenstein was among the other four arts masters benefiting from a salary at the *Collegium Ducale*.¹³

Andrew of Langenstein was thus a member of a small elite group in the Faculty of Arts, from which group came most of the leaders of the faculty in the years to come and many of the rectors. Andrew's career in the Faculty of Arts at Vienna was therefore illustrious. Already on 8 December 1385, during the first normal term, *Andreas de Hassia* was chosen with three others to examine the bachelors,¹⁴ a function he was selected again to fulfill on 21 March 1389, this time explicitly reflecting the division of the faculty into nations, with *Magister Andreas de natione Renensium*, i.e., the Rhenish Nation, the other three being the Austrians, the Hungarians, and the Saxons.¹⁵ On 19 February 1391, Master *Andreas Langenstain* would again be picked as examiner representing the Rhenish nation,¹⁶ and this was repeated for *Magister Andreas de natione Rynensium* on 10 December 1391,¹⁷ for *Magister Andreas de Langensteyn* on 12 May 1392,¹⁸ and for *Magister Andreas de Langenstain* on 2 March 1393.¹⁹

On 24 February 1387, *Andreas de Hassia* was among the first group of masters called upon to swear to abide by new statutes regarding obedience to the dean of the faculty, keeping the secrets of the faculty, and promoting the good of the faculty.²⁰ It was not long before *Magister Andreas de Hassya* or *Magister Andreas de Langinsteyn* himself took his turn as the tenth dean of the new version of the faculty, elected on 12 October 1389 for a six-month term.²¹ Under the dean were a receptor of the faculty and representatives of the four nations, who took their oaths either on that day or on the date of the next meeting a month later, 12 November. The first item of business on 12 October was an

¹³ J. VON ASCHBACH, *Geschichte der Wiener Universität im ersten Jahrhunderte ihres Bestehens*, Vienna 1865, pp. 41-42; W. E. WAGNER, *Universitätsstift und Kollegium in Prag, Wien und Heidelberg. Eine vergleichende Untersuchung spätmittelalterlicher Stiftungen im Spannungsfeld von Herrschaft und Genossenschaft* (Europa im Mittelalter. Abhandlungen und Beiträge zur historischen Komparatistik, 2), Berlin 1999, p. 118, n. 7 and pp. 371-379; K. UBL, "La fondation du Collège ducal en 1384 et l'essor de l'Université de Vienne au début du XV^e siècle," in *Die universitären Kollegien im Europa des Mittelalters und der Renaissance*, ed. A. SOHN and J. VERGER (Aufbrüche, 2), Bochum 2011, pp. 174-185, esp. p. 179. The eight arts masters named correspond to numbers 4-6, 8-9, 12, and 14 on the seniority list of later in 1385, while the other four are numbers 15-17 plus another not listed, Henry Odendorf, perhaps because he soon moved to the Faculty of Law and thence to Cologne. The first artist mentioned on the Collegium Ducale list is Gerhard of Kalkar, bachelor *formatus* in theology at Paris, who is not on the seniority list, so perhaps he had become master of theology at Vienna in the late spring or summer of 1385, moving to Cologne in 1388: W. J. COURTENAY, "Theological Bachelors at Paris on the Eve of the Papal Schism. The Academic Environment of Peter of Candia," in *Philosophy and theology in the Long Middle Ages: A Tribute to Stephen F. Brown*, ed. K. EMERY, JR., R. L. FRIEDMAN, A. SPEER, M. MAURIÈGE (Studien und Texte zur Geistesgeschichte des Mittelalters, 105), Leiden 2011, pp. 921-952, at p. 949. The top three masters of arts on the seniority list were not members of the *Collegium Ducale*, probably because the first was a bishop, the second had a benefice in St Stephan's, and the third was older and well established.

¹⁴ *AFAUV*, p. 7, l. 4.

¹⁵ *AFAUV*, p. 30, l. 7.

¹⁶ *AFAUV*, p. 63, ll. 33-34.

¹⁷ *AFAUV*, p. 71, l. 3.

¹⁸ *AFAUV*, p. 74, l. 27; cf. p. 75, l. 9.

¹⁹ *AFAUV*, p. 88, l. 20.

²⁰ *AFAUV*, p. 14, l. 18.

²¹ *AFAUV*, p. 40, ll. 8-12.

article sent to Andrew on a *cedula* by the previous dean regarding the quodlibetal debates in the Faculty of Arts.²² Since the faculty was still young, aside from overseeing the day-to-day business in arts, Dean Andrew was responsible for supervising decisions that would be remembered for at least two decades after the election of his successor on 14 April 1390,²³ although Andrew's specific role as dean was not complete until his accounts were approved by the faculty on 8 May.²⁴

Magister Andreas later served as one of the dean's four assistants, elected on 10 April 1392 to represent the Rhenish Nation.²⁵ In the spring of 1393, on 14 April, Andrew rose even higher in the administration of the University of Vienna with his election as rector, the leader of the university to be succeeded by his uncle Henry on 13 October.²⁶ Yet as a senior member of the Faculty of Arts Andrew was involved in important university business throughout his career, not only when he was dean or rector or held some other office. The *Acta* record such assignments for 1392, 1393, 1394, 1395, 1396, 1397,²⁷ and finally on 4 January 1398,²⁸ ending, it seems, with the completion of his lectures on the *Sentences*, unless he was overtaken by illness. Andrew seems to have carried out his duties willingly in every instance except one: on 24 March 1394 he was among four masters elected to deliberate the faculty's next move in an affair involving the chancellor,²⁹ but Andrew refused, with the dean presenting his excuse to the faculty on 4 April, because Andrew was away from Vienna. In this case, however, the faculty rejected his refusal.³⁰ In this way, Andrew was involved with politics involving the reformation of the statutes of the Faculty of Arts, the duke of Austria, Pope Boniface IX in Rome, and discussion with the University of Paris about how to end the papal Schism.

Andrew as Teacher

The *Acta* of the Faculty of Arts provide us with some details about Andrew's teaching activities. Every year before the fall term began the faculty had to decide who would teach what. At first this was probably on an *ad hoc* basis, and on 22 September 1387 the faculty attempted to decide on another way, but the members could not agree on a method,³¹ so the following week, on 29 September, a committee was chosen to come up with a system.³² On 12 October the committee reported that they had determined that for the present year, 1387-1388, the dean would distribute the books to be read, and the faculty accepted for that year alone.³³ Presumably this method was followed in 1388-1389 as well, but on 28 August 1389 a new method was concocted for the next year, 1389-1390: the titles of the books to be read would be written on small slips of paper, one or more depending on the size of the books, and folded, such that the number of such slips would

²² *AFAUV*, p. 40.

²³ *AFAUV*, pp. 40-47; p. 242, ll. 34-35; p. 273, l. 7; p. 274, l. 26; p. 325, l. 2; p. 329, l. 27; p. 337, l. 14; p. 340, l. 9; p. 342, l. 13.

²⁴ *AFAUV*, p. 49, l. 11.

²⁵ *AFAUV*, p. 73, l. 12.

²⁶ *Aschbach*, pp. 143-144; *AFAUV*, pp. 92, l. 30, 95, l. 3.

²⁷ *AFAUV*, pp. 72, l. 25; p. 73, ll. 32, 40; p. 75, ll. 29-30; p. 76, l. 22; p. 78, ll. 5-6, 14; p. 84, ll. 26-27; p. 85, l. 21; p. 89, ll. 14, 40; p. 90, l. 4; p. 92, l. 30; p. 101, l. 28; p. 102, l. 31; p. 110, l. 10; p. 125, l. 13; p. 129, l. 35; p. 132, ll. 4-5; p. 156, l. 1; p. 158, l. 13.

²⁸ *AFAUV*, p. 158, l. 17.

²⁹ *AFAUV*, p. 102, ll. 25-33.

³⁰ *AFAUV*, p. 103, ll. 10-13.

³¹ *AFAUV*, p. 19, ll. 8-9.

³² *AFAUV*, p. 19, ll. 14-21.

³³ *AFAUV*, pp. 19, l. 38-20, l. 6.

equal the number of masters wishing to reign in arts that year; the slips would be mixed up and put into a mitre; and each master would close his eyes and pick a slip, with the mitre going around the room to the seated masters.³⁴ On 1 September, St Giles' day, which would become the traditional date for assigning the lectures, the method was accepted.³⁵ Rather quickly it became apparent that the system was not ideal, however, so before the semester began the faculty decided that masters who did not like the book or books that they had drawn from the mitre could trade with another master, but in that case they had to read that book or those books or else resign from the faculty.³⁶ Even this did not work, and the following year, on 28 August 1390, it was decided that the masters would simply choose what they wanted to teach, specifying that anyone who chose Aristotle could not simply explain the text chapter by chapter, but would have to add questions as well.³⁷

The first time that the masters and their books are listed is 1 September of that year, 1390. Judging from the list of master and books chosen, the decision was made based on seniority, since the list follows closely the catalogue of masters according to seniority compiled on 13 September 1385.³⁸ Two items of note: first, what the faculty wanted to avoid occurred, and various masters chose the same books. For example, three or four masters opted to teach the *Physics*, including the well-known Thomas of Cleves and John Berward,³⁹ both discussed in this present volume. Then they went on to decide when the masters would teach, another controversial issue familiar to anyone who has taught at a university.⁴⁰

Perhaps because he had recently completed his term as dean of the faculty, Andrew is not listed as teaching the 1390-1391 academic year, but such instruction was obviously not compulsory, given the large number of masters. He no doubt had taught earlier, but specific records for teaching are not available before 1390. Given the overlapping of the previous year, it is no surprise that on 27 August 1391 the faculty decided that the choice would be done by lot again, perhaps from a mitre, and no trading was permissible.⁴¹ On 1 September 1391, the same day that the faculty decided that it was the turn of *Magister Andreas* to hold a quodlibetal disputation,⁴² *Magister Andreas de Langenstayn* drew by lot Aristotle's *Ethics* for the 1391-1392 academic year.⁴³ This time no two masters taught the same text.⁴⁴ The same method was adopted the following year on 28 August 1392,⁴⁵ and on 1 September 1392, *Master Andreas de Langenstayn* drew *De generatione*.⁴⁶ The system apparently worked, and so on 31 August 1393 it was chosen again,⁴⁷ and on 1 September 1393, *Magister Andreas, pro tunc rector universitatis*, took no rest from his administrative load and drew *De anima*.⁴⁸ This method of deciding on the texts was

³⁴ *AFAUV*, p. 38, ll. 32-42.

³⁵ *AFAUV*, p. 39, ll. 1-5.

³⁶ *AFAUV*, pp. 39, l. 37-40, l. 6.

³⁷ *AFAUV*, p. 53, ll. 28-34.

³⁸ *AFAUV*, pp. 4-5.

³⁹ *AFAUV*, pp. 53, l. 38-54, l. 24.

⁴⁰ *AFAUV*, p. 54, ll. 25-29.

⁴¹ *AFAUV*, p. 68, ll. 14-20.

⁴² *AFAUV*, p. 68, l. 24.

⁴³ *AFAUV*, p. 68, l. 34.

⁴⁴ *AFAUV*, pp. 68, l. 26-69, l. 3.

⁴⁵ *AFAUV*, pp. 77, l. 40-78, l. 3.

⁴⁶ *AFAUV*, p. 78, ll. 37-38.

⁴⁷ *AFAUV*, p. 94, ll. 29-31.

⁴⁸ *AFAUV*, p. 95, l. 3.

followed for the remainder of the life of Andrew of Langenstein, but in the prospectus compiled on 1 September 1394 Andrew is not listed among the arts masters teaching in the 1394-1395 academic year.⁴⁹

The surviving *Acta* of the Faculty of Theology only begin on 25 April 1396 under Andrew's old colleague from Paris, Dean Paul of Geldern. One of the first recorded acts is that on 21 September 1396 *Magister Andreas de Longo Lapide alias de Hassia* was admitted to read the *Sentences*, paying his one florin fee the following year.⁵⁰ That leaves the academic years 1394-1395 and 1395-1396, during which Andrew had to have delivered his bachelor lectures on the Bible. If the examples from the early fifteenth century that William J. Courtenay has collected are any guide, Andrew probably began his term as *cursor biblicus* in the summer of 1395, which would suggest that he spent the year 1394-1395 preparing for his teaching in theology.⁵¹

If Andrew did take a year off from teaching, one wonders whether he kept his salary from the *Collegium Ducale*. Even if he did not, a year of preparation would have been financially possible due to a benefice that Andrew had recently received. At some point early in the papacy of Boniface IX of the Roman line, the pope granted Andrew a canonry with expectancy of a prebend in Worms Cathedral. The date of the grant, November 1389, is suspicious in that Boniface was elected on 2 November and consecrated a week later, and often requests for benefices from new popes were answered with grants backdated as early as possible to establish the precedence of the candidate.⁵² At any rate, there is no evidence that Andrew ever received the prebend in Worms, so his position as canon there remained without income. Andrew had better luck in Vienna itself. In 1365, in parallel with his attempt to found the university, Duke Rudolf IV of Austria installed a chapter of canons in the Church of St. Stephan in Vienna, even though it was merely a parish church subject to the bishops of Passau and did not become a cathedral until 1469 with the creation of the diocese of Vienna. Many of the masters at the University of Vienna were made canons in St. Stephan and thereby received an income. According to Hermann Zschokke, who in 1895 compiled a chronological list of those entering the chapter of the Church of St. Stephan in Vienna, Master *Andreas de Hassia* became the 49th canon in 1390.⁵³ Hermann Göhler later corrected and supplemented this list, in which Andrew is now placed as number 71, entering the chapter in 1393 at the earliest. Given that number

⁴⁹ AFAUV, p. 106.

⁵⁰ *Die Akten der theologischen Fakultät der Universität Wien (1396-1508)*, ed. P. UIBLEIN (Verband der wissenschaftlichen Gesellschaften Österreichs), Vienna 1978, vol. 1, pp. 1-2.

⁵¹ W. J. COURTENAY, "From Dinkelsbühl's *Questiones Communes* to the Vienna Group Commentary. The Vienna 'School', 1415-1425," in *Nicholas of Dinkelsbühl and the Sentences at Vienna in the Early Fifteenth Century*, ed. M. BRINZEI (*Studia Sententiarum*, 1), Turnhout 2015, pp. 267-315, at pp. 217-272 and n. 14.

⁵² B. HOTZ, "Zwischen Kirchenspaltung und Konzilsidee: Ein Urkundenbündel des Kardinals Pileo da Prata für das Augsburger Domkapitel von 1379. Mit Regestenanhang," in *Suevia et Ecclesia: Festgabe für Georg Kreuzer zum 75. Geburtstag*, ed. T. M. KRÜGER, C. PAULUS (Sonderdruck aus der Zeitschrift des Historischen Vereins für Schwaben, 107), Augsburg 2015, pp. 69-96, at pp. 88-89 and n. 105, citing *Repertorium Germanicum*, Bd. 2/1: *Verzeichnis der in den Registern und Kameralakten Urbans VI., Bonifaz' IX., Innocenz' VII. und Gregors XII. vorkommenden Personen, Kirchen und Orte des Deutschen Reiches, seiner Diözesen und Territorien. 1378-1415*, ed. G. TELLENBACH, Berlin 1933, cols. 72-73. See also J. LENZENWEGER, "Die Gründung der Theologischen Fakultät an der Universität Wien (1384)," in *Die Katholisch-Theologische Fakultät der Universität Wien 1884-1984. Festschrift zum 600-Jahr-Jubiläum*, ed. E. C. SUTTNER, Berlin 1984, pp. 1-18, at p. 16.

⁵³ H. ZSCHOKKE, *Geschichte des Metropolitan-Capitels zum heiligen Stephan in Wien*, Vienna 1895, p. 379, no. 49.

46 on Zschokke's list and number 68 on Göhler's, Friedrich Saher, was made a canon on 23 December 1392 by Duke Albert III of Austria, and Göhler's number 69, Johannes de Tyernauia, was already canon on 9 January 1393, while Nicholas of Honharczkirchen, Zschokke's number 47 and Göhler's number 70, was made canon soon after 23 December 1392, it seems most likely that Andrew received his canonry and prebend in early 1393,⁵⁴ although in the *Acta*, Master *Andreas de Langenstain* is not noted as a canon until 30 April 1396.⁵⁵

According to the statutes of the Faculty of Theology drawn up on 1 April 1389, in order to read the *Sentences* bachelors had to have attended courses in theology for eight years, primarily ordinary lectures on the Bible and on the *Sentences*, which, depending on whether the first year of their *Sentences* lectures is included, implies that Andrew had begun his theological studies in the fall of 1388 or 1389.⁵⁶ Perhaps Andrew even heard the lectures of his uncle Henry, while still teaching in the Faculty of Arts. Although Andrew had not chosen to lecture on the *Ethics*, *De generatione*, and *De anima*, his added experience with these books, especially the *Ethics* and the *De anima*, would have been of use in his theology teaching.

Lectures on the *Sentences* at Vienna generally lasted two years, meaning that Andrew would not have finished until the late spring of 1398. It was during this time, on 11 February 1397, that Henry of Langenstein died, leaving his nephew Andrew, according to his will of 11 July 1391, some of his books, notebooks, and papers, which must have been of use for preparing his lectures in theology.⁵⁷ Andrew could have anticipated becoming master of theology at some point early in the fifteenth century, but he passed away on 4 October 1399, probably before reaching the age of 40, although he had the foresight to arrange to leave some money to the chapter of St. Stephan's for a perpetual Mass to be said for his soul.⁵⁸

The Nature, Date, and Contents of Andrew's Question in Basel A.X.44

Aside from the question attributed to Master Andrew in Basel A.X.44, the only other writing identified so far as possibly associated with Andrew of Langenstein is in Wien, Österreichische Nationalbibliothek, Cod. 4657, which contains notes with the dates 1394 and 1396 and the following marginal note on f. 44v *infra*: *Sequentes sexternos habet M. Andreas IIII*.⁵⁹ As Uiblein notes, the Master Andrew is either our arts master Andrew of

⁵⁴ GÖHLER, *Das Wiener Kollegiat-*, pp. 200-203.

⁵⁵ *AFAUV*, p. 132, ll. 4-5.

⁵⁶ *Statuta Facultatis Theologiae*, tit. VII-VIII, ed. R. KINK, *Geschichte der kaiserlichen Universität zu Wien. Zweiter Band. Statutenbuch der Universität*, Wien 1954, pp. 113-114.

⁵⁷ KREUZER, *Heinrich von Langenstein*, p. 248.46-45: "De aliis vero libris, quaternis et carthis testamentarii predicti dent nepoti meo, magistro Andree, quantum eis visum fuerit."

⁵⁸ GÖHLER, *Das Wiener Kollegiat-*, p. 203.

⁵⁹ P. UIBLEIN, "Zum Katalog der datierten Handschriften in lateinischer Schrift in Österreich," *Scriptorium* 25 (1971), pp. 84-96, at p. 90, the dating clauses being as follows: f. 108r: *Lectio 2a post festum Martini anni domini M. 94*, corresponding to 11 November 1394; f. 132v: *Sequentes 9 sexternos habet M. Lambertus*; f. 144v: *M. Lampertus respondit in ieiunio 1396°*; and f. 168v: *Sequentes 6 habet M. Lam(pertus)*. *Lampertus* is Lambert Sluter of Gerdern, who ranked 8 in seniority among the arts masters in 1385 and, like Andrew of Langenstein, was an original member of the *Collegium Ducale*. Blessed with a longer life (circa 1354-1419), Lambert's career outshone Andrew's: a Parisian master of arts in 1375, he served as rector four times and, crucially, four times as dean of the faculty of theology as well, the first time in 1397, a year after his licensing in 1396. See the online biography by Ulrike Dent:

Langenstein or the master of theology Andrew of Heiligenkreuz (†1397), i.e., the great Cistercian abbey, this Andrew being, along with Conrad of Ebrach, a founding member of the Cistercian College of St Nicholas in 1385, promoted to master of theology in 1386.⁶⁰ Either way, the sexterns in question belong to the same work as before and after that section, a work written by Henry of Langenstein, so whatever the reference to Master Andrew means, it does not concern anything he wrote.

Possible Genres and Dates

The title of the sole question in Basel, BU, A.X.44 attributed to Andrew, *Utrum esse liberum contradictorie sit essentiale rationali creature*, could fit a number of contexts both in arts and in theology. The few dates written in the Dominican Henry Rheinfelden's notebook range from September 1394 to 1397, that is, probably from the academic year before Andrew began teaching in theology until the time he completed his lectures on the *Sentences*. Yet we should consider the possibility that the actual chronological span covered by the manuscripts extends from before 1394 to after 1397. Andrew's question is the second in Basel, BU, A.X.44, and since in the academic year 1393-1394 he was lecturing on Aristotle's *De anima*, the question could come from Andrew's lectures on the *Ethics* themselves. The density and complexity of the question, however, together with the lack of citation of *De anima* or of any of Aristotle's works, does not fit a normal question from a lecture series on *De anima*.

In contrast, the density and complexity are congruous with a quodlibetal question in arts, the other genre mentioned in the *Acta* of the Faculty of Arts for the early years. The statutes concerning quodlibetal disputations in arts were established on 1 April 1389, but before then various disputations had been held, probably on a somewhat ad hoc basis. On 8 December 1385, for example, it was decided that Master Iohannes de Ruspach, ranking number 5 in seniority,⁶¹ would hold a disputation in January 1386.⁶² The statutes stipulated that quodlibetal disputations in arts would be held once annually, around the Feast of St Catherine, i.e., 25 November.⁶³ *Quodlibeta* could be held at other times, but only with the consent of the Faculty of Arts, and always with at least a three-month interval between disputations, because they were solemn affairs that the masters were urged to attend, which were not to be cheapened by being held too frequently.

It was decided that the most senior master would hold the *quodlibet*, but because such disputations had already been held, the most senior master who had never held one would begin and it would continue from there. Provisions were made in case the most senior master were absent – whether because of another obligation or by design – on the Feast of St Giles, 1 September, when, as for the books to be taught, the assignment was made. The master in charge would choose two questions to be disputed and two bachelors would respond *breviter et succincte*, presumably one each, with no rebuttal allowed from

<https://geschichte.univie.ac.at/en/persons/lambert-sluter-von-geldern-mag-art-prof-theol>. (last access: 30.01.2021).

⁶⁰ See also A. V. SCHACHENMAYR, "Das Kolleg Sankt Nikolaus an der Universität Wien, ein Studienhaus der Cistercienser," in *Die regulierten Kollegien im Europa des Mittelalters und der Renaissance*, ed. A. SOHN, J. VERGER (Interkulturelle Perspektiven auf Geschichte, Politik und Religion, 4), Bochum 2012, pp. 151-160.

⁶¹ See the entry on this author in this volume.

⁶² *AFAUV*, p. 7, ll. 13-16.

⁶³ *Statuta Facultatis Artium*, tit. XXVII, ed. KINK, *Geschichte der kaiserlichen Universität zu Wien. Zweiter Band*, pp. 217-219.

anyone. The presiding master would then propose a single question with arguments and one without arguments to each master present. Each master would then respond in brief to the first of his questions without too many *notabilia* and with a maximum of three theses (*conclusiones*) and three corollaries (whether each or total is not clear), unless the presiding master allowed more, while to the second he would simply respond affirmatively or negatively. There was some room for audience participation with problems and questions, whether oral or written on scraps of paper, but these were strictly controlled for the sake of propriety.

The question as we have it conforms exactly to the parameters of how arts masters were to respond to quodlibetal question: it is brief, with two main *notabilia* and three theses with three corollaries each, although there is some confusion at the end and the overall response to the question is packaged as a fourth corollary for the third thesis [Appendix I, §1.27]. Of course, a scholastic could adopt a similar structure for his normal *questiones*, but, as argued above, the question's brevity, density, and absence of references to Aristotle make it rather unlikely that this is from Andrew's lectures on *De anima*. If it is a question in arts, therefore, it would seem to be a quodlibetal question, either from the session held by Master Gerhard of Huessen on or around Wednesday, 25 November 1394,⁶⁴ or less like those held by Master Rutger Dole of Roermond in 1395⁶⁵ or by Nicholas of Hönhartskirchen in 1393, although Nikolaus tried to get out of it.⁶⁶

The context of the question within Basel A.X.44 points us in another direction, however, that of theology. In contrast to the absence of Aristotle, there are two references to Augustine and some of the arguments are based on trinitarian theology and the beatific vision, but this alone is not decisive, because by late 1394 Andrew had been studying theology for years, the theological content is not overly controversial, and we should not forget that he was the nephew of a major Parisian master of theology. More important is the fact that most of the surrounding material in the manuscript is unquestionably from the Faculty of Theology. The previous question, the first in the codex, mentions God in the title, but the following question titles deal with the incarnation, the eucharist, angelic knowledge, God's communicating Himself, the power of creation, excommunication, and so on. These titles have no place in the Faculty of Arts. Before considering the genre of this theological question, let us examine the text itself.

Is being contradictorily free essential to a rational creature?

The question "Is being contradictorily free essential to a rational creature" is only 944 words long. One could give a brief answer in the affirmative, since, according to Augustine in *De libero arbitrio*, "Nihil est tam in potestate nostra quam nostra voluntas,"⁶⁷ which Andrew quotes in his response to the opening argument [§1.2]. But this is not what he will argue. Andrew's comparatively long path to the negative answer is complicated, because by the late fourteenth century the notion of freedom was well developed, with several different types recognized and with an awareness of how, beyond psychology, theological data such as the spiration of the Holy Spirit, the beatific vision,

⁶⁴ *AFAUV*, p. 106, ll. 27-29.

⁶⁵ *AFAUV*, p. 121, ll. 30-32.

⁶⁶ *AFAUV*, p. 95, ll. 17-21.

⁶⁷ AUGUSTINUS, *De libero arbitrio* I, c. 12, n. 25, ed. W. M. GREEN – K. D. DAUR (Corpus Christianorum Seria Latina, 29), Turnhout 1970, p. 227.

and divine foreknowledge complicated the issue. Andrew does not innovate, nor does he intend to.⁶⁸

To explain these complexities and the terminology – and in line with the quodlibetal regulations – Andrew keeps his *notabilia* to a minimum, only two, but his second *notabile* naturally leads to a discussion of several subcategories. First, Andrew offers a distinction about what it means to be free [§1.3]: in one sense, being free is being able to do an act by oneself with nothing else required, and this sense of being free applies only to God, presumably because without God’s creation and then ongoing general influence, at least, and perhaps even cooperation, no existence or action would be possible. In the other sense, as William of Ockham (Oxford 1317-1318) had stated, being free merely means that, if all things that are required for action are posited, one is able to act and one is able not to act, and this sense of being free is commonly said to apply to the created will. Whether or not the created will really is free in this sense, and must essentially be free in this sense, is the point of the question.

Andrew’s second *notabile* involves the definition of “contradictorily free” [§1.4]. Following Bernard of Clairvaux’s distinction, made popular by Peter Lombard, Andrew remarks that there are three types of freedom, but the first two are impertinent because they apply to those who are in a state of grace and to those who are in a state of glory, respectively: freedom from sin in this life and freedom from misery in the next, in the case of the blessed. Only the third sense of freedom, from necessity, applies to rational creatures in the state of nature, for both good and bad people.

In typical scholastic fashion, Andrew draws further distinctions for freedom from necessity [§1.5]: freedom from the necessity of coercion or violence, on the one hand, is called the “freedom of complacency,” a kind of freedom that theologians such as the Franciscan Pierre Auriol (Paris, 1317-1318) had employed to describe a freedom compatible with a situation in which there is only one true option, whether or not the agent is aware of this. This sort of freedom can accompany determinism, for example, in which what is chosen for us, as the Cistercian Pierre Ceffons (Paris, 1348-1349) remarked, could be “sweet,” or even seem to be the result of our choice among various options. There is more to it than that, but since Andrew will focus on the other type, this need not detain us.

The other type Andrew calls the freedom “from the necessity of inevitability,” which he equates to the “freedom of contingency.” Even here, however, another distinction can be drawn, strictly speaking, between the “freedom of indifference” and the “freedom of contradiction.” Andrew explains: “Someone who is habituated in virtue or vice is contradictorily free, but not indifferently free, because he is more inclined to one side of a contradiction than another.” Again, much more could be said about this, and perhaps Andrew merely wishes to side-step the problems of psychology that had been pointed out in the previous century or so and to set up his discussion of a situation in which the will has no prior inclination. Thus, Andrew will put aside speaking too strictly here, and instead take this type of freedom, the “freedom of contradiction,” as synonymous with the “freedom of opposition,” and the “freedom of contingency,” which he asserts is the common way of proceeding.

Even after all of these distinctions, a scholastic cannot ignore certain data that further complicate, or perhaps enlighten, the discussion of freedom. The opening argument is for

⁶⁸ For a recent overview of the issue of freedom at the time, see T. HOFFMANN, *Free Will and the Rebel Angels in Medieval Philosophy*, Cambridge 2021, and the works cited there, notably those of Guido Alliney and Hoffmann himself.

the negative, that the freedom of contradiction is *not* essential for a rational creature, because when a rational creature sees God clearly, it is not in the power of the rational creature's will not to love God [§1.1]. In this way, God provides an extreme case, for just as when presented something loathsome one is more or less forced to hate it, it would seem that when presented with God one has no choice but to love him. There is no coercion or violence here, but although the real option of not loving God has not been removed in a logical sense, it is inaccessible. If a free rational creature will love God necessarily under these conditions, then how can the freedom of contradiction be *essential* to such a creature, as the question asks?

Will Andrew refute this opening argument? The first of his three theses serves to separate the main theological counter-example from his consideration and to exclude *natural* created agents from his discussion [§1.6]: "Although the divine persons that are produced *ad intra* emanate inevitably, nevertheless a natural created agent produces no effect of natural necessity without qualification." On the one hand, it is impossible for the Son and the Holy Spirit not to be, so it is impossible for them not to be produced [§1.7], and the first corollary clarifies that the Father and Son necessarily produce the Holy Spirit, yet they do so by will with the freedom of complacency, not by force [§1.9]. In Andrew's day, this had become the classic example of the compatibility of freedom and necessity, although there is no contingency here: the freedom of complacency does not entail the freedom of contradiction or contingency, which, as we have seen, the common opinion considers synonymous, according to Andrew.

On the other hand, it is possible for every created agent that exists, whether free or not, not to act, even when all things required for its action are posited, because every such agent depends on a first cause that acts contingently *ad extra* [§1.8]. Andrew does not elaborate, but one assumes that he is not talking about God's creative act nor even divine cooperation with specific causes, but merely about God's general influence, the sort of activity of the first cause that keeps the external world functioning. Thus, even a natural power, in an absolute sense, produces its effect contingently, as the first corollary notes [§1.9]. Still, although the power to act and not to act thus applies in some way both to created *natural* agents and to created *free* agents, strictly speaking this power does not inhere in natural agents by nature, as the second corollary states [§1.10]. In any case, the third corollary claims, the power of a natural agent to act or not to act when everything is required is posited does not make it free by the freedom of contradiction [§1.11]. Again, Andrew does not expand with illustrations, but it appears that he merely means that, for example, while a rock placed in the air is, strictly speaking, able to fall or not to fall, the rock itself does not choose to fall, but merely falls because God contingently keeps the laws of nature functioning.

The second thesis narrows the focus to the *rational* creature: "A rational creature with a will (*creatura rationalis volitiva*) is essentially, intrinsically, and freely active of its own proper act, any appearance of an object (*obiectali apparentia*) notwithstanding" [§1.12]. Since we are speaking broadly of the freedom from necessity, the alternative is that such a rational creature is necessitated, either in *via* or in *patria*. Andrew's explanation for why the rational creature in heaven is not necessitated is rather weak: "because God merely contingently moves objectively" [§1.14]. He goes on to claim in the third corollary, concerning the Beatific Vision, that "the clear vision of God in the blessed does not destroy their freedom of contradiction" [§1.18]. It is not clear how, in Andrew's mind, God's contingent action in presenting Himself to the blessed in *patria* can save the freedom of contradiction or of contingency of a blessed rational creature, putting aside

the freedom of complacency. No arguments are given, but, in addition to the potential time constraints of the oral performance, one could justify this lack of elaboration by pointing out that Andrew's focus is on this life.

Still, some of Andrew's reasons for rejecting the necessitation of the rational created will *in via* rely on faith, beg the question, or both: if the rational creature's will were necessitated, "then it would not merit or demerit" [§1.14], and "with the objective appearance of anything (*qualicumque obiectali apparentia*)" the will can still be directed elsewhere [§1.15]. Thus the first corollary holds that "the (created rational) will is not directed of necessity toward its ultimate goal when it is presented in its universal goodness" [§1.16], such that, according to the second corollary, the will is able not to love God when He is seen clearly, although Andrew admits that the will cannot choose to hate God under such circumstances, because the will can only hate evil or what appears to be evil [§1.17].

In sum, unless the text is corrupt, Andrew maintains that even in heaven the beatific vision does not destroy the blessed rational creature's freedom of *contradiction*, so Andrew is not talking about the compatibility of the blessed's freedom of *complacency* and the necessity of enjoying the beatific vision once God is presented to the blessed. It seems to be the case that, for Andrew, the fact that God chooses to present Himself contingently is apparently sufficient to preserve the freedom of *contradiction* on the part of the blessed.

Medieval listeners and modern readers might scratch their heads here – as we shall see, Uncle Henry will object – but perhaps Andrew's third and final thesis will bring some clarity. Under normal circumstances, humans in this life do not have a clear view of God, but the fact that even if they did, Andrews seem to think that they would retain their freedom of contradiction, suggests that he will support a very robust concept of human freedom in the thesis. Instead, Andrew goes in the other direction: "Just as it is the case that there is a power that is contradictorily free but neither with a will (*volitivam*) nor intellectually cognitive, it is also the case that there is a rational appetitive creature that is merely naturally productive of each of its acts" [§1.19]. One might think Andrew is returning to non-rational creatures in the first part of the thesis, but this is not the case. Instead, he explains himself thus:

The first part is clear, because the freedom of contingency or of contradiction from its formal [*ratio*] etc. appears to imply a certain causal indifference with respect to contradictorily opposed things, namely in such a way that, when it is sufficient to produce, it is able not to produce on the basis of its own proper and essential *ratio*. And this indifferentiality does not arise from the fact that it is intellectually or volitionally productive, because otherwise the Father and the Son would produce the Holy Spirit contingently on account of the fact that they produce [the Holy Spirit] intellectually and volitionally, which must not be said [§1.20].

So just as above Andrew denied the opposition between freedom and necessity by appealing to the production of the Holy Spirit, here Andrew accordingly denies equating contingent with volitional and/or intellectual. The production of the Holy Spirit is free, but also necessary, and by will and intellect, but not contingent. Therefore, the modal truths of trinitarian theology must also apply elsewhere, and this is the second part of the thesis:

The second part of the thesis is clear, because just as now *de facto* there is an appetitive [power] that is naturally actuated by a previous perceptive individual (*individuo sensitivo*), so also an appetitive [power] seems to be possible that is naturally actuated toward an intellectual apprehension; nor does there appear to be a greater repugnance here than there. And such [a power] would be a rational appetitive [power]. Again, *de facto* the rational appetite is naturally actuated toward the apprehension of a pleasing object, so the fact that it is rationally appetitive does not destroy its natural way of acting [§1.22-23].

From the first part of the thesis, Andrew infers in his first corollary that being free by the freedom of contradiction does not automatically mean that it is contingently productive by intellect and will, because the production of the Holy Spirit by the Father and the Son offers a counterexample of an action by intellect and will that is not contingent [§1.24]. From the second part of the thesis, Andrew derives his second corollary: “Acting on the basis of intellectual cognition is not opposed to acting unfreely” [§1.25].

From here the answer to the overall question, “Is being contradictorily free essential to a rational creature,” is in sight, and it is also clear that the key word is ‘essential’. Andrew’s third corollary is that, “just as *de facto* a rational creature is *essentially* contingently productive of its acts, it stands there is a rational creature that is only free *complacently*,” by the freedom of complacency [§1.26]. Thus, fourth, in answer to the question, “being contradictorily free,” in the sense of the freedom of contradiction, “is *not essential* to any possible species of rational creature” [§1.27].

Andrew has thus shown in 944 words that, as long as it is possible for a rational creature to act rationally, with the intellect, and yet not do so contingently, then the freedom of contradiction, which Andrew has defined as synonymous with the freedom of contingency, cannot be *essential* to a rational creature. Any audience member hoping for a defense, description, or explanation for how a rational creature can act or does sometimes act with the freedom of contradiction is thus dashed by Andrew’s clever focus, in the end, on the term ‘essential’, even if along the way he presents many of the main factors involved in any fourteenth-century discussion of freedom.

Besides clever, this is dense stuff. It is unlikely that Andrew would have covered this material in such a way in his lectures on the *Bible* or on the *Sentences*, where he would have had to go much more slowly. Either we really are just dealing with mere notes from a longer lecture or even more than one lecture on a crucial topic, or this is a response to a question in a public disputation in which there was little time to prepare and no room to deviate from the narrow parameters of time, *notabilia*, theses, and corollaries. Further evidence for the latter hypothesis comes in an anonymous text later in the same manuscript.

The Anonymous Parallel Question in Basel, BU A.X.44

On ff. 33v-34r of Basel A.X.44 there is a short anonymous text, slightly less than 400 words, entitled “Is being contradictorily free essential to a rational creature and it is of perfection?” (*Utrum esse liberum contradictorie sit essenziale rationali creature et utrum sit perfectionis*) [Appendix II, §2.1]. The title duplicates Andrew’s, except that it adds the bit on perfection, perhaps because of audience frustration. After the title, we read: “It was responded that God can make a rational creature that is not essentially free, namely so that it produces (*feratur in*) all of its acts merely naturally and not freely” [§2.2]. This is

consistent with Andrew's response. What follows is not in the form of a question, but rather in the form of notes, and one wonders whether Reinfeld, Andrew, or perhaps the presiding master of a disputation is responsible.

The first note is that it is in fact essential for the will to be free with the freedom of contradiction, and the reason reflects Andrew's argument for his second thesis. Whereas Andrew asserts that "Item, *stante qualicumque obiectali apparentia*, voluntas potest non ferri, igitur etc.," the anonymous note has it that "*stante quacumque obiectali apparentia*, potest agere et non agere actus suos liberos," but the note goes on to add that "this is in conformity with [the will's] essence: when the object moves it, it produces either a volition or a nolition." The note then adds a helpful clarification to what Andrew had said: "It is also essential and in conformity with [the will's] essence and nature that it acts or suspends its acts *stante communi Dei influentia*," given God's general or common influence [§2.3]. One could imagine a student asking Andrew to put aside the contingency of God's keeping things in motion, accept it as given, and then answer the question.

This is not how it works with natural agents, the text continues, and here we get the type of example that Andrew did not provide in his question: if everything is in place for fire to burn, including the "general concourse of God" making fire heat, fire just heats, because that's what it does by its essence and nature. In order for fire not to heat, it would require God's miraculous suspension of His general concourse. Sure, in an absolute sense, fire is able to heat and not to heat, but not *stante communi Dei influentia*, *sed concursu miraculoso*, as in the biblical story of the boys in the oven (Daniel 3) [§2.4].

Getting to the point of the modified question, the text turns Andrew's argument on its head. Andrew wants to show that, since the Father and the Son do not act with the freedom of contingency in producing the Holy Spirit by will and intellect, but rather with the freedom of complacency, therefore a rational creature can act by intellect and will without the freedom of contingency as well. The anonymous text replies, it seems, that this does not mean that acting with the freedom of complacency is of perfection, because only the Father and the Son act this way, namely in the production of the Holy Spirit, so if it were of perfection, the Holy Spirit would be less perfect than the Father and the Son, which is false. It is left unsaid that the Father, Son, and Holy Spirit share in acting with the freedom of contingency *ad extra*, in creation, for example, which leads our anonymous to declare that being active with the freedom of contradiction is of perfection without qualification. The anonymous hastens to make a distinction between being active and acting, however, because in contrast to merely being free with the freedom of contradiction, if actually acting with that freedom belonged to perfection, then "God would be more perfect in acting *ad extra* than if He did not act," which is false. It is thus power to act that is of perfection, not the way of acting [§2.5].

The remainder of the text consists of a few one-liners, so to speak, but in the upper margin a note has been added with the initials H.H., for Henricus de Hassia, i.e., Henry of Langenstein: "The freedom of opposition," which Henry's nephew Andrew equated with the freedom of contradiction and contingency, "in the blessed is changed into the freedom of complacency" [§2.6]. Here we could imagine the intellectual and institutional father of the University of Vienna standing up in the audience, after the presiding master had made a few remarks about Andrew's response, with a rebuttal of what is really a minor issue for his nephew, who's overall point would have been better served had he not declared in the third corollary of his second thesis: "The clear vision of God in the blessed does not destroy their freedom of contradiction," regarding which Andrew could be understood as implying that the blessed could look away from the Beatific Vision.

Conclusion

If Andrew's question and the anonymous response were part of a disputation, as it seems, then what sort of disputation was it? The structure of the question itself will not help us, because the statutes of the Faculty of Theology specify that it was not permitted to exceed the number of three conclusions in public disputations.⁶⁹ The statutes discuss the disputation requirements in several places. One of the prerequisites of lecturing on the *Sentences* was to have responded at least twice in the schools of the university, clarifying "or once to one of the regent doctors in theology there and once in the vacations in the college of the lord duke with the prior presiding according to the ritual of the college of the Sorbonne in Paris."⁷⁰ This obligation continued:

Item, every bachelor *biblicus* or *sententiarius* in every year of his baccalaureate until his licensing is held to respond every year to one master actually reigning in this *studium* or in the time of the vacations in the college of the lord duke according to the Parisian custom. Also, everyone reading the *Sentences*, in the course of his lectures, is held to respond once *ad quodlibet* under his master or another, according to the custom of the *studium* of Paris.⁷¹

In addition, no one could be presented to be licensed unless he had responded at least four times, including twice before and twice after (or during, one supposes) reading the *Sentences*, especially once in the *aula* of the magisterium, if there is an opportunity, and once in the college of the lord duke.⁷²

Over all, the statutes talk about three types of disputations in which a bachelor had to participate, normal disputations under a master, a quodlibetal disputation under a master while the bachelor was reading the *Sentences*, and disputations in the *Collegium Ducale*. Since these last disputations were held in the *aula* of the *Collegium Ducale*, they came to be known as *disputationes aularum* or *aulares disputationes*. Whereas one would assume that a master determined the questions in the normal or quodlibetal disputations over which he presided, the *aulares disputationes* seem to be more of a specific training exercise that took place during the summer vacation in the *Collegium Ducale* under the supervision of the prior, along the lines of the *Sorbonica* in Paris, which Henry of Langenstein had probably imported. Edit Anna Lukács has recently described manuscripts containing *disputationes aularum* or *aulares disputationes*, as they are labelled, in which, it seems, the prior of the *Collegium Ducale* presided and asked individual questions to various students of theology.⁷³ These lists of questions and students date from 1430, 1431, 1432, 1433, 1436, 1437, 1438, 1440, 1449, and 1460, and we can use them to identify another set of questions found earlier by William J. Courtenay as *disputationes aularum*, which thus all come from one year, 1426.⁷⁴

⁶⁹ *Statuta Facultatis Theologiae*, tit. IV, ed. KINK, p. 104.

⁷⁰ *Statuta Facultatis Theologiae*, tit. V, ed. KINK, p. 109.

⁷¹ *Statuta Facultatis Theologiae*, tit. V, ed. KINK, p. 111.

⁷² *Statuta Facultatis Theologiae*, tit. VI, ed. KINK, p. 112.

⁷³ E. A. LUKÁCS, "Some Further Theological Disputations at Vienna in the Fifteenth Century," *Bulletin de Philosophie Médiévale* 58 (2016), pp. 325-353. These are not to be confused with disputations related to the inception of new masters, which at Paris were held in the bishop's *aula*.

⁷⁴ W. J. COURTENAY, "Theological Disputations at Vienna in the Early Fifteenth Century. Harvard Ms. lat. 162," *Bulletin de Philosophie Médiévale* 53 (2011), pp. 385-401.

It is significant that Andrew's question is not the only one in the beginning of Basel A.X.44 that has an anonymous response corresponding to it later in the manuscript in the same section, ff. 31v-36v. It thus appears that Andrew's question was part of a group of questions assigned to various individuals at the same time, an arrangement that fits the *aulares disputationes* best, for two reasons. First, the questions grouped at the start of Basel A.X.44 are assigned to individuals at very different stages of their theological career, and the same is the case in the questions asked in the *aula* disputations summarized in Wien, Österreichische Nationalbibliothek, Cod. 4042, described by Lukács, where the questions are asked in order of seniority, from most senior to least senior, in keeping with a Viennese obsession with seniority as seen in the statutes and in practice. Thus, for example, Christian Tiendorfer of Hürm was asked a question in 1430, when he had not yet begun to lecture on the Bible, again in 1431, when he was perhaps about to begin his Bible lectures, and again in 1437, two years after his lectures on the *Sentences*, when he was a bachelor *formatus*.⁷⁵ The second reason to link Andrew's question with an *aula* disputation is that the anonymous response is in a section of the manuscript, ff. 31v-36v, that seems to be governed by the rubric on f. 31v: *In aula fuerunt disputata*.

The same section in the manuscript appears to be dated at the end, 1397, and since the *aula* disputations were held in the summer,⁷⁶ we can tentatively date Andrew's question to the summer of 1397, when he was halfway through lecturing on the *Sentences*. We can therefore imagine the scene as follows: in the summer of 1397, a few months before Henry of Langenstein's death, in the *Aula* or *Magna Stuba* of the *Collegium Ducale*, the prior, or whoever was in charge at the time, asked various questions of a number of students in theology, one of whom was Andrew of Langenstein, who was asked "Is being contradictorily free essential to a rational creature?" Andrew responded in brief as required, outlining many of the traditional considerations in a question about freedom, but apparently seizing on the term 'essential' to side-step some of the more difficult issues. In the process Andrew did make a few potentially troublesome remarks, for example about the blessed *in patria*. In the discussion that followed, if the anonymous text is reflective of this, perhaps the person presiding added the issue of whether the freedom of contradiction belongs to perfection, which Andrew did not have to address, and that presider complemented Andrew's response with some qualifying remarks. In the process, Andrew's uncle Henry may have stood up to suggest that Andrew's characterization of the modal status of the blessed in heaven was not quite accurate. This reconstruction is highly speculative, and with the rapid progress of our knowledge of actual examples of lectures and disputations at Vienna no doubt some or most of my hypothesis will be revised or rejected, but for now it seems to encapsulate the dynamics of debate at the young University of Vienna.

⁷⁵ LUKÁCS, "Some Further Theological Disputations at Vienna," pp. 344-347. On Christian Tiendorfer's dates, see COURTENAY, "From Dinkelsbühl's *Questiones Communes*," pp. 294-295. COURTENAY, "Theological Disputations at Vienna in the Early Fifteenth Century," noted the chronological hierarchy, but assumed on that basis that his questions had to have come from different disputations dating from 1426 to the mid-1430s. Comparing Lukács' examples, from single years, with the data given in the *Acta* of the Faculty of Theology demonstrates that they are all from 1426. (As Courtenay remarks, "From Dinkelsbühl's *Questiones Communes*," p. 268, some of his conclusions in "Theological Disputations at Vienna" were modified in the latter article.)

⁷⁶ Confirmed in practice in COURTENAY, "Theological Disputations at Vienna in the Early Fifteenth Century," p. 399.

Appendix I
By Alexandra Baneu

Ratio edendi

The text has been transcribed from manuscript Basel, UB, A.X.44, ff. 1v-2v and follows the orthography of the manuscript. The punctuation, however, is modern, in order to facilitate the reader's understanding. The paragraphs have been numbered for ease of reference. Additions have been marked by “< >”. The sign “*” has been used to indicate an uncertain reading. The following abbreviations have been used:

add. = *addidit*

in marg. = *in margine*

a. c. = *ante correctionem*

s. l. = *supra lineam*

p. c. = *post correctionem*

del. = *delevit*

coni. = *conieci*

<ANDREAS DE LANGENSTEIN>

Magistri Andree:

utrum esse liberum contradictorie sit essenziale rationali creature.

ff. 1v-2v

[1.1] Quod non, quia, Deo clare ostenso, non est in potestate voluntatis non diligere ipsum, igitur. Antecedens patet, quia, ostenso aliquo tristabili vel odibili, non est in potestate voluntatis non odire, igitur. Consequentia tenet, quia Deus plus movet ad sui dilectionem quam quodcumque odibile ad sui odium.

[1.2] Oppositum arguitur per beatum Augustinum in *De libero arbitrio*, capitulo 2: “Nichil est tam in potestate nostra quam nostra voluntas,”ⁱ igitur.

[1.3] Primo noto⁷⁷ pro declaratione terminorum quod aliquid esse liberum possit ymaginari dupliciter. Primo, quia illud se solo, nullo alio requisito, potest in suum actum, et sic solus Deus est liber secundum veritatem. Secundo modo, quia, positus omnibus sufficienter requisitis ad hoc quod agat, potest agere et potest non agere, et sic communiter dicitur quod voluntas creata est libera. An autem hoc sufficiat vel non patebit ex dicendis.

[1.4] Secundo noto, propter illud complexum ‘liberum contradictorie’, quod triplex est libertas: a peccato, a miseria, et a necessitate. Prima libertas est gratie,⁷⁸ et est solum bonorum. Secunda est glorie, et est solum beatorum. Tertia est nature, et est tam bonorum quam malorum. De duabus primis nichil ad presens.

[1.5] Libertas a necessitate est duplex, secundum quod duplex est necessitas, scilicet coactionis vel violentie et inevitabilitatis. Sic quedam est libertas a necessitate coactionis, et vocatur ‘libertas complacentie’, alia a necessitate inevitabilitatis, et vocatur ‘libertas contingentie’. Et ista adhuc est duplex: quedam indifferentie et quedam contradictionis. Non enim convertuntur⁷⁹ isti termini ‘libertas indifferentie’ et ‘libertas contradictionis’ stricte, quia habituatus in virtute vel vicio est liber contradictorie, non autem liber indifferenter, quia magis inclinatur ad unam partem contradictionis quam ad aliam. Tamen in proposito volo uti istis terminis pro eodem: ‘libertas contradictionis’, ‘oppositionis’, et ‘contingentie’, sicut doctores communiter istis utuntur. [B 2r]

<Conclusio prima>

[1.6] Prima conclusio: licet divine persone ad intra producte emanent inevitabiliter, ab agente tamen creato naturali vel libero nullus effectus producitur naturali necessitate simpliciter.

[1.7] Prima pars patet, quia impossibile est Filium vel Spiritum Sanctum non produci, igitur. Antecedens patet, quia impossibile est Filium vel Spiritum Sanctum non esse, cum tam iste quam ille sit verus Deus, igitur impossibile est eos non produci. Consequentia tenet, quia non habent esse nisi ut producantur, 15*⁸⁰ *De Trinitate*, capitulo 25.ⁱⁱ

[1.8] Secunda pars patet, quia nullum agens creatum est quod non stat esse et non agere, ymmo quod etiam non stat esse cum omnibus antecederet requisitis ad hoc quod

⁷⁷ primo noto] nota de libertate distinctionem *add. in marg B*

⁷⁸ gratie] glorie *a. c. s. l. B*

⁷⁹ convertuntur] *p. c. B*

⁸⁰ 15*] *p. c. B*

agat et non agere. Patet hoc, quia omne agens creatum, sive liberum sive non, in agendo dependet a causa prima, ut suppono, que tamen ad extra libere contingenter agit, igitur etiam agens creatum simpliciter non necessario agit.

<Corollaria prime conclusionis>

[1.9] Corollarium primum: sicut⁸¹ Pater et Filius producant Spiritum Sanctum necessario et libere complacenter, ita aliqua naturalis potentia producit suum effectum absolute contingenter. Prima pars patet ex prima parte conclusionis. Secunda patet, quia Pater et Filius producant Spiritum Sanctum voluntarie, non coacte, igitur. Tertia pars patet ex secunda parte conclusionis.

[1.10] Secundum corollarium: licet cuilibet agenti creato naturali vel libero sufficienter disposito posse agere et non agere insit communiter, hoc tamen agenti naturali non inest proprie naturaliter. Prima pars patet ex conclusione. Secunda patet, quia ille modus agendi est sibi preter naturam etc.

[1.11] Tertium corollarium: etsi agens naturale, omnibus positis ad sibi coagendum requisitis, posset agere et non agere, non tamen ex hoc est liberum contradictorie.

<Conclusio secunda>

[1.12] Secunda conclusio: creatura rationalis volitiva est sui proprii actus essentialiter intrinsece libere activa, non obstante qualicumque obiectali apparentia.

[1.13] Probat per Augustinum 3 *De libero arbitrio*, capitulo 2: “Nichil est tam in potestate nostra quam ipsa voluntas.”ⁱⁱⁱ

[1.14] Patet secundo, quia, si necessitabilis esset, vel in via vel in patria. Non in via, quia tunc non meretur vel demeretur. Nec in patria necessitatur, quia Deus mere contingenter movet obiective, igitur.

[1.15] Item, stante qualicumque obiectali apparentia, voluntas potest non ferri, igitur etc.

<Corollaria secunde conclusionis>

[1.16] Corollarium primum: non necessario voluntas fertur in finem ultimum sub ratione universalis sue bonitatis presentatum.

[1.17] Secundum: licet voluntas Deum clare visum posset non diligere, impossibile tamen est, visione illa stante, ipsum per se odire elicitive. Patet, quia non fertur oditive nisi in malum vel apparens malum.

[1.18] Tertium: clara Dei visio in beatis non tollit ab eis libertatem⁸² contradictionis.

<Conclusio tertia>

⁸¹ sicut] *in marg. p. c. B*

⁸² libertatem] *p. c. B, voluntatis add. sed del. B*

[1.19] Tertia conclusio: sicut stat aliquam esse potentiam contradictorie liberam, non volitivam, nec intellectualiter cognitivam, sic stat aliquam esse creaturam rationalem appetitivam omnis sui actus mere naturaliter productivam.

[1.20] Prima pars patet, quia libertas contingentie vel contradictionis ex sua formali etc. videtur importare quamdam indifferentiam causalem respectu contradictorie oppositorum, ita videlicet quod, cum sufficeret producere, potest non producere ex sua propria et essentiali ratione. Et talis indifferentialitas non consurgit ex hoc quod est intellectualiter vel volitive productiva, quia alias Pater et Filius producerent contingenter Spiritum Sanctum ex quo intellectualiter et volitive producant, quod non est dicendum.

[1.21] Item, non videtur implicare aliquam contradictionem quin Deus talem posset producere, igitur. [B 2v]

[1.22] Secunda pars conclusionis patet, quia, sicut iam de facto est appetitiva que naturaliter previo actuatur individuo sensitivo, ita⁸³ videtur esse possibilis appetitiva que naturaliter actuaretur ad apprehensionem intellectualem; nec apparet maior repugnantia hic quam ibi; et talis esset appetitiva rationalis, igitur.

[1.23] Item, de facto appetitus rationalis actuatur naturaliter ad apprehensionem obiecti placibilis, igitur ex hoc quod est esse appetitivum rationaliter non tollitur modus agendi naturalis.

<Corollaria>

[1.24] Corollarium primum: esse liberum⁸⁴ contradictorie in toto suo ambitu non attenditur debite penes intellective et volitive contingenter productivum esse. Patet ex prima parte conclusionis.

[1.25] <Secundum>: ex cognitione intellectuali agere non habet se repugnanter ad illibere agere. Patet ex secunda parte conclusionis.

[1.26] Tertium: sicut de facto est rationalis creatura essentialiter sui actus productiva contingenter, sic stat esse rationalem creaturam solum liberam⁸⁵ complacenter.

[1.27] Quartum: esse contradictorie liberum non est essentialiter cuilibet speciei rationalis creature possibili.

ⁱ Augustinum – voluntas] AUGUSTINUS HIPONENSIS, *De libero arbitrio* III, 3, 27, ed. W.M. GREEN – K.-D. DAUR (Corpus Christianorum Series Latina, 29), Turnhout 1970, p. 279, l. 63.

ⁱⁱ habent – 25] AUGUSTINUS HIPONENSIS, *De Trinitate* XV, 17, 29 ed. W. J. MOUNTAIN – F. GLORIE (Corpus Christianorum Series Latina, 50, 50A), Turnhout 1968, pp. 503, l. 54 – 504, l. 72.

ⁱⁱⁱ Augustinum – voluntas] AUGUSTINUS HIPONENSIS, *De libero arbitrio* III, 3, 27, ed. GREEN – DAUR, p. 279, l. 63.

⁸³ ita] *in marg. p. c.*, igitur *a. c. B*

⁸⁴ liberum] *librum B, sed con.*

⁸⁵ liberam] *contingenter add. sed del. B*