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Chris L. Nighman

Wilfrid Laurier University, cnighman@wlu.ca

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Prudencia, Plague and the Pulpit: Richard Fleming's Eulogy for Robert Hallum at the Council of Constance*

CHRIS L. NIGHMAN / WATERLOO-ONTARIO

The death of Bishop Robert Hallum of Salisbury in September 1417 had profound consequences for the outcome of the Council of Constance (1414-18), which for several months had been deadlocked over the issue of whether the council should first enact sweeping reform legislation on its own authority or immediately elect a new pope to heal the schism that had continued for nearly forty years. As the acknowledged leader of the *natio Anglicana* during this so-called 'priority conflict', Hallum had firmly adhered to the 'reform party' in this controversy. But after his death the English delegation proposed a compromise that led first to the enactment of several important pieces of reform legislation and then the conclave that would elect Martin V. This compromise solution was apparently announced in Richard Fleming's eulogy for Hallum, *Spiritus erit in gloria*, which was first discovered about a century ago by Jean-Marie Vidal. Because the location of Vidal's manuscript has been unknown until recently, scholars have had access to only a few short excerpts that he published. In proposing a new explanation of the events surrounding Hallum's death, this essay examines several items of documentary evidence, in particular a passage that was not included in Vidal's article in which Fleming treats the cardinal virtue *Prudencia* in exhorting the council to take immediate action because of pressing circumstances. Although the precise nature of this exigency is not clearly stated, there are several points of internal and external evidence which suggest that Fleming and his countrymen were genuinely concerned that an outbreak of disease, probably pneumonic plague, could soon bring the council to a sudden, fruitless conclusion; yet there is also evidence which indicates that they were reluctant to change their position in this dispute and did so only after a significant delay.

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This eulogy for Hallum is not the only funeral sermon that Fleming delivered at Constance in 1417. He is firmly ascribed as the author of *Quod mortuus est*, a eulogy for William Corff, Fleming's former mentor in the Oxford theology faculty, who died about six weeks before Hallum. Fleming is also attributed as the author of a funeral sermon for Cardinal Francesco Zabarella, Bishop of Florence, who died a few weeks after Hallum, and he may have also composed an anonymous eulogy for Richard Dereham, Chancellor of Cambridge University and Papal Protonotary, who died in mid-August, between Corff's and Hallum's funerals. He also preached on three previous occasions in 1417 – on the Feast of the Epiphany, on Passion Sunday and on Trinity Sunday¹. The frequency of Fleming's appearances in the conciliar pulpit (no other English preacher at this council is known to have delivered more than a single sermon in 1417) and the importance of the occasions on which he preached suggest that he served as the official spokesman for the English delegation at Constance during that year. Fleming's role is also strongly indicated by the content of his speeches, especially his Passion Sunday sermon, *Accipiant qui uocati sunt*, and his eulogy for Bishop Hallum, both of which served to announce and promote the policy of the English *natio* in the 'priority conflict'². This controversy arose in the spring of 1417 when the deposition of the last schismatic pope, Benedict XIII of the Avignon obedience, was imminent. In anticipation of a virtually undisputed papal *sede uacante*, the English *natio*, led by Hallum, joined with the German delegation and the Emperor Sigismund in calling for the enactment of sweeping reforms *in capite et in membris* under the council's own authority before proceeding to elect a new pope. On the other side of this dispute was the 'unity party', comprised of most of the cardinals and the Spanish, Italian, and French *nationes*, which insisted on an immediate papal election, deferring the matter of reform to the restored papacy. However, the English position had already been announced several months before this controversy came to the forefront, first briefly in Fleming's Epiphany sermon, *Surge illuminare Iherusalem*, and then more thoroughly, and very forcefully, in his Passion Sunday sermon, which was

¹ C. L. NIGHMAN, *Reform and Humanism in the Sermons of Richard Fleming at the Council of Constance (1417)*, unpublished doctoral dissertation, Univ. of Toronto 1996, accessible online (<http://www.nlc-bnc.ca/obj/s4/f2/dsk3/ftp04/NQ41569.pdf>) from the National Library of Canada.

² This term was coined by B. HÜBLER, in: *Die Constanzer Reformation und die Concordate von 1418*, Leipzig 1867, who actually identified two 'Prioritätstreite' during 1417; but in fact these conflicts were really just two phases of the reform-election controversy. For a synopsis, see P. H. STUMP, *The Reforms of the Council of Constance*, Leiden 1994 (= SHCT 53), 22-23.

an intentional sequel to *Surge*³. This split within the council caused a stalemate that continued until September when the English altered their position and proposed the compromise that led to the enactment of five pieces of reform legislation in the thirty-ninth session, including the conciliarist decretal *Frequens*, as well as a decree in the fortieth session which bound the future pope to enact reforms of the papal curia on eighteen specific points before the council could be dissolved⁴. Only then was the conclave held which elected Pope Martin V on 11 November 1417⁵.

Several decades ago C. M. D. Crowder published an article offering an explanation for the English policy change in the 'priority conflict', in which he argued that the English 'volte-face', as he called it, was probably ordered by Henry V. According to this theory, the English king wanted to hasten the conclusion of the council so that Sigismund, who was preoccupied with matters at Constance, would be available to assist in Henry's next campaign in France in accordance with a treaty signed in 1416. Rather than seeing Hallum's death as the actual cause of the English policy change, Crowder suggested that his timely demise made this putative royal command easier to justify to the English delegates, implying that many of Hallum's countrymen were also committed to the *causa reformationis*⁶. However, Crowder's explanation, with its emphasis upon the wider political and military context, is based largely upon circumstantial evidence, including the appearance of the king's uncle, Bishop Henry Beaufort of Winchester, at Constance in early October, while he was ostensibly en route to the Holy Land as a pilgrim. The key document Crowder cited in support of this theory is a letter Henry sent to the English bishops at Constance on 18 July 1417, the same day that Beaufort's 'pilgrimage' was announced. But as Crowder himself points out, this epistle does not actually specify what the

³ C. L. NIGHMAN, Another Look at the English Staging of an Epiphany Play at the Council of Constance, in: *Records of Early English Drama* 22.2 (1997) 11-18; Id., *Accipiant qui vocati sunt*: Richard Fleming's Reform Sermon at the Council of Constance, in: *JEH* 51 (2000) 1-36; Id., Rhetorical Self-Construction and its Political Context in Richard Fleming's Reform Sermon for Passion Sunday at the Council of Constance, in: *AHC* 33 (2001) 405-25.

⁴ *Decrees of the Ecumenical Councils*, 2 vols, ed. by N. P. TANNER, London 1990, vol. 2, 438-44, 447-50.

⁵ For the most recent accounts of these events, see W. BRANDMÜLLER, *Das Konzil von Konstanz, 1414-18*, 2 vols, Paderborn 1991-97 (= *KonG.D.*), vol. 2, 276-358; and STUMP (as note 2), 31-44.

⁶ C. M. D. CROWDER, Henry V, Sigismund and the Council of Constance, 1414-18, in: *Historical Studies IV: Papers Read Before the Fifth Irish Conference of Historians*, ed. by G. A. HAYES-MCCOY, London 1963, 93-110 at 105.

English policy should be on any particular issue; it simply commands that all English delegates must conform to the common policy of their 'nation', resolving any disputes internally, and that anyone refusing to do so should be sent back to England⁷. While the coincidence of the issue of this letter and the announcement of Beaufort's journey on 18 July is suggestive, this seems to be rather thin evidence on which to base a theory for the cause of the English policy change in September 1417. In the absence of any documentary evidence which either contains such a royal command on this issue or refers to it, we would be on firmer ground to assume that it was actually the English delegates themselves who reached this decision following Hallum's death. This theory is supported by certain evidence, much of it unknown to Crowder, that is examined in this paper in offering a different explanation of these events at this critical juncture in the history of this council. Nevertheless, this evidence also confirms Crowder's suggestion that most of the English delegates were, like Hallum himself, deeply committed to the *causa reformationis*⁸.

Richard Fleming's eulogy for Robert Hallum, *Spiritus erit in gloria*, was unknown to early scholars of this council such as Hermann von der Hardt, Christian Walsh, and Jacques Lenfant. About a century ago Jean-Marie Vidal found an anonymous copy of it in a manuscript containing numerous sermons from the councils held at Constance and Basel⁹. Its authorship would be discovered several years later when Heinrich Finke found two short fragments of this sermon that ascribe it to Fleming¹⁰. Vidal published

⁷ Foedera, conuentiones, literae, et cuiuscunque generis acta publica, inter reges Angliae et alios, ed. by T. RYMER, London 1740, vol. 4, pt. 3, p. 6.

⁸ This is in contrast to the position of Ernest F. Jacob, Crowder's thesis supervisor, who held that the English commitment to reform was relatively weak because only a few individuals, such as Hallum, were truly devoted to the cause of reform; see E. F. JACOB, *Essays in the Conciliar Epoch*, third revised edition, Manchester 1963, 52-53.

⁹ J.-M. VIDAL, *Un recueil manuscrit de sermons prononcés aux Conciles de Constance et de Bâle*, in: RHE 10 (1909) 493-520. With the help of Dr. Eva Irblich of the Österreichische Nationalbibliothek, in 1994 I was able to locate Vidal's former manuscript among the new series manuscripts in that library, where it is now designated Cod. Ser. n. 4845. But in the process of searching for it I found the exemplar from which it was surely copied, Klosterneuberg, Stiftsbibliothek CCl 82; see NIGHMAN, *Reform*, 163-65. For this reason, all excerpts from Fleming's eulogy for Hallum in this article are taken from the Klosterneuberg manuscript, rather than Vidal's article or the manuscript he described.

¹⁰ *Acta concilii Constanciensis*, 4 vols, ed. by H. FINKE and others, (Münster 1896-1928) ND 1976-1982, vol. 2 (1923 [1982]), 513. Finke mistakenly cited Fleming's first name as *Heinrich*, but both of the manuscripts containing fragments of *Spiritus* (ONB MS lat. 4710, fol 285r

three excerpts from this sermon, one of which includes the following important passage:

You who are zealous, or pretend to be, say to me 'first there will be reform, and then there will be union!' And I, who am saying these things, willingly desire thorough reform just as much as you do, but not impossible and endless reform. Impossible, I say, because the five constituent nations shall never be able to agree, nor is there one here that should rule over any or all of them. Not the most serene prince, the lord emperor, whose majesty is dedicated to the laws of the church (the church being the vigorous executor of those laws by right). Not the college of cardinals, since it is a part of the council. Neither should they have authority of this kind over the nations, nor should any one nation rule over the others since no nation recognizes another to be superior in this matter. Therefore, the reforms to which they have already agreed should be publicly published and given the force of law, lest it be prevented by a hasty election. And if some of the details have not yet been decided by the nations, I do not say that it must be done more quickly, but rather most quickly, lest the process of election be infected under the sweet face of most holy reform¹¹.

As Vidal recognized, this passage contains the compromise proposal that would finally resolve the stalemate of the 'priority conflict'. Also worth noting is Fleming's comment that they must act as quickly as possible to avoid the 'infection' of the election process. A few lines later Fleming employs a similar metaphor: *And let the blood of endless schism which is lacking be extracted because if the perfect union of the church will not be achieved now, it*

and ONB MS lat. 4922, fol 302v) name him as *Richardus*. Finke also incorrectly reported that Vidal's manuscript was Kremsmünster, Stiftsbibliothek MS 4.

¹¹ *'Ha', dicis michi in corde reformationis zelator uel saltim sic pretense, 'prius erit reformatio et postea erit unio'. Et qui hec loquar eque libens totam reformationem cuperem, sed non impossibilem in infinitam; impossibilem, inquit, in quam nationes quinque integrantes concilium conuenire non poterunt, nec est hic qui eis aut alicui earum imperet. Non serenissimus princeps dominus imperator cuius maiestas se offert ad mandata ecclesie, quorum ipsa ex officio est strenua executrix. Non collegium cardinalium cum porcio sint concilii. Nec huiusmodi habent in nationes imperium; nec una natio alii imperet cum nulla aliam superiorem in huiusmodi recognoscat. Ipsa ergo reformatio que per ipsas iam concorditer expedita est producatur in medium et uim legis obtineat, ne hanc effugere uideatur feruens celeritas electionis. Et si nondum in nacionibus singula expeditionis sortita sint effectum, quod faciendum est non dico cicius, sed citissime fiat, ne sub hac dulci facie sanctissime reformationis inficiatur* (Klosterneuberg, Stiftsbibliothek CC1 82, fol 82ra-rb). Vidal's transcription of this passage (pp. 510-11) varies slightly from the text in the Klosterneuberg manuscript. I am currently preparing a full critical edition of this sermon, and all of the other known sermons delivered at Constance by preachers of the English 'nation', for a volume intended for Brepol's Corpus Christianorum continuatio mediaevalis.

will not happen for many centuries¹². Admittedly, the use of such medical imagery is a rhetorical commonplace in reform literature, but in the context of a funeral sermon it seems likely that Fleming was also alluding to the illness that had caused Hallum's death.

Fleming's call for the council to act *citissime* to end the reform-election dispute is even more forcefully expressed, and more clearly linked to the cause of his death, in a passage from the sermon's *prothema* which was not included in Vidal's article, and therefore not known to Crowder and other Constance scholars. Here Fleming cites a series of authoritative *sententiae* which recommend the classical virtue *Prudencia*, in particular the species of Prudence that is *Cautio*, in the face of a threat. Some, including Fleming himself, have already heeded this warning:

The sorrow of assailing bitterness has struck so suddenly at our hearts with a harsh blow of dread that the coming of the end, lying everywhere in ambush, has been a scourge to our wantonness. For 'the greater the losses are feared to be, the more quickly and completely precautions should be taken', as Peter of Ravenna says in a certain sermon, because, as Seneca says in letter 87, 'the gentle blow comes from an anticipated evil'¹³.

But Fleming goes on to note that others have not been so prudent:

O how miserable are [those of] us who, alas, are oblivious to these future perils and so susceptible to the blindness of the mind. For as Tully says in the second book of Rhetoric, 'imprudence comes from a darkness of the mind by which someone is too reluctant in anticipating future events'. And Seneca in his Proverbs tells us that 'the destruction of predecessors teaches posterity, and a former mistake is often a warning in the future; he who is not cautious after an example is shown is very negligent'. And Augustine in On the singularity of clerics says, 'he who is not stricken with fear by the destruction of another is extremely reckless; but he who is alarmed by the misfortunes of others is cautious'¹⁴.

¹² *Et sanguis, quod absit, eliciatur perpetuandi scismatis quia si iam non erit unio perfecta ecclesie, de multis annorum centenariis non erit* (CC1 82, fol 82rb); VIDAL (as note 9), 511.

¹³ *Concuteret corda nostra seuo ictu formidinis tam subito inuadentis amaritudo absinthii, foret lasciuuis nostris ferula horatim insidians aduentus termini. Nam quanto maiora timentur esse dispendia, tanto promptior et perfectior debet esse cautela* (Petrus Rauennus in quodam sermone), quia *precogitati mali mollis ictus uenit* (SENECA, Epistola LXXXVII), (CC1 82, fol 80va).

¹⁴ *O miserandos sane nos et heu nimie mencium cecitati obnoxios qui futura nobis hec pericula inprouida obliuione tam segniter preterimus. Inprudencia enim obtenebracio mentis qua quis minus prouidus in prouidendo futura* (Tullius II. Rethorice). *Ruina precedencium posteros docet et caucio est semper in reliquum lapsus anterior; et ignarus nimis est qui post exemplum inuenitur incautus* (Seneca in prouerbis). *Vehementer quidem infrenis est cui non incutitur timor alio pereunte; prouidus au-*

Surely, Fleming must have marshalled these quotations at the beginning of his sermon in order to instil a sense of urgency in his audience by alluding to the cause of Hallum's death, thus preparing the way for his prudent proposal for compromise on the reform-election dispute. The question that arises, then, is whether Fleming was simply justifying the English policy change by exaggerating the threat of disease, or whether he and the other delegates of the English *natio* were genuinely concerned that an epidemic might soon ensue that could suddenly bring the council to closure without achieving either reform or union. The evidence presented below suggests that the latter was probably the case and that Fleming and the majority of the English were indeed, as he claimed for himself, desirous of complete reform, 'but not impossible and endless reform'.

The only hints that Fleming provides in this sermon as to what actually caused Hallum's demise are the comment that his death was sudden and the obvious implication that it was some kind of contagious illness that was threatening to kill many others and thus prevent the council from fulfilling its purpose. Curiously, there is no mention of a contagion during this period by Guillaume Fillastre and Ulrich Richental, the two diarists whose eyewitness accounts of this council have provided the basic narrative of these events; thus, most historians have overlooked the incidence of an infectious disease at Constance during the summer of 1417¹⁵. However, it was briefly mentioned in the first narrative history of this council, published by Jacques Lenfant in the eighteenth century¹⁶. Then, in his 1953 doctoral thesis, Crowder noted that during the summer of 1417 the council seems to have been visited by a contagion that was especially virulent among the English; however, as explained above, he did not consider this outbreak of disease, and Hallum's demise in particular, to be the actual cause of the English policy change in the 'priority conflict'. He suggested that its first victim was probably William Corff, the subject of Fleming's first eulogy, and named several other English delegates besides Hallum who also died at Constance at about this time, including Richard Dereham, John Shirforde, and John Wells, and perhaps Hugo Holbach. Crowder also

tem qui sollicitus est cladibus aliorum (Augustinus in libro de singularitate clericorum), (CCL 82, fol 80vb).

¹⁵ For the accounts of Fillastre and Richental during the period May to October 1417, see *The Council of Constance: The Unification of the Church*, trans. by L. LOOMIS, New York 1961, 156-61, 363-421. The diary written at Constance by G. Cerretano concludes in September 1416.

¹⁶ J. LENFANT, *Histoire du Concile de Constance*, Amsterdam 1714, 505.

drew attention to a letter written by the delegates of the University of Cologne on 22 July 1417 which urges quick action because of the threat of disease which had arisen at the council¹⁷. In addition, he mentioned two surviving wills that were drawn up at Constance in early August 1417 by Wells and Shirforde, but Crowder did not discuss the contents of these testaments¹⁸. Not surprisingly, both men requested burial near Corff's tomb in St. Stephen's church in Constance; but Wells also made a very interesting provision for an expensive shroud that would be used to cover the coffin during his funeral and stipulated that he would leave it for the use of his countrymen in any subsequent funerals at the council, indicating that he anticipated not only his own imminent death, but also that of some of his colleagues¹⁹.

Crowder speculated that the disease that carried off a number of English delegates at this time was dysentery²⁰. However, I believe that a stronger case can be made for pneumonic plague on the basis of several passages in Fleming's funeral sermon for William Corff. A few years before Vidal's article appeared, Georg Leidinger had published several excerpts from this eulogy, including the following passage which contains an apparent allusion to pestilence:

[God] has now unleashed the destruction of death in this city, with the sword of justice withdrawn from the sheath of clemency in which it had been mercifully kept for almost three years. Because we are not 'converted, He shall brandish his sword, draw back his bow, and make it ready; and He shall prepare deadly weapons for it'²¹.

¹⁷ C. M. D. CROWDER, Some Aspects of the English "Nation" at the Council of Constance to the Election of Martin V, 1414-1417, unpublished doctoral dissertation, Oxford University 1953, 384. Crowder was unaware of another pertinent document written in the summer of 1417 in which the anonymous author urges an immediate papal election *propter periculum pestilentis aeris, ad quem secundum iudicium astronomorum & medicinae peritorum tempus valde disponitur*, in: MOCC, 7 vols, ed. by H. VON DER HARDT, Frankfurt-Leipzig 1696-1700, vol. 1, col. 925

¹⁸ CROWDER, Aspects (as note 17), 149.

¹⁹ F. W. WEAVER (ed.), Somerset Medieval Wills (1383-1500), Somerset Archaeological Society 47 (1901) 85-87.

²⁰ CROWDER, Aspects (as note 17), 383.

²¹ *Extracto iusticie gladio de uagina clemencie in qua fere per triennium misericorditer prelicuerat, in ciuitate ista mortis cladem terribiliter iam immisit. Quia conuersi non sumus, gladium suum uibrauit, arcum suum tetendit, et iam parauit illum. Et in eo parauit uasa mortis (Psa. VI)*. This passage and those following from 'Quod' are from the critical edition in my doctoral thesis: NIGHMAN, Reform and Humanism (as note 1), 397, ll. 268-72. For the same passage, see G. LEIDINGER (ed.), ANDREAS VON REGENSBURG, Sämtliche Werke, (Munich 1903) ND Aalen 1969 (=

This reference to a previous outbreak of disease at the council 'almost three years' before, once again, cannot be corroborated by the Constance diarists because they make no mention of it²². However, the outbreak to which Fleming was referring does have an independent witness in an account in the *Acta sanctorum* of a pestilence that struck Constance in late 1414, shortly after the council was convened, which only abated after an appeal was made to St. Roche, then emerging as a new patron saint of plague victims²³. This was apparently a crucial episode in the development of this saint's cult, for the delegates at Constance, especially the Italians, disseminated the fame of St. Roche when they returned home after the conclusion of the council.

Additional support for this theory that Corff died of the plague is seen in another passage printed by Leidinger in which Fleming praises Corff's insistence on speaking the truth and his refusal to engage in flattery, unlike others *...who avoid plain speech and miserably titillate the ears of the great; and thus the insincere flatteries and follies of base men confound the moral basis of this synod, and better men (alas!) perish from the infected air of deceitful vanity*²⁴.

As in his references to infection and extracting blood in his eulogy for Hallum, Fleming is probably speaking both literally and figuratively when he refers here to 'infected air'. Of course, pneumonic plague was not the only disease that was believed during the medieval period to be air-borne (hence, '*mal aria*'), but it is the only one that was a respiratory illness which was also, unlike influenza, prevalent in the summer months. There are two passages, neither of which was printed by Leidinger, which suggest that Corff died from a respiratory disease; both of them recount deathbed interviews, one by Fleming himself and the other by Corff's confessor. When Fleming went to visit his former master, he reports that when Corff began to speak it was *ingenti cum suspirio*, which could simply mean *with a great sigh*, but may also be translated as *with a great wheeze* or *with a great short-*

QEBDG 1), 255, ll. 13-18. Leidinger incorrectly dated this sermon to 21 June 1417, but in fact it must have been delivered about one month later, roughly six weeks before Hallum's death; see NIGHMAN, l.c., 142-44.

²² For their accounts of the first two months of the council, November and December 1414, see LOOMIS (as note 15), RICHENTAL (90-101), FILLASTRE (203-08), and CERRETANO (466-75).

²³ *Acta sanctorum*, 16 August.

²⁴ [...] *qui postposita lingwarum planicie miserabiliter ares titillant maiorum, sicque inferiorum infelices blandicia et uecordia moralem huius synodi structuram confundant, et superiores (proch dolor!) infecto pereunt aere simulatorie uanitatis* (NIGHMAN, *Reform and Humanism* [as note 1], 391, ll. 183-87); LEIDINGER (as note 21), 255, ll. 3-7.

ness of breath²⁵. That he was suffering from a lung ailment is also supported by Fleming's description of Corff's final moments with his confessor: *Gasp- ing for air, you miraculously addressed heaven thus: "O good Father"; you said, "how very joyful I shall be in the presence of the beatific vision"*²⁶. Further evidence suggesting pneumonic plague, a notoriously quick killer, is seen in several scattered passages in which Fleming remarks on the suddenness of Corff's illness and his rapid deterioration, a comment echoed in his eulogy for Hallum six weeks later. For example, Fleming asks his audience to have compassion for one *qui tam nuper floreuerat quam cito mortuus est (who so recently flourished and died so quickly)*, and elsewhere he notes that Corff *subito quasi nobis raptus est (was taken from us rather suddenly)*²⁷.

Although Corff and Hallum (as well as the others who died at Constance during these months) presumably succumbed to the same disease, Fleming's eulogies are very different in terms of how he portrays the demise of these individuals. In the case of Corff, Fleming claims that God's wrath has been unleashed upon the entire city because of the moral failings of the clergy, though Corff himself is praised as a paragon of priestly virtue. He urges his audience to emulate Corff in carrying out personal reform, but not as an alternative to the council's enactment of reform legislation²⁸. However, in Hallum's eulogy, Fleming argues that the threat of disease now threatens the goals of both the 'reform party' and the 'unity party', hence the necessity of compromise by both sides in this conflict. But the question remains as to whether Fleming and the majority of his countrymen were merely luke-warm followers of Hallum's commitment to reform, or genuine proponents of reform who were forced by imminent danger into promoting a prudent policy of compromise. It is of course impossible to know with any certainty what their actual attitudes were in this matter, but the following analysis of the entire text of '*Spiritus*', which also takes into account the political context in which it was composed and delivered, suggests that the majority of the English delegation, including

²⁵ NIGHMAN, Reform and Humanism (as note 1), 403, l. 373.

²⁶ *Anhelans ad celestia mirabiliter es affatus: "O," inquisti, "bone Pater! Quam iocundissime michi erit in illo speculo beatifico* (ibid., 402, ll. 360-62).

²⁷ Ibid., 393, ll. 216-217; p. 395, ll. 235-36.

²⁸ Ibid., 156-57. The key statement for this policy is found in one of the passages printed by LEIDINGER (as note 21), 256, ll. 37-38, where Fleming states his hope that [...] *nec attediet infirmatos adhibicio medele, sancta uidelicet et concors ecclesie reformacio* ([...] *may the application of the remedy, namely the holy and harmonious reform of the church, not fatigue the infirm*), (NIGHMAN, Reform and Humanism [as note 1], 398, ll. 292-94).

Fleming himself, were indeed committed reformers who were reluctant to abandon the 'reform party'.

The most intriguing feature of this long funeral sermon is a striking discontinuity in it. Unlike every other conciliar sermon I have seen, and contrary to the prescribed method of thematic sermon composition, it comprises not one, but two separate, serial discourses on its scriptural *thema* – 'The spirit will be in glory' – each one dividing the theme into three parts: *spiritus, erit, and gloria*. And while the sermon's introductory *prothema* (CCl 82, fols 80va-81rb, 141 lines) and the short first treatment of the theme (fols 81rb-82rb, 195 lines) convey a strong sense of urgency and contain the proposal for compromise on the reform-election issue, the much longer second discourse on the theme (fols 82rb-84vb, 447 lines) is a very elegant and learned exposition on virtue, death and salvation that makes no reference to conciliar politics or the threat of disease, though it does contain the passage which recounts Hallum's career that was printed by Vidal²⁹. On the basis of this structural and rhetorical evidence, it seems reasonable to believe that the impressive but politically ambiguous second part of this sermon was composed around the time of Hallum's death on 4 September 1417, and that the shorter, very politicized *prothema* and first treatment of the theme were hastily written just before Fleming delivered this *sermo in exequis*, suggesting that the decision to alter the English policy on the reform-election issue was the result of a lengthy and uncertain process, not a quick compliance with a royal command as suggested by Crowder's theory.

Further evidence for this theory that Fleming wrote *Spiritus* in two phases is revealed by an analysis of the many classical, patristic and medieval authorities that he employed in composing this sermon. Most of the non-biblical quotations in the *prothema* and the first treatment of the theme were probably derived from his own copy (Oxford, Lincoln College MS lat. 98) of Thomas of Ireland's influential florilegium, the *Manipulus florum*. For example, four of the five citations from the passages in the *prothema* that are cited above (p. 188) are found under the topic *Prudencia siue providencia* and the fifth is found under the lemma *Periculum*³⁰. While it is possible that the quotations attributed to a letter by Seneca and to a tract by Augustine (actually Pseudo-Cyprian) were taken from manuscript copies of the *originalia*, it is likely that they were in fact taken from this florilegium (*Prudencia siue providencia* s [LC 98, fol 199r] and *Periculum a* [LC 98, fol 181v], respectively) because the other three quotations were surely

²⁹ VIDAL (as note 9), 498-99.

³⁰ See my online edition of the *Manipulus florum* (www.manipulusflorum.com).

derived by Fleming from the *Manipulus*. The one attributed to a sermon by Peter of Ravenna (Petrus Chrysologus) does not appear in any of the sermons and other writings by this author that have been published in the *Patrologia Latina* and the *Corpus Christianorum series Latina*, nor has it been found in any other text besides the *Manipulus*, where an exact match to both the text and the attribution comprises *Prudencia siue prouidencia k* (LC 98, fol 199r). Similarly, the 'quotation' ascribed to Tullius, which may be a paraphrase from Cicero's *De inuentione* 2, 160, has only been found in the *Manipulus* (LC 98, fol 199r), where again both the text and the attribution of *Prudencia siue prouidencia l* are identical to the quotation as it appears in Fleming's sermon. Finally, the two lines ascribed to Seneca's proverbs are found in the *Manipulus within Prudencia siue prouidencia u* (LC 98, fol 199r-v), where the same attribution and text are found, though in this case Fleming selected portions of the passage and omitted others. Neither of these two sentences are from Seneca or any Pseudo-Senecan text; the first one is originally from Ennodius' *Vita Epiphani*³¹, and the second is from a sermon by Petrus Chrysologus³². In total there are sixteen non-biblical quotations in the *prothema* and the first treatment of the theme, of which eleven were certainly or probably derived by Fleming from the *Manipulus florum*. In contrast, there are twenty-two non-scriptural quotations in the long second treatment of the theme, but only six of these are found in the *Manipulus*. This evidence suggests that when Fleming composed the second treatment of the theme he had the leisure to look for many of these quotations in their original sources, but when he wrote the introductory section and short first treatment of the theme he was in a hurry, so he employed this handy reference work for nearly all of the quotations in it. As Mary and

³¹ ENNODIUS TICINENSIS, *Vita Epiphani*, in: Magni Felicis Enodii opera omnia, ed. W. HARTEL, Vindobonae 1882 (= CSEL 6), 364, l.12. On the transmission of this particular line from ENNODIUS in the *Florilegium angelicum*, see A. A. GODDU - R. H. ROUSE, Gerald of Wales and the *Florilegium Angelicum*, in: Spec. 52 (1977) 488-521 at 513; and on Thomas of Ireland's use of the *Florilegium angelicum* in compiling the *Manipulus florum*, see M. A. ROUSE - R. H. ROUSE, *Preachers, Florilegia and Sermons: Studies on the Manipulus florum of Thomas of Ireland*, Toronto 1979 (= STPIMS 47), 147-51. However, the Rouses also determined that the *Florilegium angelicum* was a source for another of Thomas sources, the *Flores paradisi*, and pointed out that the compiler of this Cistercian florilegium "failed [...] to insert the names of the authors to whom the extracts were attributed" (134). Thus, the most likely genealogy for this line is from Ennodius' hagiography to the *Florilegium angelicum* to the *Flores paradisi* to the *Manipulus florum*.

³² PETRUS CHRYSOLOGUS, *Collectio sermonum*, 79, 4, ed. A. OLIVAR, Turnhout 1981 (= CChr.SL 24A), 485, ll.52-53.

Richard Rouse pointed out in an article on medieval reference works such as the *Manipulus florum*, their purpose was to allow the user 'to find immediately' (*statim inuenire*) what they wanted³³. It appears that Fleming's copy of Thomas of Ireland's *florilegium* had exactly such utility when he was scrambling to revise and expand his eulogy for Robert Hallum.

This reconstruction of Fleming's composition of this eulogy may be extended even further. Clearly, the second treatment of the theme could have stood alone as a worthy eulogy for Hallum, so long as it was preceded by a suitable *prothema*. The existence of such a presumed original *prothema* may be indicated by the three quotations in the extant *prothema* that were not derived from the *Manipulus*, which might have been recycled from an original *prothema*. Interestingly, none of these three quotations deal with the themes of prudence or danger; the first two, attributed to Augustine and Jerome, relate to mortality and the third, ascribed to Bernard, is part of the standard tribute to the Virgin which concludes the *prothema*. If this theory is correct, then it seems that Fleming did not have sufficient time to revise the eulogy that he had originally prepared around the time of Hallum's death by inserting the rhetorically and politically significant passages related to the English policy change, hence the unusual provision of two separate, sequential treatments of the theme. It would therefore seem that the English delegation only reached its decision to compromise within a day or two of Fleming's delivery of this eulogy. Moreover, if Fleming did not anticipate the change in the English policy in the reform-election dispute, it probably means that he was himself also reluctant to support such a change because of his own devotion to the cause of reform.

This theory of the English delegation's reluctance to alter their position on the reform-election debate is also supported by the fact that Fleming's eulogy for Hallum was surely delivered four days later than previously thought. Vidal stated that '*le discours fut prononcé au service du neuvième jour (mi-septembre)*'³⁴. Heinrich Finke took this to mean that it was delivered on Thursday, 9 September 1417, and every historian who has subsequently discussed this eulogy, including myself, has accepted that date³⁵. However,

³³ M. ROUSE - R. ROUSE, *Statim inuenire: Schools, Preachers and New Attitudes to the Page*, in *Renaissance and Renewal in the Twelfth Century*, ed. by R. BENSON - G. CONSTABLE, Cambridge/Mass. 1977, 201-25.

³⁴ VIDAL (as note 9), 498.

³⁵ FINKE (as note 10), 513; CROWDER, *Aspects* (as note 17), 384; CROWDER, *Henry V* (as note 6), 105; STUMP (as note 2), 39; NIGHMAN, *Reform and Humanism* (as note 1), 162; BRANDMÜLLER (as note 5), 313.

there is no date in the brief rubric for this sermon in Vidal's manuscript and it is not followed by a colophon. The only internal reference that Vidal could have used to determine its date is found in another passage that he did not publish or cite in his article; here Fleming states that it has been eight days since Hallum's body was conveyed from a nearby castle and buried in the cathedral³⁶. Vidal must have known from other sources that Hallum died on Saturday, 4 September; that his funeral was held in the cathedral the next day; and that his obsequies ('*le service*') were celebrated on Monday, 13 September, when Fleming delivered this sermon, thus '*le neuvieme jour*' after his death, in other words, at the end of the novena of mourning³⁷. Hallum made his will on 23 August, presumably when it became clear that he had contracted this deadly disease³⁸. Thus Fleming would have had nearly three weeks to prepare his memorial sermon for Hallum. Likewise, the English delegates would have had just as much time to decide whether they would change their policy, yet it appears that they did not reach that decision until shortly before Fleming delivered this eulogy.

This correction of the date of Fleming's eulogy for Hallum also resolves what was previously an apparent contradiction between the compromise proposal it contains and a policy statement that the current president of the English 'nation', Bishop John Catterick of Lichfield, reportedly made to Sigismund on 9 September. The occasion was a rather tumultuous meeting at which the cardinals had been pressing Sigismund and the German *natio* to appoint deputies to consider the matter of the election. According to Guillaume Fillastre, when the Cardinal of Pisa informed Sigismund that the English had already appointed deputies for this purpose, the emperor-elect angrily denied it and summoned the English leaders. When they arrived Catterick reportedly explained that English deputies had been previously appointed, at Sigismund's orders, to consider the process for election and that after Hallum's death their nomination had simply been confirmed. Yet Catterick also asserted, according to Fillastre's account, that nevertheless the English 'had followed and still proposed to follow the German nation'³⁹.

³⁶ *Et sane, domini mei, cum heri ad octo dies reuerendissimi huius patris a castro uicino in quo mortales clausit oculos ad sanctuarii huius locum ubi ultime sibi peciit dormicionis cubile mestorum humeris caro mortua incipiebat deferri*, CCl 82, fols 80vb-81ra.

³⁷ LOOMIS (as note 15), 158-59.

³⁸ The Register of Henry Chichele, Archbishop of Canterbury (1414-1443), 4 vols, ed. by E. F. JACOB, Clarendon Press: Oxford 1938-47, vol. 2, 128.

³⁹ LOOMIS (as note 15), 396.

This would have been an outright lie if Fleming's sermon had actually been preached on the same day, but given the revised chronology for the delivery of that eulogy, Catterick's statement should probably be taken at face value; thus, five days after Hallum's death the English were apparently still adhering to the 'reform party', though their confirmation of deputies who would consider the election process did signal a shift in attitudes which led Sigismund to reproach them for 'weakening the bond between himself and the King of England'⁴⁰. It is of course possible that Catterick and the other members of the English 'nation' had already decided to abandon the 'reform party' by promoting a compromise that would resolve this dispute, but it is difficult to understand what they would have stood to gain by delaying the announcement of their policy change by a few days. It is therefore reasonable to assume that it was sometime after Thursday, 9 September that they reached this decision, at which time Fleming began to revise his eulogy for Hallum in order to make it the vehicle for announcing the English proposal for compromise.

The apparent duration of this delay also undermines Crowder's theory regarding Henry V's supposed order to the English representatives to change their position in the reform-election dispute. He states that Henry's 'new instructions', presumably delivered orally along with the letter of 18 July, would have certainly arrived at Constance by the beginning of September⁴¹. If this were so, and if Hallum's death was indeed the catalyst for the English delegation's compliance with Henry's putative command, then there would have been no reason for delay. The English would have changed their policy immediately after his funeral on 5 September. Yet the evidence presented above strongly suggests that there was considerable hesitation and delay. Therefore, there is little doubt that the decision to propose a compromise in the 'priority conflict' was, in fact, made by the English delegates themselves. However, Crowder was correct in believing that the majority of the English representatives at this council – men such as John Catterick, Abbot Thomas Spofforth of St. Mary's York, and an Oxford doctor of theology named Richard Fleming – must have shared Robert Hallum's deep concern for church reform. But the cumulative effect of mortality due to pneumonic plague that had been eroding their numbers for at least six weeks finally forced the English reformers to realize that it would be prudent to break the stalemate of the 'priority conflict' by proposing a compromise so that at least some reforms would be achieved by

⁴⁰ *Ibid.*, 397.

⁴¹ CROWDER, Henry V (as note 6), 105.

this council, and so that the union of the church would be secured by a papal election, before a full-blown epidemic could force its premature dissolution without achieving either of these goals.

As it turned out, their fears were fully justified, for an epidemic of the plague did occur at Constance, but not until seven months later. Although it is not mentioned by Fillastre, whose account of events at the council ends with its dissolution on 22 April 1418, Richental reported that 'a terrible pestilence' struck Constance during that month, and that it grew much worse during the late spring and summer before it finally ceased the following October. His account is most interesting in terms of how it reveals what he considered to be a significant level of mortality. He states that when it began in April 'not many died so that there were not more than three funerals a week', but during the late spring and summer 'so many died that every day there were eight or ten funerals in Constance, and some six hundred burghers with their wives and children left the city'⁴². It is therefore understandable why he made no mention of what was probably a minor outbreak of plague during the previous summer; a few scattered deaths simply did not warrant mention in his chronicle. But they were apparently enough to have a significant impact on the political situation at this council as the majority of English delegates were eventually persuaded that it would be prudent to alter their policy by promoting a compromise to resolve the 'priority conflict'.

⁴² LOOMIS (as note 15), 188.