The Statutes of the Teutonic Knights: A Study of Religious Chivalry

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Abstract
From the Preface:

The purpose of this study is to examine the role of the religious military orders, and of the Teutonic Knights in particular, within the process of change in developing the concept of a religious and a Christian warrior during the Crusades, or, in other words, how the existing Latin ideal of religious retreat was adapted, blended and attached to the chivalric image of Western Europe in the Holy Land, as reflected in the statutes of the Teutonic Knights. For this purpose the statutes of the other two prominent religious military orders, the Knights Templars and the Knights Hospitallers, and also the Rules and Constitutions of other contemporary religious orders are compared with, and studied as possible sources of, the statutes of the Teutonic Knights. Also the organization and membership of the Teutonic Order are described and analyzed. Basic to all this is the first English translation of the statutes, the Book of the Order, made from the German text of 1264, found in the oldest extant manuscript.

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A STUDY OF RELIGIOUS CHIVALRY

Indrikis Sterns

A DISSERTATION

in

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Supervisor of Dissertation

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Persons, except modern authors, are indexed under their Christian names. The following abbreviations are used:

A. Rule of St. Augustine H.L. Holy Land
B. Rule of St. Benedict H.Q. headquarters
B.O. Book of the Order L. Canons of Fourth Lateran
C. Carta Caritatis P. papal privileges
Cist. Cistercians prov. province
D. Dominicans (Order) T. Templars (Order)
F. Rule of St. Francis T.K. Teutonic Knights
H. Hospitallers (Order) prov. province

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LIST OF ABBREVIATIONS

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<td>LUB</td>
<td>Liv-, Est- und Kurländisches Urkundenbuch</td>
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<td>MGH.SS</td>
<td>Monumenta Germaniae Historica:Scriptores</td>
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<td>PL</td>
<td>Patrologiae latinae cursus completus</td>
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<td>PPTS</td>
<td>Palestine Pilgrims' Text Society</td>
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<tr>
<td>PU</td>
<td>Preussisches Urkundenbuch</td>
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<td>Scriptores rerum Prussicarum</td>
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Rare Book Collection, The Library, University of Pennsylvania. MSS. Germ. 10: Regel der Brüder des deutschen Hauses Sant Marie. - Gesetz der Brüder. - Alia Statuta. Germany, fifteenth century, paper, 23ff, 27.5 x 20 cm.

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Livländische Reimchronik, ed. Leo Meyer. Paderborn: F. Schöningh, 1876.


Narracio de primordiis ordinis Theutonici, ed. Max Töppen, SSRP, I, 220-225.


Perlbach, see Statuten.


Hennig, see Statuten.


Perlbach, see Statuten.


Strehlke, see Tabulae.


D. Other Published Sources.


St. Benedict, see Rule.


Curzon, see Règle.

Delaville Le Roulx, see Cartulaire.

Denifle, see "Konstitutionen."


Guignard, see Les monuments.


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Mansi, see Sacrorum.

Migne, see Patrologiae.


E. Secondary Works.


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The purpose of this study is to examine the role of the religious military orders, and of the Teutonic Knights in particular, within the process of change in developing the concept of a religious and a Christian warrior during the Crusades, or, in other words, how the existing Latin ideal of religious retreat was adapted, blended and attached to the chivalric image of Western Europe in the Holy Land, as reflected in the statutes of the Teutonic Knights. For this purpose the statutes of the other two prominent religious military orders, the Knights Templars and the Knights Hospitallers, and also the Rules and Constitutions of other contemporary religious orders are compared with, and studied as possible sources of, the statutes of the Teutonic Knights. Also the organization and membership of the Teutonic Order are described and analyzed. Basic to all this is the first English translation of the statutes, the Book of the Order, made from the German text of 1264, found in the oldest extant manuscript.

After a job is brought to a conclusion, there is no greater pleasure than to acknowledge the assistance
of those who made the study possible. My thanks go to Dr. Gaines Post, Charles Henry Lea, Visiting Professor at the University of Pennsylvania, for encouraging me to undertake this work. Also I wish to thank Dr. Rudolf Hirsch, Associate Director of the Libraries of the University of Pennsylvania for his help in obtaining a Library scholarship which made my financial burdens easier during the days when I was writing this study, and to Dr. Joan I. Gotwals, Head of the Circulation and Reference Departments for her help. Likewise I have to remember with gratitude Dr. George R. Potter, also Charles Henry Lea, Visiting Professor at the University of Pennsylvania for his careful reading and criticism of this study, and Professor Albert L. Lloyd of the University of Pennsylvania for his comments on the language of the German manuscript of the Statutes in the Rare Book Collection of the Library of the University of Pennsylvania. However, the most sincere gratitude I owe to Dr. Elizabeth C. Furber, Visiting Lecturer at the University of Pennsylvania. This study would never have taken its present shape, had not Dr. Furber so enduringly scrutinized every opinion and every statement and corrected many errors of mine. À chaque saint sa chandelle!
Introduction

The land where Christ was born and where he died fell into the hands of the Moslems in 638 and remained in their possession until the First Crusade. Although Moslems were in control of the Holy Land, the holy places of Palestine were not inaccessible to Christians. Individual and organized group pilgrimages to the Holy Sepulchre took place throughout the middle ages, particularly during the eleventh century. The best recorded pilgrimage is that of the Germans in 1064-1065, organized and led by Bishop Gunther of Bamberg.¹ Not only pilgrims, but also merchants from almost the whole of Western Christendom went to Palestine before the Crusades to do business with merchants from the East. By the eleventh century, then, a rather

impressive concourse of peoples from the East as well as from the West could be found in the Holy Land.²

Since journeys to and sojourns in Palestine were for the westerners expensive undertakings, it is little wonder that many of the travelers to the Holy City ran out of funds before they had completed their visits to the holy places. A pressing problem, also, for the pilgrims in Jerusalem was accommodation, especially for those who became sick. To provide help to pilgrims in the Holy City Pope Gregory I, as early as 603, established in Jerusalem a hospital or hospice for the support of poor pilgrims. Charlemagne founded a hospital in the Holy City for the care of Western pilgrims.³ The increase of traffic to the Holy Land in the eleventh century brought new foundations. At Jerusalem a complex of religious houses was established in the quarter of the Holy Sepulchre where, in mid-century, Amalfitan merchants founded, or restored, the monastery of St. Mary of the Latins and filled it with Italian Benedictines. To deal with the swelling numbers


of pilgrims two dependent houses were established, the convent of St. Mary Magdalene, by 1080, and a hospice, dedicated at its foundation either to St. John the Almsgiver or to St. John the Baptist, possibly by 1080 or soon thereafter. At the time of the fall of Jerusalem in 1099 a certain Gerard, possibly a lay brother of St. Mary of the Latins, was administrator of this hospital of St. John for the sick poor. Some time thereafter, at an undetermined date, the Hospital became self-governing with Gerard (d. 1120) as its first Master.4

With the establishment of the Latin Kingdom of Jerusalem in 1099, the Christians were faced with the problem of protecting the hordes of pilgrims arriving in the Holy Land. Thus a knight from Champagne, Hugh of Payens, together with a certain Godfrey of St. Omer and six other knights, decided to band together for the protection of pilgrims on their way from the port of Jaffa to Jerusalem. In 1118 King Baldwin I turned over to them lodgings in the area of the Temple, where they settled and became known to their contemporaries as the

poor Knights of the Temple.\textsuperscript{5}

As yet these organizations for the care of the sick poor and for the protection of pilgrims were not organized into orders. But in 1112 Baldwin I confirmed to the Hospital of St. John all the possessions it had acquired in the Latin Kingdom and the Patriarch of Jerusalem exempted it from paying tithes, and, on February 15, 1113, Pope Paschal II issued the Bull, \textit{Pie postulatio voluntatis}, the "foundation charter" of the Order of the Hospital.\textsuperscript{6} The bull was addressed to Gerard, founder and head (\textit{institutus ac prepositus}) of the Hospital of Jerusalem.\textsuperscript{7} It placed the Hospital under papal protection, provided for the election of the Master by the brothers of the Hospital, and stipulated that the property and income of the Hospital should

\begin{footnotesize}


\textsuperscript{7}It was under Raymond of Le Puy that the title \textit{magister} became generally used; see Riley-Smith, p. 277 n. 5 for the various titles used for Gerard.

\end{footnotesize}
be used for the benefit of the Hospital and for the support of pilgrims and the poor. It also confirmed the extensive properties which the Hospital had already acquired in the Holy Land and also in Western Europe from the gifts of the faithful, and subordinated the European estates and all which might be acquired in the future to the Master in perpetuity.

The fourteenth century chronicler, John of Ypres, states that at the beginning the Hospitallers followed a rule based on the Rule of St. Benedict, later replaced by a rule based on the Rule of St. Augustine. However, the earliest collection of regulations extant is that known as the Rule of Raymond of Le Puy, Gerard's successor as Master (1120-1160), which was confirmed by Pope Eugenius III some time before 1153, reconfirmed by Anastasius IV in 1154, and again by Lucius III in 1184/5. By this rule, a composite document of nineteen clauses generally following the Augustinian pattern, the brothers, consisting of priests and laymen, were bound by the three customary monastic vows (chastity, obedience and poverty),

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8John of Ypres (Joannes Iperius, also known as Johannes Longus de Ypra, d. 1383, for 17 years abbot of the Benedictine Monastery of St. Bertin) "Chronica sive Historia Monasterii Sancti Bertini," in Thesaurus novus anecdotorum, ed. E. Martène and U. Durand (5 vols.: Paris, 1717 ff.), III, 442-776, see especially 443-446, 625-626, but see Riley-Smith, pp. 48-49.
wore a black robe with a cross on the breast, and were devoted to the care of the sick poor in the Hospital. In the rule there is no mention of military activities, which seemingly began as an extension of their care for the poor; the brethren-at-arms are first mentioned in the statutes of 1182, though a man calling himself knight or brother appeared in 1148.

About the time that Raymond of Le Puy may have been writing his rule for the Hospital of St. John in Jerusalem, Hugh of Payens of the Poor Knights of the Temple was also seeking a rule and official recognition for his military brotherhood, and in 1127 he went to Rome to petition the pope. Honorius II referred the matter to the Council of Troyes which met in 1128. The council reacted favorably and ordered a rule to be drawn up by Hugh under the guidance of Bernard of Clairvaux, which was acknowledged by Honorius II. Thus the year 1128 is accepted as the year of the foundation of the Knights Templars, but real recognition came with the bull Omne datum optimum, issued by Innocent II in 1139, and confirmed by Alexander III in 1163 and again in 1173. This bull granted more privileges to the order than the

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9 Riley-Smith, pp. 46-52; Delaville Le Roulx, Cartulaire, nos. 226-690.
10 Riley-Smith, pp. 55, 58.
statutes of Hugh of Payens. Thus, by 1173, the statutes of 1128 were outdated as far as the organization of the Knights Templars were concerned, and after 1173 the real authority for the order was the bull Omne datum optimum.\footnote{11La Règle du Temple, ed. Henri de Curzon (Paris: Librairie Renouard, 1886), p. 11 and pp. 15-20; Campbell, pp. 27-28; Adolf Waas, Geschichte der Kreuzzüge (2 vols.; Freiburg: Verlag Herder, 1956), II, 11-13; Prutz, Entwicklung, pp. 33-9; for the text of Omne datum optimum see Petrologiae latinae cursus completus, ed. J. P. Migne, vol. 200, col. 919, no. 1042.}

In this bull the Pope recognized the rule as based on the Rule of St. Benedict, but the master, together with the chapter, was empowered to change the rule.\footnote{12Prutz, Ritterorden, p. 24; Prutz, Entwicklung, p. 2; Runciman, Crusades, II, 157; John of Ypres, III, 622, states that the Templars followed the Rule of St. Augustine; on this rule, more suitable for orders in contact with the world and on Cistercian influence, see Riley-Smith, pp. 48, 52.} The professed brethren had to take the vows of chastity, obedience and poverty, but only the brother knights were full members of the order, for they alone made up the chapter, which elected the master from among its members. The master was also the commander of the order’s military forces. In the order’s hierarchy, under the brother knights came the brother sergeants-at-arms and the brother sergeants-at-service, who were not of
noble birth. The order also used mercenaries as its light cavalry. The order's duty was not only to defend with sword in hand the Holy Land from the infidels, but also to fight the heathen elsewhere; and the order was entitled to use for its own needs what was gained from the infidels and to build its own churches on land which was recaptured from the Moslems and other non-Christians. To serve the order's churches and chapels the Knights Templars had their own priests, whom the chapter, jointly with the bishop of the diocese, installed, but whom the chapter could remove if they did not serve the order well. The brother priests were ordinary members of the order, but had no voice in the chapter, nor part in the order's business. The members of the order wore a white habit with a red cross. The order had several houses in different countries, but the house in Jerusalem until its conquest by Saladin was the seat of the master and the superior house within the order. The order was responsible only to the pope, and was exempt from all ecclesiastical taxes.

13 The brother sergeants-at-arms made up the order's light cavalry, and the brother sergeants-at-service were employed as manual laborers. The term servientes is sometimes difficult to translate. I follow the scheme of Riley-Smith, passim and see his index.

14 See above n.11, and Curzon, pp. 11-70 for the statutes.
The Knights Templars first appeared in battle in support of the Kingdom of Jerusalem against the infidels in 1129 when they took part in the abortive expedition of King Baldwin II against Damascus. Not so clear is the origin of the military activities of the Knights Hospitallers. The first trustworthy evidence of their military duties can be traced to the year 1136, when King Fulk entrusted them with the defense of the castle of Bethgiblin in southern Palestine; this indicates that they had had some military organization and capabilities before this date. As we have seen, the brethren-at-arms are first mentioned in 1182. The Order of the Temple had engaged in caring for the sick and the old before the fall of Jerusalem, but on a much lesser scale than the Hospitallers.

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16 Riley-Smith, pp. 58 ff.; above p. 6.
17 Prutz, Ritterorden, pp. 24-57.
PART I

THE ORDER OF THE TEUTONIC KNIGHTS:
ITS FOUNDING AND ITS STATUTES
CHAPTER 1

The Teutonic Order in the Holy Land

Tradition links the Teutonic Order with a German Hospital in Jerusalem and another in Acre. There is no official document extant about the founding of the Teutonic Order, but the clearest narratives about a German Hospital in Jerusalem are those of James of Vitry, Bishop of Acre (1216-1228), and John of Ypres, abbot of St. Bertin (d. 1383). Of German pilgrimages to Jerusalem in the early twelfth century James of Vitry has left us an account in which he states that after the conquest of Jerusalem in 1099 by the Crusaders, many Germans went to the Holy City as pilgrims, but only a few of them knew Latin or Arabic. Therefore, a German couple who lived in the city built with their own means a hospital for the care and housing of poor


11
and sick Germans, as well as a chapel dedicated to the Virgin Mary. This story is very similar to the tale of the Amalfitans and their hospital a century before. The German couple seems to have maintained the establishment from their own wealth and from alms, for many Germans gave money in order to support the hospital, and even forsook worldly occupations in order to care for the sick.\footnote{John of Ypres gives a similar account. He then goes on to describe the development of the German House in Jerusalem in a somewhat confused passage:}

With the increase of devotion increased also the number of brothers there serving the Lord, and they subjected themselves to the order and the Rule of St. Augustine, bearing white mantles (mantellos albos deferentes). In the following years, like the Hospitallers, they were forced to take up arms and devoted themselves to God and the Rule of St. Augustine in defense of their lands and the fatherland,\footnote{i.e., the Kingdom of Jerusalem.} and added black crosses to their white vestments as well as to their banners. In the year 1127. This order is the German Order and the Order of St. Mary of the Teutons.\footnote{James of Vitry, I, 1085; John of Ypres, III, 626. James of Vitry’s account is likewise obscure.}

\footnote{James of Vitry, I, 1085; John of Ypres, III, 626. James of Vitry’s account is likewise obscure.}

\footnote{i.e., the Kingdom of Jerusalem.}

\footnote{John of Ypres, III, 625: Crescente devotione crevit & numerus fratrum ibi Domino fervientium, & se ad ordinem seu regulam S. Augustini disposuerunt, mantellos albos deferentes: successu temporis sicut Hospitalarii quasi coacta arma sumpserserunt & in defensionem tarrarum suarum & patriae Deo & regulae beati Augustini votis se astringentes, cruces nigras albis vestibus superaddentes, atque vexillis, anno Domini MCXXVII. Ordo iste est ordo Alemannorum & ordo beate Mariae Theutonicorum.}

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John's preceding chapter gives a parallel account of the growth of the Hospital of St. John:

Tandem crescente malitia praedonum, invalescentibus etiam incursibus Saracenorum, dominisque delicatis ac otio torpentibus, necesse habuerunt non solum ad defensionem terrarum & praediorum suorum, immo potius in patriae defensionem extendere manus: tum abbas consilio fratrum eis armorum insignia dedit, cruces albas nigris suis mantellis superassuendo, idemque signum in vexillis dedit in patriae defensionem contra inimicos crucis Christi, anno Domini MCXXVII.

Such were the vague traditions, which John, writing over two centuries later in Flanders, had picked up about the early years of the two military orders. Extant sources for the Hospitallers provide no evidence for attaching particular significance to the year 1127. Possibly about this time the German Hospital in Jerusalem established some relation with the Hospital of St. John. The passage in John of Ypres beginning: "In the following years, like the Hospitallers..." seemingly refers to a much later period, when the Teutonic Order was founded in Acre. In this connection it is of importance to compare John of Ypres with the corresponding passage from James of Vitry, as John's probable source of information:

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5III, p. 625.
It seems that sometime in the early twelfth century the German Hospital in Jerusalem, for one reason or other—possibly from jealousy—had gotten on bad terms with the Hospitallers, and that the Hospitallers had brought charges against the German Hospital before the papal curia, for on December 9, 1143, Pope Celestine II wrote to the master of the Hospitallers, Raymond of Le Puy, that the German Hospital stirred up dissensions and scandals. In order to avoid further discord the pope placed the German Hospital under the supervision of the Hospital of St. John, though allowing the Germans to retain their own prior, servants, and the German language. Thus the association with the Hospitallers which the German Hospital may have established in 1127 was officially ordered by Pope Celestine II in 1143. There is no evidence in the sources that Emperor Conrad III had any relations with the German Hospital during his stay in Jerusalem in 1148.

6See note 2.

7Delaville Le Roulx, Cartulaire, Nos. 154 and 155; Riley-Smith, p. 397.
In the sixties or seventies of the twelfth century, a priest, John of Würzburg, visited Jerusalem and later wrote a "Description of the Holy Land," in which is a short passage on the German Hospital:

In the same street which leads to the House of the Temple lies a hospital with a chapel which is being rebuilt anew in honor of St. Mary, and which is called the German House (Domus Alemannorum). Few, other than German speaking people contributed anything to its support.

At that time, seemingly, the German Hospital in Jerusalem was of little significance.

In 1172 Henry the Lion, Duke of Saxony and Bavaria, made a pilgrimage to Jerusalem. In an extended account of the journey, Arnold of Lübeck describes

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9 John of Würzburg, PL, vol. 155, col. 1086.

how Henry was met outside the gates of the Holy City by the Knights Templars and Knights Hospitallers. Arnold goes on to relate how Henry gave arms and a thousand marks to both orders and how the Templars accompanied him to Bethlehem and Nazareth and bade farewell to him at Antioch. But Arnold breathes not a single word about the German Hospital in Jerusalem. Some four years later, Sophia, Countess of Holland, died on her third pilgrimage to Jerusalem and was buried in the German Hospital.

On the origin and development of the German Hospital in Acre and its transformation into a military religious order we are better informed. The most explicit source is the anonymous contemporary account called "A Narrative on the Origin of the Teutonic Order." The process

11Arnold of Lübeck, p. 121.

12"Annales Egmundani," ed. Georg H. Pertz in MGH. SS, vol. 16 (Hannover, 1859), 442-482, see especially p. 468. For this chronicle of the monastery of Egmund in Friesland written from the twelfth to thirteenth centuries by several writers, see Introduction, pp. 442-45.

13Various editions of this Narratio de primordiis ordinis Theutonicii, including, amongst others, editions by Max Töpffen in Scriptores rerum Prussicarum: Die Geschichtsquellen der Preussischen Vorzeit bis zum Untergange der Ordensherrschaft, (ed. Theodor Hirsch, Max Töpffen, Ernst Strehlke), I (Leipzig: S. Hirzel, 1861), 220-225; by Max Perlbach, Die Statuten des Deutschen Ordens (Halle am Saale: Max Niemeyer, 1890), pp. 159-160; and by Walther Hubatsch, Quellen zur Geschichte des Deutschen Ordens ("Quellensammlung zur Kulturgeschichte," ed. Wilhelm Treue, vol. 5; Göttingen: "Musterschmidt" Wissenschaftlicher Verlag, 1954), pp. 26-30. Perlbach (p. XLIII) assumes that the "Narrative" was written about 1211, after the hospital was transformed into an order, and Hubatsch (p. 26), between 1204 and 1211. My references are to the SSRP. edition.
of the confirmation of the new order and its legal history in the Holy Land is best recorded in the collection of official charters and privileges granted to the Order before the transfer of the seat to Prussia.\(^{14}\)

On September 1, 1190, a contingent of German crusaders in fifty-five ships arrived in the port of Acre and prepared to help Guy of Lusignan, King of Jerusalem, in the siege of the city. Among them were citizens from Bremen and Lübeck, who, under the leadership of a certain Sibrand, using the sail of a ship for shelter, set up a hospital to care for the wounded, near the cemetery of St. Nicholas between a hill and the river. For over a month, they carried on their work as good Samaritans until the arrival of Frederick, Duke of Swabia and Alsace, to take command of the remnants of Frederick Barbarossa's army. Soon afterward the crusaders from Bremen and Lübeck left for Germany, but before departing, on the insistence of Duke Frederick and other noblemen of the German army, they handed over the hospital to Frederick's chaplain Conrad and to his chamberlain Burkhard. This, the only hospital for the German forces, seems to have been well endowed with alms

for its work in caring for the sick. Conrad and Burkhard renounced the world, and devoted themselves to the hospital. Like the German Hospital in Jerusalem this new hospital was dedicated to the Virgin Mary, probably in the hope that it after the reconquest of the Holy Land might be moved to Jerusalem and made the principal house. From the "Narrative" it thus becomes clear that the German Hospital outside the walls of Acre was a new establishment independent of the German Hospital in Jerusalem. But the memory of a German Hospital of St. Mary in Jerusalem was still alive, and, seemingly, it was the intention of the German crusaders to revive the Domus Alemannorum in Jerusalem, which, if not destroyed, yet was in the hands of the infidels. The "Narrative" goes on to relate that Duke Frederick sent messengers with letters to his brother (later the emperor Henry VI) asking him to obtain papal recognition for the hospital. This was granted by Celestine III in 1196, though there

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15 Narracio, 220-221 and note 4.

16 Narracio, 221: hospitale prescriptum in honore sancte dei genitricis virginis Marie inchoantes, quod principali nomine hospitale sancte Marie Theutonicorum in Jerusalem nuncuparunt, ut terra sancta christiano cultui restituta in civitate sancta Jerusalem domus fieret ejusdem ordinis principalis, mater caput pariter et magistra; it should be kept in mind that the "Narrative" was written after the transformation of the hospital into an order.
is some evidence that Clement III some five years earlier had already recognized the hospital. In the meantime, before the fall of Acre, some crusaders joined the German Hospital. After the capture of the city on July 12, 1191, the brethren of the hospital bought a garden inside the walls at the gate of St. Nicholas where they built a church, a hospital and other buildings. In the church the remains of Duke Frederick who had died on January 20, were buried, and in the hospital, run by clerics, the sick and the poor were cared for. When, on December 21, 1196, Pope Celestine III took the hospital, called the "German Hospital of St. Mary of Jerusalem," under his protection and exempted it from papal tithes, he subjected the priests of the hospital to their diocesan bishops for ordination, and granted to the brethren of the hospital the right to elect their own master.

Emperor Henry VI had assembled a great army in Palestine, but died September 28, 1197, before taking command. After news of the emperor's death reached them,

17 Strehlke, No. 296, bull of Celestine III, December 21, 1196, taking the order under his protection; Strehlke, No. 295, bull of Clement III, February 6, 1191, taking the order under his protection, regarded by Strehlke as probably a forgery.

18 Narratio, 222.

19 The hospital was called the "German Hospital of St. Mary of Jerusalem" - hospitalis sancte Marie Alemanorum Ierosolimitani, above, note 16. Töppen dates the same bull December 22, 1196, SSRP., I, 225.
a number of the German princes and magnates decided to "donate" to the German Hospital in Acre the "rule of the Knights Templars." To carry out this decision the German ecclesiastical and temporal princes met in the house of the Templars and invited to the parley the prelates and barons of Palestine. All present unanimously decided that the German Hospital should be modeled on the Hospital of St. John of Jerusalem, in the care of the poor and sick; but clerical, knightly and other activities should be modeled after the Knights Templars.

Then, says the "Narrative," the brethren of the German Hospital who were present elected one of

20 Narratio, 223: hospitali prelibato ordo milicie templi donaretur. The "Narrative" dates the gathering March 1195 - (anno Domini MCCCC quinto mense Marcio) - but Töppen gives evidence to show that 1198 would be more logical.
the knights, Herman, called Walpoto, as master, and to him the Master of the Templars handed a copy of the Rule of the Knights Templars. Further a certain knight, Herman of Kirchheim, entered the German order and to him the Master of the Templars sent the white mantle of the Templars. Then the German princes and prelates

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21Narracio, 225 says quendam fratrem Hermannum nomine; see Perlbach, p. 159 and Hubatsch, Quellen, p. 28. Peter Dusburg, (d. ca 1330), in dedicating in 1326 his major work Chronicon terrae Prussiae to the Grand Master Werner of Orseln, states that his chronicle was an official history of the deeds of the order, and he begins with the story of the foundation of the order in the Holy Land, basing it on the "Narrative," but naming (p. 29) the first master Henry (instead of Herman) Walpoto. For Peter of Dusburg see Alpreussische Biographie, ed. Christian Krollman, (Königsberg: Gräfe und Unzer, 1941), vol. I sub nomine; also Helmut Bauer, Peter von Dusburg und die Geschichtsschreibung des Deutschen Ordens im 14. Jahrhundert in Preußen (Historische Studien," vol. 272), (Berlin, 1935), pp. 7-56. Peter of Dusburg's work, together with twenty supplementary chapters for the years 1326-1330, is edited by Töppen in SSRP., I, 21-219. Since the brethren of the Teutonic Order did not understand Latin, the Grand Master Luther of Brunswick (Luther von Braunschweig, 1331-1335) ordered a member of the order, the later chaplain to the grand master, Nicholas of Jeroschin (about 1290 to 1345) to translate the Latin chronicle of Peter of Dusburg into German verse; this task was completed sometime after 1335. For Nicholas of Jeroschin see Alpreussische Biographie, sub nomine, and Bauer, pp. 56-9. Nicholas of Jeroschin's work Di Kronike von Pruziland is edited in SSRP., I, 303-624. Nicholas, like his source, Peter, calls the first master Henry Walpoto (p. 313). The older generation of German historians, such as Töppen, favor Herman Walpoto, the younger generation, Henry Walpoto; see Hubatsch, pp. 28-29, and Ottomar Schreiber, Zur Chronologie der Hochmeister des Deutschen Ordens (Diss. Königsberg, Osterode: F. Albrecht, 1912).
present at the meeting sent Master Herman Walpoto, accompanied by the Bishop of Passau, to the Roman Curia, with letters to Pope Innocent III, asking for confirmation of the new order. Thus, by 1198, the Germans were observing the Rule of the Templars and wearing the white mantle in accordance with that Rule.

By a bull of February 19, 1199, Innocent III confirmed the order of the hospitalis, quod Theutonicum appelatur, and specified that it should model itself on the Templars as far as priests and knights were concerned, and on the Hospitallers as far as the sick and poor were concerned. The order was variously called, but the usual appellation was either hospitalis sancte Marie Theutonicorum Jerosolimitani or der orden des Düschen hûses.

22 Narratio, 225.


24 Strehlke, No. 304, bull of Honorius III, December 19, 1216; Perlbach, p. 22, German version of Prologue of the Statutes; see also Strehlke, No. 299, 301, bulls of Innocent III, August 27, 1210 and July 28, 1211: hospitalis Theutonicorum Acconensis, and hospitalis sancte Marie Theutonicorum in Accon.
From the above it appears that the Teutonic Order was founded in 1198. The order grew out of the hospital in Acre which was founded in 1190 and recognized by Pope Celestine III in late 1196; the papal bull contains no mention either of an order, or of the military duties of the hospital. In 1198 a gathering of ecclesiastical and lay dignitaries in Acre decided on the new military character of the hospital, and the foundation of the Teutonic Order should thus be dated from that year. Innocent III’s bull of February 19, 1199, merely acknowledged an event which had taken place almost a year earlier.

A sharp distinction must be made between the German Hospital in Jerusalem and the hospital in Acre: the former was founded by German merchants, the latter by German crusaders; the former was established for the care of sick and poor pilgrims, the latter for the care of sick crusaders. There is no evidence that the members of the hospital in Jerusalem ever undertook military duties, but the hospital in Acre in some eight years was turned into a military brotherhood, like the Templars, with the additional duty of caring for the sick and the poor, like the Hospitallers. Why was the German Hospital in Acre changed into a religious military order? While there is no evidence apart from the statement in the
"Narrative" that the German princes insisted on a reorganization, it seems plausible that the German Hospital was turned into an order with the hope of keeping permanently in Palestine some of the Germans eager to go home. With the Holy Land overrun by Saladin, problems of defense were critical. This view is supported by the fact that at the gathering where the change was decided upon, all the principal ecclesiastical and secular magnates of the Kingdom of Jerusalem were present, along with important German princes of the dispersing army of Henry VI. We do not know what were the hopes and expectations of the Germans. Perhaps they thought of another great German crusade to the Holy Land, in which case a permanent German military force in Palestine would have been an advantage. Perhaps the German crusading princes were requested by Christian dignitaries in the 

25Narratio, 223 names as present: the Patriarch of Jerusalem, King Henry of Jerusalem, the Archbishops of Nazareth, Tyre and Caesarea, the bishops of Bethlehem and Acre, the grand masters of the Knights Templars and Knights Hospitallers, Rudolph, Lord of Tiberias and his brother Hugh, Rainald, Lord of Sidon, Eymar, Lord of Caesarea and John of Ibelin; also Conrad, Archbishop of Mainz, Conrad Bishop of Würzburg and the imperial chancellor, Wolgerus, Bishop of Passau, later patriarch of Aquilea, the bishops of Halberstadt and Zeitz, the Count-Palatine of the Rhine and of Brunswick, Duke Frederick of Austria, Duke Henry of Brabant, commander of the army; Herman, Count-Palatine of Saxony and Landgrave of Thüringia, Conrad, Margrave of Landsberg, Theodoric, Margrave of Meissen, Albert, Margrave of Brandenburg, and the imperial marshal, Henry of Kalden.
Holy Land to leave a standing German fighting contingent behind for the protection of the Christians there. In this connection a passage in the chronicle of James of Vitry is pertinent:

They... are humbly obedient to the Lord Patriarch and to the other prelates. They render tithes of all they possess, according to the existing law and divine institution, not molesting the prelates. 26

On the other hand, perhaps some of the German knights wished to stay in Palestine, but did not wish to enter any of the existing non-German military orders. The new order was more akin to the Templars than to the Hospitallers. Possibly the Templars hoped to benefit from another military force and in time absorb it into their own ranks, together with its wealth. Also the fact should not be overlooked that neither the position, nor the number and the power of the Templars and Hospitallers in the Holy Land ever recovered from the disaster of Hattin in 1187.

Like the Templars and the Hospitallers, the German Hospital in Acre was richly endowed with alms of all kinds. In September, 1190, soon after their arrival, King Guy donated to the hospital a house or a place within the walls of the city for building a hospital. 27 Later, more donations were bestowed on the

26 James of Vitry, p. 1085.
27 Strehlke, no. 25, letter to the German hospital outside Acre.
order, in the city as well as elsewhere in the Holy Land, and even outside Palestine, and were subsequently confirmed by popes and emperors. On December 8, 1216, Honorius III confirmed all privileges of previous popes and the order's possessions in the cities of Acre, Ascalon, Ramla, Zamsi, Jaffa, Tyre, Caesarea, and also in Cyprus. In April, 1229, after Frederick II had negotiated the transfer of Jerusalem to the Christians, he gave to the Teutonic Order the former House of the Germans in Jerusalem. But the Teutonic Knights did not move their seat from Acre to Jerusalem, as they seemingly had wished to do in 1198: they retained their possessions in Acre as the headquarters, but built a new residence for the Grand Master. On April 20, 1228, the Teutonic Knights obtained an old fortress, Montfort, some ten miles northeast of Acre. In the following year the knights purchased property surrounding the fortress and began the restoration

28In 1196 by Pope Celestine III; in 1209 by Pope Innocent III; in 1216 by Pope Honorius III, in 1220 by the same (papal privileges to the Teutonic Knights; Strehlke, Nos. 296, 298, 303, 306): in 1212 by Emperor Otto IV; in 1216 by Emperor Frederick II (imperial privileges, Strehlke, Nos. 252, 254).

29Strehlke, No. 303.

30Strehlke, No. 69: Fredericus concedit... domum, quam olim Theutonicci ante amissionem terrae sanctae in civitate Jerusalemitana tenebant.
and fortification of the old castle.\textsuperscript{31} There is no evidence extant as to when the reconstruction was completed, but to this fortress Montfort, renamed by the Germans Starkenberg,\textsuperscript{32} the Teutonic Knights moved their archives and treasury, and the fortress at least by 1230 was placed under the command of a castellan. The fortress was attacked in 1266 by the Mamluk ruler of Egypt, Baybars, and again in November 1271, when the garrison was forced to surrender the fortress to the Mamluks in return for a safe conduct to Acre. After taking possession of Montfort, Baybars ordered its destruction.\textsuperscript{33} The Teutonic Knights likewise acquired


\textsuperscript{32}Prutz, \textit{Besitzungen}, pp. 43-45; and for the castellan, see below Customs, para. 8; also Strehlke, No. 74, p. 60, for the first mention of a castellan in a letter issued by the deputy of the Grand Master, October 1230. See \textit{Crusades}, ed. Setton, II, 777 for the Arabic name: Qal'at al-Qurain; there and elsewhere Montfort is wrongly called Starkenburg.

\textsuperscript{33}Prutz, \textit{Besitzungen}, p. 47. In that same year Baybars also had taken possession of the great fortress of the Hospitallers, Krak des Chevaliers.
much property elsewhere in the East. Of great significance were their possessions in Europe, especially after the fall of Acre in 1291.

Naturally, with the growth of wealth grew also the Order’s power and prestige, and, as one might expect, the jealousy of the other orders. The complex history of the rivalries of the great military orders in the thirteenth century for political and economic sphere in the Holy Land—the dispute with Frederick II over his rights and his Egyptian policy, the war of St. Sabas from 1256 to 1261, the animosities aroused by the accession of the royal house of Cyprus to the kingdom of

\[\text{34It is beyond the scope of this study to compile a list of the possessions of the Teutonic Knights in the East. The best modern account may be found in Prutz, Besitzungen; Prutz has used Strehlke’s Tabulae as his chief source of information. The most important possessions of the Teutonic Knights were located in the coastal cities of Ascalon, Ramla, Jaffa, Caesarea, Acre, Tyre, Sidon, Beirut, Tripoli, Antioch and in the districts surrounding those cities. Remote from the coastal towns were the Order’s possessions in the districts between the cities of Jerusalem and Tiberias and the heights of Al-Biqā‘, near Beirut; cf. Prutz, Besitzungen, passim; cf. P. Marjan Tumler, Der Deutsche Orden im Werden, Wachsen und Wirken bis 1400 mit einem Abriss der Geschichte des Ordens von 1400 bis zur neuesten Zeit (Montreal: The Inter-Continental Book and Publishing Co., 1955) pp. 54-65; see Strehlke, No. 128, for an undated list of the Order’s possessions in the Holy Land. Prutz, Besitzungen, p. 66, estimated that from its possessions in the diocese of Acre alone the order at its height in the Holy Land had an annual income of about 6,000 besants.}\]
Jerusalem—all have been told elsewhere. The unity achieved by the orders in the last desperate stand at Acre came too late to save the Kingdom of Jerusalem, for whose weakness their internecine rivalries were partly responsible. In these struggles the Teutonic Knights, the smallest and least wealthy of the orders, sometimes playing the role of ally of the Hohenstaufen, or, more often, the role of mediator, as under Hermann of Salza, gained privileges from both pope and emperor and their independence from both Templars and Hospitallers. By 1210 the Templars seem to have realized that they could not dominate the Teutonic Knights, and they appealed to the pope to forbid the Germans to wear the white habit, though in 1198 the Master of the Templars himself had clad the first Teutonic Knight in the Templars' robe. This dispute went on for decades, but the popes remained neutral and allowed the Teutonic Knights to continue to wear the white mantle.

In this rivalry between the military orders the most important development was the issuance of a papal

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35 See Thomas C. Van Cleve, "The Crusade of Frederick II," Mary N. Hardwicke, "The Crusader States, 1192-1243," and Steven Runciman, "The Crusader States, 1243-1291," Crusades, ed. Setton, Chapters XII, XV, XVI, passim; also Riley-Smith, Ch. 6, passim.

36 Strehlke, No. 299, Privilege of Innocent III, August 27, 1210, to the Teutonic Knights.
bull, January 9, 1221, by which Pope Honorius III gave to the Teutonic Order the same immunities as enjoyed by the Hospitallers and Templars. Furthermore, the Teutonic Order obtained partial freedom from episcopal tutelage, from tithes and taxes, and the right to use churches conquered from the infidels as well as to present its own brother priests to its own churches.

On January 16, 1221, Pope Honorius III allowed the order to accept any crusader as a member of the order if he were not under an ecclesiastical ban.

Between the years 1210 and 1239 the Teutonic Knights were fortunate in two ways: they had in Hermann of Salza an unusually gifted master, and further, largely due to Hermann's personal ability, they found protectors in Emperor Frederick II and Pope Honorius III. Hermann of Salza was of low birth, the son of one of the

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37 Strehlke, No. 309: ...nos volentes, ut sitis pares in assecucione apostolici benefici, quibus in operatione virtutum pio studetis proposito adequari, omnes libertates, immunitates ac indulgencias venerandis domibus predictorum Hospitalis et Templi ab apostolica sede concessas domui vestre concedimus...

38 See Strehlke, Nos. 359, 319, 334, 410, 466, for papal privileges to the Teutonic Knights.

39 Strehlke, No. 320.
ministeriales who had served the landgraves of Thuringia. The year of Hermann's birth is not known, but since he became the Grand Master of the order in about 1210, and from 1216 was one of the counsellors of the young Emperor Frederick II, one may assume that at that time Hermann already was of mature age, thus born during the reign of Frederick I Barbarossa. Likewise, it is uncertain when Hermann reached the Holy Land and when he joined the ranks of the Teutonic Knights; even the year when he became Grand Master is questionable. The first document mentioning Hermann as Grand Master dates from February 11, 1211. It is generally accepted that he had been raised to the mastership in about 1210.

After Frederick II was made emperor in 1215, Hermann became one of the emperor's closest friends and most trusted advisor, and spent much of his time at the

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41 Strehlke, No. 45.
court of Frederick II or carrying out various diplomatic missions on behalf of the emperor. Since his continuous service for Frederick II kept Hermann almost constantly away from the Holy Land, the order's internal life in the Holy Land during Hermann's term of office must have been guided by the local high-ranking officers of the order. In international politics, however, Hermann was the indisputable leader of the order, who, through his influence on the emperor, secured for the Teutonic Knights many privileges and won a place in the East for his order comparable to that of the Knights Templars and Knights Hospitallers. In his efforts to raise the status of the Teutonic Order, Hermann was greatly aided by the papacy, particularly by Pope Honorius III, when during the long years of hostilities between the emperor and the papacy, Hermann of Salza acted as a mediator. Thus Hermann of Salza became a figure of international importance, and his efforts at reconciliation were highly prized by both the emperor and the popes. Surely, the many privileges granted to the Teutonic Knights by Emperor Frederick II and Pope Honorius III⁴² were given to Hermann in the hope of obtaining Hermann's favor in their endless quarrels.

⁴²See Strehlke, passim.
Important for the future existence and might of the Teutonic Order were two international decisions made by Hermann of Salza: (1) he gave his consent to the conquest of the pagan Prussians by the Teutonic Knights, and (2) he agreed to absorb the defeated and almost annihilated Order of the Swordbearers of Livonia into the ranks of the Teutonic Order. In 1226 the Polish Duke Conrad of Masovia asked the Teutonic Knights to help him defeat the Prussians who were threatening his territory, and, in return, promised the Teutonic Order a certain portion of his dukedom—the territory of Culm bordering the River Vistula. Hermann discussed this proposal with Emperor Frederick II who in March 1226 issued the Golden Bull of Rimini, authorizing the Teutonic Knights to undertake a war against the Prussians, accepting the proffered territory of Culm for the Teutonic Order, and allowing the order to occupy and acquire any territory of the Prussians which the order might conquer. Even with such an imperial privilege in hand, Hermann hesitated for four years, until Duke Conrad of Masovia in 1230 actually gave the territory of Culm to the Teutonic Order. Then, on June 16, 1230, Hermann concluded an agreement with Duke Conrad

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43 Hubatsch, Quellen, No. 5; see also Preussisches Urkundenbuch (Königsberg: Hartungsche Verlags Druckerei, 1882), I, 1. No. 56.

44 Hubatsch, Quellen, No. 6

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by which the Duke ceded to the Teutonic Knights not only the territory of Culm, but also the Prussian territory which the order might conquer.45 Then, having safeguarded the order's rights of possession of the territory of the Prussians, Hermann of Salza authorized the conquest of Prussia. The Prussian wars, begun by Hermann of Balke, the first provincial master of Prussia, lasted for almost half a century until their territory was conquered and the Prussians partially exterminated. Thus, through Hermann of Salza's careful diplomacy, the foundations of the state of the Teutonic Knights in Prussia were laid.

The German northward expansion in the late twelfth century had carried German traders, missionaries and crusaders as far north as the Gulfs of Riga and Finland. In order to establish a permanent Christian fighting force in those regions against the pagan Baltic and Estonian tribes, Theodoric, a missionary monk in Livonia, in 1202 or 1203 founded a religious military order which came to be called the Order of the Sword-bearers of Livonia.46 During the thirty-three years

of its existence the order had acquired some territory in Livonia. However, the Swordbearers felt too weak to fight the local tribes, and in 1235 Volkvin, the Master of the Swordbearers, petitioned Hermann of Salza for permission to affiliate the Order of the Swordbearers with the Teutonic Order. While negotiations were still going on, on September 22, 1236, the Swordbearers were fatally defeated by the local Baltic tribes. Nevertheless, with Hermann's approval, on May 12, 1237, Pope Gregory IX confirmed the incorporation of the remnants of the Order of the Swordbearers into the Teutonic Order. After the union the Teutonic Knights took over the possessions of the Swordbearers in Livonia, continued the subjugation of the Baltic and Estonian tribes and established a thin hegemony in Livonia. So again, Hermann of Salza was the founder of the might and power of the Teutonic Knights in that remote northern corner of western Christendom. Hermann of Salza died on


48 The papal bull of confirmation has been frequently reprinted in sources concerning the Teutonic Knights; see Hubatsch, Quellen, No. 9; also cf. Fontes historiae Latviae mediæ ævi, ed. Arveds Švābe (Rīga: Latvijas vēstures institūta apgādiens, I, 1937), No. 218. The best narrative of the union of the two orders is by Hartmann of Heldrungen (1274-1282), eleventh Grand Master of the Teutonic Knights, see Švābe, No. 212; also SSRP., V, 168-172.
March 30, 1239, in Salerno whither he had gone to obtain medical help from the physicians of the famous school of medicine.

Soon after Hermann's death, attacks on the Teutonic Knights started once more, this time from the Hospitallers, who asked Pope Gregory IX in 1240 to subject the Teutonic Order to the Hospital of St. John of Jerusalem, basing their claim on the bull of 1143, by which Celestine II put the German Hospital in Jerusalem under the custody of the Hospitallers. Now the Teutonic Order in Acre was more powerful and respected than had been the German Hospital in Jerusalem a hundred years before, and the Teutonic Knights continued to exist as an independent order. As the century advanced, open strife broke out between Hospitallers and Templars, and the Templars also seized many holdings of the Teutonic Knights. In 1258, an elaborate agreement was reached among all three military orders by which they hoped to settle their political quarrels and disputes concerning their respective rights and possessions in the Kingdoms of Jerusalem, Cyprus, and Armenia, in the Principality of Antioch and

49 Above p. 15 and note 9; Riley-Smith, pp. 398-399.

the County of Tripoli, an agreement confirmed some seventeen years later, in 1275, by Pope Gregory X.\textsuperscript{51}

The duties of the Teutonic Order had been defined at the time of its foundation in 1198 in Acre: in the care of the poor and the sick the Germans were to follow the Knights Hospitallers, but in other respects they were to follow the Knights Templars. This distinction is stressed in a number of papal bulls, and likewise by James of Vitry, who writes:

\begin{quote}
in their profession, in their rule and in their institutions /the Teutonic Knights/ exactly follow the Knights Templars, in war as well as in peace; but like the Knights Hospitallers, they accept the sick, the pilgrims and others in their hospital, which is called the Hospital of St. Mary of the Germans in Jerusalem...They are of the opinion that it is meritorious, and grateful and acceptable to God, not only to serve the poor and the sick but above all to offer their lives for Christ in defence of the Holy Land against the enemies of the Christian faith as warriors of Christ in body and spirit.\textsuperscript{52}
\end{quote}

The Teutonic Knights were a blending of the early traditions of the Knights Hospitallers and the Knights Templars, a combination of Samaritans and warriors, and an embodiment of the monk and of the knight. In short they represented the new ideal of religious knighthood. In 1100 Gerard was the head of a Samaritan brotherhood devoted to the bodily care of the pilgrims in the newly established Kingdom of Jerusalem which gradually took

\textsuperscript{51}Strehlke, Nos. 116, 127.

\textsuperscript{52}James of Vitry, 1085.
on military duties; some years later Hugh of Payens organized the first Christian military band for physical protection of the Christian pilgrims in the Holy Land. But Western Christendom had to wait another eighty odd years until the German crusaders on the Third Crusade to the Holy Land formed themselves into a true blend of monk and knight, the Teutonic Order.

Little is known of the deeds of the Teutonic Knights in Palestine. Matthew Paris relates how in 1217 the Teutonic Knights, jointly with the Templars and other crusaders fortified Athlit (Château Pélerin) between Haifa and Caesarea. Two years later, at the siege of Damietta, the Teutonic Knights, in supporting the Templars, suffered many casualties, and many were taken prisoner. In July, 1244, the Khorezmians attacked Jerusalem, and by October 2 they had destroyed the houses of the Knights Templars, Knights Hospitallers and Teutonic Knights. Thus the Teutonic Order lost forever the house of the German Hospital in Jerusalem, which had been restored to them by Frederick II. On


October 17, when the combined forces of the Christians again were defeated at Gaza, only three Teutonic Knights managed to escape. A similar fate struck the Teutonic Knights on April 6, 1250, at the battle of Mansurah when Louis IX was defeated and captured.

During the final battle for Acre in 1291 the Teutonic Knights fought hand in hand with the Templars and Hospitallers. In 1290 the last master elected in the Holy Land, Burkhard of Schwanden, had resigned his post and joined the Hospitallers, and the command of the Teutonic Order was taken over by Henry of Bolanden, who fell in the final assault on May 18, 1291.

57 Matthew Paris, V, 158.
58 Peter of Dusburg, "Chronica" in SSRP., I, 205; cf. Nicholas of Jeroschin, "Kronike," in SSRP., I, 514, lines 18282-5:

ableginde des ordins cleit
des dûtschen hûses vorgeseit
und vûr nàch den siten
zu den Johannîten

59 Rohricht, p. 1014, and note 1; when Burkhard resigned, Acre was already under attacks, and the Teutonic Knights had no opportunity to elect a new master in the regular manner; they chose as their new leader Henry of Bolanden; see T. Hirsch, "Die jüngere Hochmeisterchronik: Einleitung," in SSRP., V, 33. Just when Conrad of Feuchtwangen, the new Grand Master of the Teutonic Knights, was elected, is uncertain; he is first mentioned as Grand Master on October 3, 1292, see T. Hirsch, p. 33.
of Suchem relates the last days of the Teutonic Knights in Acre:

the Master and brethren of the Order alone defended themselves, and fought unceasingly against the Saraoens, until they were nearly all slain; indeed, the Master [Henry of Bolanden] and brethren of the house of the Teutonic Order, together with their followers and friends, all fell dead at one and the same time.60

Upon Henry of Bolanden's death, Conrad of Feuchtwangen was chosen, without regular election, by the surviving Teutonic Knights in Acre, as the new master. With them he battled his way through the enemy and, together with some Hospitallers and Templars, escaped by sea to Cyprus. From there Conrad sailed with his knights to Venice, which remained the official seat of the Grand Master of the Teutonic Knights until 1309, when it was permanently moved to Marienburg in Prussia.61


CHAPTER 2

The Composition of the Statutes

The original German Hospital in Jerusalem had been subordinated to the Hospitallers and followed the Rule of the Hospitallers, which was influenced by the Rule of St. Augustine. The German Hospital in Acre probably also followed the same rule. But at the assembly of 1193, when the German Hospital was turned into a religious military order, it was decided to give it the "order" (that is, the rule, ordo) of the Templars, and a written copy of the Rule of the Templars was handed over to the Master, Herman Walpoto. Thus, in its early days, after 1198 the Teutonic Order followed the Rule of the Templars in regard to clerics and knights, but in the case of the poor and the sick, the pattern of the Knights Hospitallers.¹

Thus, the Teutonic Knights did not for some time have a distinct rule of their own. Pope Innocent III as late as 1209 referred only to the customs (consuetudines) which had been observed by the order since its

¹See Riley-Smith, p. 51, note 4, and above pp. 12-13 and 19-21.
foundation. These customs included the privilege of wearing the white habit of the Knight Templars. However, the Templars in 1210 complained to Pope Innocent about this practice, and the pope forbade the Germans to wear the white habit. In the following year, however, after the Patriarch of Jerusalem had negotiated a compromise between the Teutonic Knights and the Templars, Innocent III restored the privilege of wearing the white habit to the Teutonic Knights. When the Templars continued to complain to Rome about the wearing of the white habit by the Teutonic Knights, Pope Honorius III tried to end the dispute on January 9, 1221, by declaring that the Teutonic Knights were allowed "to wear the white mantles and other vestments according to their statutes." Thus it appears that by 1221 one can already speak of some form of statutes of the Teutonic Knights. But the Templars objected, and in the next year Honorius III had to remind the Templars that he had promised Emperor Frederick II on his coronation day to confirm all the privileges of

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2 Strehlke, Nos. 298 and 299, bulls to the Teutonic Knights, June 27, 1209; August 2, 1210.
3 Strehlke, No. 299.
4 Strehlke, No. 301, bull, July 28, 1211, to the Teutonic Knights.
5 Strehlke, No. 308, bull, January 9, 1221, to the Teutonic Knights.
the Teutonic Knights, including their right to wear the white habit. The struggle dragged on until 1230, when Pope Gregory IX forbade the Templars to molest the Teutonic Knights any longer on the question of the white mantles. About this time, also, the Hospitallers again began pressing their claims to jurisdiction over the Teutonic Knights. In 1240 Gregory IX ordered the Teutonic Knights to send representatives to Rome to defend their independence, and in March 1241 gave judgment for the Hospitallers. In the meantime, however, Hermann of Salza had died, and the Germans were claiming that his procurators had no authority and that the pope's judgment was null and void. Thereafter, the case seemingly was allowed to lapse.

Whatever the claims of the Templars and Hospitallers—and as late as the Treaty of 1258 among the three military orders the Hospitallers were claiming authority over the Germans—yet the Teutonic Knights after 1240 succeeded in gaining complete independence and autonomy. Some time before February 9, 1244, when

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6 Strehlke, No. 368, bull, April 17, 1222, to the Teutonic Knights.

7 Strehlke, No. 449, bull, September 15, 1230, to the Teutonic Knights.

8 See Riley-Smith, pp. 397-8, and his references to Delaville Le Roulx.
Innocent IV replied to their petition, the Teutonic Knights asked permission to discard certain paragraphs of their rule, based on the Rule of the Templars:

(1) that candidates for admission into the order first be approved by their local bishop; (2) that members of the order take vegetarian meals on Wednesdays which follow a vigil; (3) that three days a week the brethren be given two or three dishes of pulse or vegetables; (4) that generally two brethren eat from one dish; and (5) that the brethren not use covers for their lances.9

Thus in 1244 the Teutonic Knights seem still to have been operating under the Rule of the Templars. The pope granted the order's petition, declaring:

we allow you...with the approval of your chapter or the major and senior part of it, to alter the aforementioned and other paragraphs of your rule, in the observation of which neither spiritual usefulness nor sound honesty is followed.

From the pope's words it appears that the reason given by the Teutonic Knights for the desired change was that the brethren were not observing those parts of the Rule which seemed useless to them. This may have been true, but one should also not overlook the fact that the petition reached the papal court in the midst of the

9Strehlke, No. 470, bull of February 9, 1244, to the Teutonic Knights. Perlbach, pp. xlvi-xlvii, has shown that these pertain to the Rule of the Templars; see, Rule of the Templars, ed. Curzon, paras. 12, 26, 27, 25, 53; and see below Chapter 3.
quarrels between Hospitallers and Templars on one hand, and Teutonic Knights on the other hand. And it was probably the hidden intent of the Germans to get their own rule, and make themselves independent of both Hospitallers and Templars.

There is no direct evidence as to what action was taken by the Teutonic Knights immediately after 1244 to adapt the Rule of the Templars to their own needs. The oldest extant copy of the statutes of the Teutonic Knights dates from 1264. It contains, besides the Rule, the Calendar, the Laws, the Customs, the Vigils and the Genuflections. Thus in the twenty years following the papal authorization of February 9, 1244, the Teutonic Knights not only changed certain paragraphs of the Rule of the Templars, but also compiled new, or codified old, regulations for their order. How and by whom was this done?

The chief source shedding some light on the final composition of the statutes is an undated letter containing regulations for the Prussian branch of the order, issued by the Vicemaster Eberhard of Sayn, while

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10 Perlbach, pp. xv-xvi.
in Prussia. In these Eberhard refers to the Rule (ordo), the Customs (consuetudines), and the Laws (indicia) of the Teutonic Knights. By dating Eberhard's regulations we may approximately date the time when the Rule, the Customs and the Laws of the Teutonic Order were already in existence. From the regulations it is clear that Eberhard visited Prussia after Master Henry of Hohenlohe's death in 1249. He seems to have come to Prussia in that year, for on January 1, 1250, he renewed for the Prussian branch the order's charter of privileges which had been burned; by 1252 he was active in Livonia. Thus it seems that by 1250 the Rule, the Customs, and at least a part of the Laws were already

11 Eberhard of Sayn was grand commander of the Order in the Holy Land before his departure for Prussia; see Strehlke, No. 100, letter of sale, April 30, 1249, of John Aleman, Lord of Caesarea. It seems that Eberhard was sent by the Grand Master to Prussia and Livonia to visit, reorganize and supervise the Order's affairs in its northern provinces. After his arrival in Prussia he issued regulations for the Prussian branch of the Order in which he calls himself Frater E. de Seyne vicem magistri... gerens in Prusia; for this document, entitled "Littera fratris Everhardi de Seyne," see Perlbach, pp. 161-2, Die Statuten des Deutschen Ordens, ed. Ernst Hennig (Königsberg, 1806), pp. 221-4. In 1254 he was called frater Everhardus de Seyne, praeceptor domus Teutonicorum per Allemaniam, vicem gerens magistri generalis in Livonia et Curonia; see LUB, I, No. 236, and also Nos. 240 and 241.

in existence, and that the revision of the Rule of the Templars for use by the Teutonic Knights had been undertaken during the years 1244-1249, while Henry of Hohenlohe was master and before Eberhard of Sayn arrived in Prussia. Eberhard may have taken with him a copy of these recently revised statutes, for paragraph fourteen of Eberhard’s regulations states: "Every Sunday during the chapter meeting a section of the Rule, of the Customs, and of the Laws shall be recited before the brethren."

There is no certainty who undertook the revision of the Rule of the Templars for the use of the Teutonic Knights, but the concluding sentence of the Latin version of the Prologue of the Statutes may offer a clue: "Hence, moved by the piety of the brethren of this order we have reduced to order and understanding (as the following order of the chapters will show) their rule which previously was confused and obscure."

13 The full Latin title of the Laws is *Instituciones et iudicia*, Perlbach, p. 57; Eberhard refers only to *iudicia*.

14 Perlbach, p. 161: *Item omni die Dominico in capitulo unum capitulum de ordine et unum de consuetudinibus et unum de iudiciis ordinis coram fratribus reciti- tetur.*

15 Perlbach, p. 26: *Hinc est eciam, quod nos permoti pietate fratrum ordinis eiusdem regulam eorum ante confusam et obscuram ad ordinem et intellectum redegimus, ut subnotata per ordinem capitula demonstrabunt.*

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Though Perlbach conjectures that the revision was done by Cardinal William of Sabina who had for many years dealt with the affairs of the Teutonic Knights in Prussia and Livonia, even so, the reviser did not necessarily compile the Customs and the Laws, for the Prologue refers explicitly only to the Rule (regula). The rest of the statutes may have been compiled by a priest or priests within the order at Acre who knew which regulations and rules taken over from other statute books were observed by the Teutonic Order. Likewise, certain resolutions and decisions of the chapter of the order at Acre were incorporated in the Laws. Since no complete record of these decisions is extant, it is difficult to determine exactly how many were worked into the statutes.

The statutes, as drawn up by 1264, comprise: the Calendar, the Easter Tables, the Prologue, the

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17 Those extant edited by Perlbach, p. 134; "Capitelbeschluße vor 1264;" see Littera fratris Everhardi de Seyne.
Titles of the Rule, the Rule, the Laws, the Customs, the Vigils, and the Genuflections.  

Thus, the term "statutes," as used in this study, means a complex of statutory regulations for the use and observance of the brethren of the Teutonic Order. They themselves called this collection the Ordenbuch—The Book of the Order.¹⁹

One may ask whether any part of this Book of the Order was approved by the pope. No confirmation is found in the surviving fragments of the order's archives in the Holy Land. And there is no record of any confirmation in the papal archives. Yet this argument from silence is not necessarily valid, for the papal chancery was not a perfect record office even as late as the twelfth and thirteenth centuries. Pope Lucius III in his bull of 1184/5 states that he knows his predecessor Eugenius confirmed the Rule of the Hospitallers: felicis memoriae Eugenius papa, predecessor noster, ut accepi mus, confirmavit; but no

¹⁸Perlbach, pp. xv-xvi, and below, p. 199 and note 10. For the Genuflections (Latin, veniae; German Venien), see The Monastic Constitutions of Lanfranc, trans. Dom David Knowles (Medieval Classics; New York and London: Nelson, 1951), p. 24, note 2: The phrase veniam petere, accipere, etc. originally used of the action of "doing penance" eventually came to have the entirely neutral meaning of "genuflecting."

such bull of Eugenius (1145-53) is extant. In 1244 Pope Innocent IV wrote to the Teutonic Knights regarding their rule, which, the pope said, *sic ut audivimus*, contain certain paragraphs. The Teutonic Knights may have tried to obtain confirmation from Rome of the new statutes, for it was a custom of the day to ask papal approval for every significant privilege or change in an existing one. On the other hand, in 1244 Pope Innocent IV granted to the Master, together with the Chapter, the right to change the Rule of the Templars to suit their needs. Moreover, the Book of the Order does not mention such a papal approval, nor is such approval preserved in the collections of transcriptions of papal privileges to the Teutonic Knights. Seemingly, the original Book of the Order never received official papal confirmation.

The fact remains that the Teutonic Knights themselves regarded the statutes, as preserved in the copy of 1264, as unchangeable, for later editions to

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21 Strehlke, No. 470.

22 See Strehlke; also Mss. Lea 19 in Charles Henry Lea Library, University of Pennsylvania: Privilegia et libertates quod fratres domus Theutonicii libere utantur privilegiis et libertatibus a domino papa concessis Hospitalariis et Templariis. Germany, ca. 1450[?]; vellum, 49ff, 18 x 12.5 cm.
the statutes were never organically incorporated into
the existing regulations, but were added as supplements,
as new laws, by the ruling master, leaving unchanged
the original Book of the Order.\textsuperscript{23}

The extant manuscripts of the statutes of the
Teutonic Knights are written in four languages: Latin,
French, German, and Dutch. Which was the original
language? The oldest manuscript, that of 1264, is in
German, but, unfortunately, we do not know where it
was transcribed, though Perlbach is of the opinion
that it was written for the commandery of Coblenz,\textsuperscript{24}
and thus not for use in the Holy Land. If the statutes,
or the Book of the Order, had ever been presented for
papal approval, undoubtedly they would have been written
in Latin, and this version then automatically would
have become the official version of the Book of the
Order. That Latin was the original language, at least
for the Rule, seems probable from the last sentence
of the Latin Prologue,\textsuperscript{25} for neither the German nor
the Dutch version contains this sentence; probably the
translator omitted this phrase as meaningless. Since

\textsuperscript{23}See Perlbach\textquoteright s and Henning\textquoteright s editions of the
statutes; also the manuscript copy of the statutes in
the Library of the University of Pennsylvania, Mss.
Germ. 10, described below in the Appendix.

\textsuperscript{24}Perlbach, p. xvi.

\textsuperscript{25}See above, note 15.
THE PROBABLE DESCENT OF THE MANUSCRIPTS OF THE STATUTES OF THE TEUTONIC KNIGHTS

Rule of the Templars 1198-1244 (in Latin) with some provisions from the Rule of the Hospitallers

Revision of the Rule of the Templars and compilation of the Statutes of the Teutonic Knights in Latin 1244-1249

Oldest MS. of the Book of the Order in German, 1264, Berlin, Mss.Borussica #79

Rule of the Hospitallers 1198-1249 (in Latin) with some from the Rule of the Templars

Revision of the Rule of the Templars and compilation of the Statutes of the Teutonic Knights in Latin 1244-1249

Translation of the Statutes into German 1244-1249

Various MSS. in German with later supplements 1250-1442

Various MSS. in German with later supplements 1250-1442

Revised Book of the Order of 1442 (in German) Horneck MS.

Translation of the Statutes into German 1244-1249

Revised Book of the Order of 1442 (in German) Marienburg MS.

Later MSS. of the Revised Book of the Order

Revised Book of the Order of 1442 (in German) Riga MS.

Various Dutch MSS.

French Translation (14th Cent.)

Various MSS. in Latin with some later supplements

Source: "Narratio", Bull of Innocent III, February 9, 1244 (Strehlke, 470) and Perlbach, pp. x-xxx.
the official language of the chanceries in the Holy Land was Latin, one may assume, but not aver, that the whole Book of the Order before 1264 was composed in Latin, and that the oldest extant manuscript of 1264 is a German translation of a lost Latin original, for the oldest Latin manuscript extant is dated 1398.26

Further, is the 1264 German version the original German text of the statutes? To answer this question it is of importance to know what was the language ordinarily used in teaching and referring to the statutes. Undoubtedly, it was German. If no other evidence were available, the bare fact that there are only three extant Latin manuscripts of the statutes earlier than the sixteenth century, in contrast to some twenty-five manuscripts in German,27 is sufficient proof. But we have other evidence as well. The contemporary chroniclers and the members of the papal court regarded the Teutonic Knights as a German Order, and the express reason for founding a German Hospital in Jerusalem was the German pilgrims' ignorance of languages other than German. There is no reason to believe that the German crusaders in the thirteenth century were more eloquent in other tongues than the

26 Perlbach, p. x.
27 Perlbach, p. x-xxviii.
pilgrims of the twelfth century. The statutes themselves offer some insight into the literacy of the Teutonic Knights. A candidate for admission into the order was required to learn, evidently in Latin, within six months of his admission only the Lord's Prayer, the Hail Mary, and the Creed; if he had not learned them in the first half year, he was given another six months to do it. If he had not learned them in a year, he was to leave the order, unless the master and the brethren allowed him to remain. But this minimal requirement was too high for the brethren, for Master Werner of Orseln (1324-1330) repeated this regulation in his Laws, with the addition: "if the brother does not understand Latin, let him recite the Lord's Prayer, Hail Mary and Creed in German." The next master, Luther of Brunswick (1331-1335), issued instructions for visiting the Livonian branch of the order in which Luther repeated Werner's regulation. That the Latin tongue was an invincible obstacle to the brethren of the order is vividly attested to by the commander of the commandery of Elbing: on May 21, 1459, the commander wrote to the

28 See below, pp. 246-247, Laws IIg; the Latin version adds the Ave Maria.
29 Perlbach, p. 147.
30 Perlbach, p. 163.
Grand Master, that he could read neither Latin nor German, for he was not a doctor, and his scribe was not in command of Latin either.\textsuperscript{31} Attention should be drawn to the Law of the order whereby illiterate brethren were not allowed, without permission, to engage in study.\textsuperscript{32}

If to the brethren of the Teutonic Order Latin was a foreign tongue, then it would be useless to teach the statutes to the brothers in Latin; therefore, the requirement that a copy of the Rule and the Laws be kept in every house of the order so that the brethren may hear and study them makes sense only if they kept a copy of the statutes in German. The phraseology of this Law, \textit{mugen gehören unde geleernen}, may be significant.\textsuperscript{33} When Eberhard of Sayn (ca.1250) gave instructions to the brethren in Prussia that every Sunday chapters from the Rule, the Customs, and the Laws be read to the brethren, it may be assumed that these were in German, possibly brought by Eberhard from the Holy Land. Thus, it seems that about the time


\textsuperscript{32}See below, p. 248, Laws III, 1.

\textsuperscript{33}See below, p. 257, Laws III, 17.
the statutes may have been compiled in Latin under Master Henry of Hohenlohe (1244-1249), they were probably at the same time translated into German for practical use within the Teutonic Order. So the German text of the statutes was seemingly the official version already in use in the Holy Land. It should be noted also that all the supplements of later masters, which are, in fact, the decisions of the chapter (including the earliest extant chapter decisions which are pre-1264), are written only in German, with translation of some paragraphs into Dutch,\textsuperscript{34} which would seem to indicate that already in the Holy Land the chapter's business was conducted in German. Altogether five Latin manuscripts of the statutes are extant, one of which, dating from the late fourteenth or early fifteenth century, contains also a German version, which indicates that the German text was the commonly used version. Similarly, the only extant manuscript in French, dating from the fourteenth century, probably written in Lorraine or Franche-Comté, contains also the German version. But the French text is much closer to the Latin than to the German, and contains a concluding sentence, given in the Latin but omitted in the German

\textsuperscript{34}See Perlbach, pp. 134-139, for the pre-1264 chapter decisions, the Laws 1264-1289, and the Laws of Burchard of Schwanden from 1289.
and Dutch versions. This is another probable proof that the version of the statutes from which the translations were made, was the Latin text. There are four extant manuscripts in Dutch, evidently from commanderies in and bordering on the Netherlands, which made up the Province of Utrecht in the Order.

The extant German manuscripts number well over thirty, in various dialects, for every commandery had to have a copy of the *Ordenbuch*. Naturally, as more and more copies were made, they began to differ not only in language, but also in accuracy, and various supplements were made. Therefore in 1442 the chapter of the order decided to revise the Book of the Order and make three master copies, one to be kept in the main house in Marienburg, another in the German Master's residence in Horneck, and a third in the Livonian branch in Riga. All further copies were to be made only from these three master copies. Thus, in 1442, the German version was made legally the official version of the Statutes of the Teutonic Knights. There is no evidence that approval was sought from the pope.

The statutes themselves contain evidence that the German text was the version which was read to the

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35 For the extant manuscripts see Perlbach, pp. x-xxx, lix; also Hennig, pp. 29-30.
brethren. The concluding section of the statutes gives instructions for private prayers. These instructions, fifteen in number, appear for the first time in the fourteenth century manuscripts, written in German and Dutch, but are missing from all the Latin manuscripts. The first instruction reads as follows: "Brethren, pray to our Lord God for holy Christendom that He comfort you with His grace and that peaceful converse protect you from all evil." Then the brethren are instructed to pray for the pope and the prelates of the church, for the order, its grand master and the other commanders, for the other brethren and for themselves, and so on, till the last paragraph concludes: "Brethren, now you have well heard our Rule, our Laws, and our Customs for the present as well as for the coming days; act in accordance with them, as is proper." It would have been ridiculous to give instructions to the illiterate brothers in Latin or to read the Book of the Order to them in Latin. So these last directions, which in fact repeat (in condensed form) their obligations to God, to Christendom and to the Order, were omitted from the Latin text, or rather, were added to the German text, as the text which was read to the brethren. Perhaps still more interesting is the Dutch

\[36\text{Gebet, ed. Perlbach, pp. 131-133.}\]
version of these directions. They begin: "As we have gathered here to the honor of God and of the Order, we should begin Christian living, and we pray for all things which are changeable, that God change them for the best." And they conclude: "Brethren, we say our prayer: we have heard the Lord's teachings and all good teachings, and we act accordingly, as it is proper that we heed good teachings."
PART II

THE STATUTES OF THE TEUTONIC KNIGHTS:

THE SOURCES
CHAPTER 3

The Statutes of the Knights Templars

The Teutonic Knights followed chiefly the Rule of the Templars until 1244 with considerable revision in the next few years. At the same time at least the greater part, if not the entire text of the Customs and the Laws was compiled.¹ This chapter will deal with the problem of how much the statutes of the Templars influenced the composition of the statutes of the Teutonic Knights.²

The kernel part of the statutes of the Templars is the Rule whose first draft most probably was written in Latin under the direction of Bernard of Clairvaux in 1128,³ but was later revised and translated into French. To this Rule, supplementary regulations, all in French, dealing in greater detail with matters such as the duties of the office holders, military organization, and the chapter, were added from time to time;

¹See above, pp. 46-49.

²For the Templars, I use the paragraph numbers as given in Curzon. For a German translation, see K. Körner, Die Templerregel (2nd ed., Jena: H. W. Schmidt's Verlagbuchhandlung, 1904).

³See above, p. 6.
and finally a severe penal code, also in French and probably compiled in the middle of the thirteenth century. Thus it seems that the statutes of the Knights Templars acquired their final form at about the same time as the statutes of the Teutonic Knights.

The Statutes of the Templars fall into nine sections: (1) Prologue, (2) Rule, and the Supplements, (3) Statutes, (4) Election of the Grand Master, (5) Penalties, (6) Monastic Life, (7) Holding of the Chapter, (8) New Regulations on Penalties, and (9) Admission into the Order. The Statutes and the supplement on the Grand Master correspond approximately to the Customs of the Teutonic Knights, the Supplements on Penalties and the greater part of the section on the Chapter correspond approximately to the Judgments and Penances in the Laws of the Teutonic Knights. The section on monastic life vaguely resembles the first thirty-two paragraphs of the Laws of the Teutonic Knights. Paragraphs 386-415 on the Chapter correspond approximately to Laws II of the Teutonic Knights. The Prologue, the Rule, and the section on admission to the order have their corresponding counterparts in the statutes of the Teutonic Knights.

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4 Curzon, pp. i-iii, 11, 15, 16.

5 No separate sections on the Calendar, Vigils and Genuflections, as in the Ordenbuch of the Teutonic Knights.
Thus the statutes of the Teutonic Knights, that is the Ordenbøck of 1264, are by no means a copy of the statutes of the Templars, not even a revised copy. The statutes of Teutonic Knights are a rather symmetrical tripartite arrangement of regulations, in which the Rule makes up about one-third of the entire statutes, and the Laws and the Customs are each about as long as the Rule. In the statutes of the Templars the Rule occupies about one-tenth of the entire collection of regulations, and the description of the judgments, the penalties, and the penances comprise almost half the whole body of regulations, whereas in the statutes of the Teutonic Knights the corresponding paragraphs comprise no more than a seventh of the whole text. Thus from the point of view of composition, the Ordenbøck of 1264 is an original compilation of regulations, which borrowed from the statutes of the Templars only some constructional patterns. The later supplements to the statutes of the Teutonic Knights did somewhat change the proportions of the three sections, so that they came more to resemble the statutes of the Templars. But almost all these supplements were added after the grand master settled down in Prussia in 1309, i.e., shortly before the dissolution of the Order of the Temple.
Naturally, the composition and the proportions alone do not determine the originality of the statutes; a closer look at the content and the spirit of the statutes is necessary to judge what institutions and regulations the Teutonic Knights borrowed from the Templars, and which were their own.

The first paragraph of the Prologue of the Book of the Order, using the "Narrative" as its source, briefly narrates the foundation of the Teutonic Order. Similarly, the Prologue of the Rule of the Templars sets forth the foundation of the order of the Knights Templars at the Council of Troyes in 1128. The second and the third paragraphs of the Prologue of the Book of the Order give the traditional biblical ground for religious chivalry; such passages are missing in the Prologue of the Rule of the Templars. The two final paragraphs of the Prologue are similar to the first two paragraphs of the Prologue in the Rule of the Templars and the first paragraph of the Rule itself, but it cannot be said that the Germans borrowed from the Templars anything more than the idea of combining the image of religious chivalry and that of priesthood.

The Rule of the Teutonic Knights begins with heavy emphasis on the three monastic vows: poverty, chastity, obedience; no such emphasis is apparent in the Rule of the Templars. However, these vows are
emphasized in the section on admission to the order (paras. 664, 675). Like the Teutonic Knights (Rule, para. 2), the Templars (Rule, paras. 57, 58) are allowed to possess land, serfs and tithes in common. Thus, "poverty" should be understood as a prohibition of individual ownership of the order to possess anything in private, though the community, or the order itself, may possess property and even acquire wealth. Analysis of both Rules shows that, with the exception of the paragraphs on the hospital in the German Rule, on matters such as worship, convent life, chapter, etc., there are corresponding regulations in the Rule of the Templars, but they are not arranged either in Latin, or in the French texts in the same order as in the Rule of the Teutonic Knights. This seems to indicate that the Rule of the Teutonic Knights was not a mechanical copy of the Rule of the Temple, nor a mere revision of it, but a thorough and in some respects original compilation of regulations referring to the fundamental organization of life for religious people in a cloister. Leaving to the next chapters the discussion of how original the regulations of the Rule are for a religious military order, and how common they are to monastic life in general, we shall pay some attention to what particular requirements of religious life the Teutonic Knights have taken over from the Rule of the Templars.
The Rule of the Teutonic Knights required the brethren to recite at the canonical hours ten Pater Nosters, allowed them to sit during the chanting of the invitatory and the hymns, and ordered them to rise and stand with bowed heads when the Gloria was chanted, just as did the Rule of the Templars (paras. 10, 15, 16). But the Rule of the Teutonic Knights also states that educated lay-brothers may join the priests in reciting the Psalms and other things pertaining to the priestly office (para. 8); while the Rule of the Templars required lay-brothers in their convent chapels always to join with the priests, but prescribed the recital of the Pater Nosters only for brethren on a journey when they did not participate in the regular Divine Office. The Rule of the Templars also prescribed standing during the reading of the gospels and the singing of the Te Deum, but there is no such requirement in the Rule of the Teutonic Knights. Similar, but not quite identical, are the regulations for the prayers for the dead: a hundred Pater Nosters in both Rules for the dead of one's own house, and in the Rule of the Templars, a hundred Pater Nosters also for every brother deceased, elsewhere, whenever such death has become known (Templars, para. 62). But, unlike the Rule of the Templars, the Rule of the Teutonic Knights required fifteen extra Pater Nosters daily for the
dead of the order in other houses, and also included instructions for reciting masses for the benefactors, friends and servants, living and dead, of the order (para. 10). The Rule of the Teutonic Knights required that after the death of a brother, his best habit and food for forty days be given to a poor man, but the Rule of the Templars prescribed only the food for forty days. The Rule of the Teutonic Knights prescribes Holy Communion for the brethren seven times a year (para. 9); the Rule of the Templars has no such regulation. Thus, as might be expected, the major requirements for worship, but not all, are similar in both rules. Obviously, the Rule of the Teutonic Knights is by no means a straightforward copy of similar paragraphs in the Rule of the Templars. Do the regulations on meals, on knighthood, and on taking counsel and holding the chapter show any closer affinity?

As for meals (T.K. paras. 13-15, Templars paras. 23-29, 34, 74), both Rules required the reading of the Scripture and the recital of the Lord's Prayer before meals, silence at table, attendance at church after meals, equal portions of food for each brother knight, giving every tenth loaf, as well as the broken loaves, to the poor as alms. Similarly, both allowed the brethren to eat meals with meat three days a week and set Friday as a fast day. However, the Rule of the Teutonic Knights...
Knights gave specific instructions on talking at table, on those who missed their scheduled meal time, and on leaving and returning to the table (the latter instructions are missing from the Rule of the Templars). On the other hand, the Rule of the Templars allowed the brother knights as well as the brother priests double rations of meat, but the other members of the order had to be satisfied with ordinary meat rations. The fast days for the Templars were arranged according to saints days, whereas for the Teutonic Knights they were arranged according to the calendar year. Again, as for worship, the regulations regarding meals in the Rule of the Teutonic Knights are not a mere copy of the Rule of the Templars.

Much the same can be said about the regulations concerning brother knights (T.K. paras. 22-23; Templars, paras. 35, 50, 52-53, 55-56). Both rules warn against harnesses and shields ornamented with gold and silver, and against requesting particular weapons or horses, and allow the master at will to take away horses or arms from a knight and give them to others. But the Rule of the Teutonic Knights emphasizes the necessity of the local commander deciding on the suitability of arms and horses, thus evidently keeping in mind the fact that the Prussian and Livonian branches of the order might need weapons different from those required in the
Holy Land and the Mediterranean. Likewise, in respect to the chase, the Templars were allowed to hunt only lions, while the Teutonic Knights were allowed to hunt wolves, lynxes and bears, the wild animals of Northern Europe. Chase with falcons, hounds, and arrows, and for a pastime, was forbidden to both Templars and Teutonic Knights, but the latter were allowed to hunt animals for their skins, obviously a necessity in a cold climate.

The regulations regarding the administrative organs of the orders are much the same (T.K. para. 27; Templars, paras. 31, 36): the Chapter is the main governing body, the master the chief executive, who in all important matters has to seek counsel from the wisest and the most trusted brethren, or from the chapter. Since both orders were governed by a narrow clique, i.e., the most prominent brethren, the orders in fact had an oligarchic form of government.

It may be of some interest to investigate what happened to those five provisions of the Rule of the Templars for whose omission the Teutonic Knights in 1244 successfully petitioned Pope Innocent IV and which in fact subsequently initiated the complete revision of the Rule of the Templars for the use of the Teutonic Order. 6

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6See above, pp. 43-44, and note 9.
First, the Teutonic Knights appealed against the regulation that knights had to obtain approval from the local bishop before they can be admitted to the order (Templars, para. 12). This stipulation is not included in the Rule of the Teutonic Knights; therefore, any knight could be received into the Teutonic Order whom the chapter wished to admit. In other words, the Teutonic Order could become a refuge for any excommunicated German nobleman.

Second, the Teutonic Knights requested the elimination of the regulation that meat dishes be not allowed on Wednesdays which follow a vigil (Templars, para. 26). Such a restriction is omitted from the Rule of the Teutonic Knights. Similarly, the requirement that three days a week the brethren should be served two or three dishes of pulse or vegetables (Templars, para. 27), is removed from the Rule of the Teutonic Knights, and the vegetable dishes were replaced for the Germans with cheese and eggs (T.K., para. 13).

The fourth regulation whose removal was sought is interesting. The Rule of the Templars (para. 25) states: "For lack of dishes the brethren should eat two by two, in that each zealously looks out for the other, and harsh living and thieving abstinence are not intermingled at the meals in common. And we deem it just that each brother should have an equal ration
of wine in his own goblet." The Rule of the Teutonic Knights partially modified this regulation: "In their houses the brethren eat two and two together except for vegetable dishes, and drink separately" (para. 13).

The last complaint concerned the prohibition of lance covers (Templars, para. 53). The Rule of the Teutonic Knights abandoned this restriction, but retained the prohibition of covers for spears, shields, and saddles (para. 22).

Did the Germans omit anything of importance from the Rule of the Templars, or include anything in their Rule which does not appear in the Rule of the Templars? Of course, it is difficult for us to know what was important in the thirteenth century to the Germans in the Holy Land, but it seems that nothing of real significance in the Rule of the Templars is left out of the Rule of the Teutonic Knights. Such regulations as prohibition of accepting personal presents from the laity (Templars, paras. 43, 64), or of beating servants (Templars, para. 51), or of going out of the house (Templars, para. 40), and regulations on the number of horses for the brother knights (Templars, para. 51), on feast-days (Templars, para. 75) which are not found in the Rule, appear as separate paragraphs either in the Customs, or in the Laws of the Teutonic Order. Of some significance may be the requirement of an oath
from the brothers-at-service (Templars, para. 67) and the permission for the brother knights alone to wear the white mantle (Templars, para. 68).

The Rule of the Teutonic Knights, besides the regulations concerning the care of the sick, contains two interesting regulations not found in the Rule of the Templars. First, the master has the right to give dispensations to the brethren in the observance of all the order's regulations, except for the vows of chastity, obedience, and poverty (para. 37). Second, the brethren were warned against attending weddings and gatherings of knights and other worldly assemblies (para. 28).

Comparing the two Rules in general, the Rule of the Teutonic Knights is shorter (thirty-seven paragraphs to seventy-five), more concentrated, and better organized. Also, while the Rule of the Teutonic Knights is largely an original compilation of regulations for a military religious order, yet the compiler or compilers used the Rule of the Templars as a base. Although almost all the important institutions, regulations, restrictions, and requirements are common to both of the Rules, yet the phrasing and organization of the German rule goes far beyond a mere altered version of the Rule of the Templars. The Rule of the Teutonic Knights is not just another or an altered version of the Rule of the Templars.
Further, we may compare the Statutes of the Templars with the Laws of the Teutonic Knights. The latter consist of a compilation of five rather loosely connected collections of regulations. The first section (Laws I) contains numerous regulations which are not found in the statutes of the Templars, such as forbidding going barefoot to church, to meals when ill and to evening drinking, drinking spirits, grazing outsiders' animals with the order's animals, and attending markets and fairs. Seemingly, this section originated as a collection of regulations passed by the chapter of the order, as did the next division (Laws II) on holding the general chapter, and the following division (Laws III, paras. 1-31). Many paragraphs in the third division seem to constitute legislative enactments arising out of practical cases in the daily life of the convent, such as the prohibition of using spices, and of talking in the lavatories, and the provisions for correct copying of the statutes and for keeping a copy of the statutes and for a white cloth with black cross in every house. This section ends (para. 31): "All the aforementioned things are at the discretion of the master who may mitigate or suspend them according to the time, the place, and

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7See below, Laws I; Laws II; Laws III, paras. 1-31; Laws III, para. 32; Laws III, paras. 33-45.
Yet, without the chapter's consent he shall not permanently revoke any regulation."

This paragraph clearly seems to conclude a section of legislation adopted by the chapter: the chapter had delegated execution and discretionary rights to the master, but had retained to itself the right of reviewing any proposal for a permanent change of regulations.

It seems quite certain that the sections on Monastic Life and on Holding the Chapter in the statutes of the Templars (paras. 21, 30-31, 36, 42-43), which correspond approximately to the first four sections of the Laws of the Teutonic Knights, are also collections of regulations, adopted by the chapter of the Templars, and most likely originating from actual cases within the order. These two sections of the statutes of the Templars are in part more detailed, give more explanations, and, in general, longer than the corresponding sections in the Laws of the Teutonic Knights.

Both sets of statutes contain a number of similar regulations, such as prohibition of two brothers riding on one horse (Templars, para. 379), prohibition of brothers building with stone and lime (Templars, para. 461), prohibition of lending horses to outsiders (Templars, para. 250), prohibition of sleeping on soft mattresses (Templars, para. 293). There are likewise similarities in the regulations for holding the chapter.
(Templars, paras. 386-415), as well as for many other matters. However, so many regulations and restrictions are not taken over by the Germans, and so many are shortened, or differently phrased, that it is impossible to say that sections of the Laws of the Teutonic Knights are a copy of the corresponding paragraphs in the sections of the statutes of the Templars. All that can be said with certainty is that many regulations in both of the statutes are similar. Many, such as the prohibition of two brothers on one horse, for obvious reasons.

The most interesting parts of the Laws of the Teutonic Knights and of the statutes of the Templars are the sections on offenses and punishments. The Statutes of the Templars are longer, with a more complex arrangement, many more cases, and much repetition, while the German legislation is distinguished by its brevity, clarity, and simplicity.

The Templar regulations on offenses and punishments are found in three sections: (1) "Penalties" (paras. 224-278), the original regulations; (2) "Holding the Chapter" (paras. 416-543), a more detailed elaboration of the first section; and (3) "New Regulations on Penalties" (paras. 544-650), some repetition of various transgressions plus actual cases.

The penal system of the Templars provides for
ten grades of punishment (paras. 267, 416):

(1) Expulsion from the order forever (para. 417)

(2) Loss of the habit for a long period of time (para. 451)

(3) Loss of habit, with a penance of three days or a week (para. 493)

(4) Penance of two days a week with a possibility of an extra day for the first week (para. 497)

(5) A penance of two days (para. 498)

(6) One-day penance (para. 500)

(7) Fasting and discipline on Friday (para. 523)

(8) Handing over of the guilty brother to the chaplain for punishment (para. 526)

(9) Reservation of judgment to the master and the wisest men (para. 527)

(10) Acquittal (para. 531)

In general the Code of the Templars was much more complicated, with a more detailed list of offenses, and with ten grades of penalties much more severe than the Code of the Teutonic Knights. A Templar punished with the loss of habit for the most serious offenses usually had to do a year's penance (para. 463), or until he was pardoned by the chapter (paras. 263-265); he was automatically excommunicated and had to obtain absolution (para. 451); he had to give up his arms, armor, and horses (para. 451), live and eat outside the cloister in the almshouse (para. 266), work with the slaves (para. 266), eat his meals with the servants
sitting on the floor (para. 470); or if allowed to eat in the convent, sit on the floor (para. 471), fast three days a week on bread and water (para. 472), though the master might give him some of his own meal (para. 471); and wear a habit without the cross (para. 470). He might be put in fetters (paras. 266, 452); might not be a standard-bearer or office holder, or participate at the election of the master (para. 452). He had to come on Sundays from the almshouse, clad only in hose, socks and shoes to receive discipline from the chaplain or priest before the brethren; and after discipline had to clothe himself and listen to Divine Service (para. 468). After completion of his penance without the habit, he still had to eat at least once on the floor, clothed in full habit, but might be ordered to eat on the floor for a longer time (para. 473). The Laws (III, 38) contain similar provisions. The common goals of the two penal systems are obvious, but the Germans have worked out a much more condensed and simpler disciplinary code than the Templars.

The Customs of the Teutonic Knights comprise regulations concerning the master and his election, concerning the other office holders, and the military obligations of the brethren. The Statutes of the Templars are much more detailed and are comprised in one hundred and forty-six paragraphs (77-223). The
Customs of the Teutonic Knights begin with the description of the election of the master (paras. 1-6). Election formalities are very similar to those described in the Statutes of the Templars (paras. 198-223), beginning with choosing a successor to substitute for the deceased master, then summoning the important commanders of the order to a chapter, then selecting the thirteen electors, followed by the actual election and acclamation of the elected master by the brethren.

The regulations concerning the master, the number of his animals and household, his rights to distribute horses, supervise and spend the order's funds, appoint high ranking office-holders, give away the order's lands, admit new members to the order (paras. 77-85, 87, 97-98) are similar to the corresponding regulations of the Teutonic Knights (paras. 8-18). The Master's position is summed up in the words of the Statutes of the Templars: "The brethren of the Temple owe obedience to the master, the master to the convent (para. 98); in all which the master does according to the advice of the convent, he should ask for the brethren's opinion, and act accordingly" (para. 96). As a curiosity could be mentioned the actions which the master should perform on Maundy Thursday: wash the feet of ten paupers and present to each of them shirts, hose, two loaves of bread, two
pennies and a pair of shoes (para. 98). In general, the Order of the Templars was much richer and organized on a grander scale than the Teutonic Order. The Templars had many more office-holders. The master had a permanent deputy, the seneschal, with equipment and household the same as the master: four riding-horses, a mule, two sergeants and a knight, a servant with two horses, a deacon as a scribe, a Turcopol, a Saracen scribe, and two servants on foot (para. 99).

The lower hierarchy of the Templars corresponded approximately to that of the Teutonic Order: there was a master of the Kingdom of Jerusalem, who had many functions similar to those of the grand commander of the Teutonic Knights, also masters of Tripoli and Antioch, and commanders. Among the latter was a commander of the City of Jerusalem in charge of the knights to protect religious going to Jerusalem via the River Jordan (para. 121) and to guard the "true" Cross in battle with two knights keeping vigil each night (para. 122). As in the Teutonic Order, so also in the Order of the Temple, the marshal was in charge of everything pertaining to the arms and equipment of the order (para. 102), and in war all armed men, knights as well as those serving the order on other terms (para. 103) were put under his command. The lower office-holders were the same in both orders. The Templars, like the Teutonic Knights,
also had Turcopolis and brothers-at-service.

However, the most interesting part of the statutes of the Templars on military regulations (paras. 77-223) is the description of their arms and behavior in combat. Every brother knight was entitled to at least three horses and a sergeant, a coat of mail, steel hose, a helmet, a sword, a shield, a lance, a Turkish club, and armor for his horse (paras. 138, 141); the brother sergeants-at-arms were given almost the same equipment, except armor for their horses (para. 141). The regulations for pitching camp and riding in battle array (paras. 148-163) were very similar to those of the Teutonic Knights (paras. 46-55). The attack was led by the marshal (paras. 164-165) who was closely followed by a brother knight bearing the standard, attached to a lance (para. 165). The banner signaled the combatants where the marshal was attacking with the main body of the troops. If he was so badly wounded that he could no longer lead the attack, the standard-bearer had to take over the command. A knight was not allowed to leave the battlefield without the permission of the master or his deputy; if separated by the enemy from the standard, he had to join the nearest Christian fighting unit; he had to continue fighting even if wounded, if he had not obtained permission to withdraw; so long as the two-color standard of
the Templars could be seen on the battlefield, he had to continue fighting against the infidels (paras. 166-168), for the penal code of the Templars as well as of the Teutonic Knights stated clearly that flight during battle meant expulsion from the order forever (para. 417). Only in case of total defeat of the entire Christian army and of capture of all Christian standards might a Templar leave the battlefield and seek refuge (para. 168). After the knights had begun the attack, the sergeants had to follow them into battle as fast and in as good order as possible (para. 179). The Turcopols were kept as a reserve, assembled round the main standard (para. 164). These strict regulations show why the knights of the religious military orders fought so bravely in the Holy Land and elsewhere against the infidels.

The Customs of the Teutonic Knights followed closely the corresponding military clauses in the statutes of the Order of the Temple, and in some cases copied the regulations almost to the letter. For whom else could the Teutonic Knights use as their model and whose regulations for military organization and battle could they copy, if not the Templars, the oldest and by far the most outstanding military religious order in the Holy Land?
CHAPTER 4

The Legal Code of the Hospitallers

It may seem strange that the legal code of the Hospitallers, the oldest of the three great military orders, was completed later than the Statutes of the Teutonic Knights. The Rule itself, the so-called Rule of Raymond of LePuy, was composed in the first half of the twelfth century, and the capitular decrees, promulgated as statutes by the master, are extant from 1176, but the first compilation of the Esgarts (case law on discipline) was made by William of S. Stefano, High Commander of Cyprus, between 1287 and 1290, some forty years after the compilation of the disciplinary regulations of the Teutonic Knights.¹

The code of the Hospitallers consists of (1) the Rule, (2) the Statutes, or Laws, issued by the Master in General Chapter,² (3) the Esgarts, or recorded

¹Texts in Delaville Le Roulx, Cartulaire; English translations in King, The Rule, which I use for quotation. See Riley-Smith, pp. 46-49, 260-262, for the compilation of the code, and p. 509 for a list of the numbers of the Rule, Esgarts, Usances, and decrees of the General Chapter in Delaville Le Roulx, Cartulaire; also, Part II: "The Organisation of the Order of St. John," pp. 227-371, passim.

²Riley-Smith, p. 260, "a form of lawmaking adopted by the Cistercians, which spread throughout the Church in the twelfth century." See below, Chapter 10.
judgments upon a brother in Chapter, (4) the Customs or Usances, written down at the instance of the prud'hommes of the house and dating from the period before 1290. The Usances partly resemble, in content, the Laws and Judgments of the Teutonic Knights, and partly the Customs. The Usances included the Genu­flections (para. 121), and the Admission Ritual (para. 121), which, in the Teutonic Code, constitute separate sections. The Usances likewise contain occasional information on the military organization. The main body of military regulations are to be found in the statute of the Great General Chapter of 1206.

The primitive Rule of the Hospitallers, containing only nineteen paragraphs, is the simplest of the three military orders, and yet the only one which includes many regulations on discipline (paras. 9-13, 16-18). It is a "composite document: a collection of regulations for conventual life, following in general terms the Augustinian pattern, interspersed with statutes

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3Esgarts, Delaville Le Roulx, Cartulaire, no. 2213 (paras. 1-87), a body of case law, first collected by William of S. Stefans 1287-1290, later revisions in 1303 and 1315, but, with few exceptions, all the Esgarts date from before the first collection. Usances, Delaville Le Roulx, Cartulaire, no. 2213, paras. 88-137. See Riley-Smith, pp. 260-61, 509.

4See above, p. 49 and note 18.

5Riley-Smith, pp. 53, 261.
aimed at curing particular ills.\(^6\) Paragraph 1 contains general precepts, providing for the three monastic vows, not unlike paragraph 1 of the Teutonic Knights. Paragraph 2 reflects the primitive austerity of the Hospitalers: "let them [the brethren] not claim more as their due than bread and water and raiment." Paragraph 8 supplements these instructions: the brethren are forbidden to wear bright colored garments and furs, and two meals a day should suffice, with fasting on Wednesdays and Saturdays, and from Septuagesima until Easter. No such strict requirements are laid down either in the Rule of the Teutonic Knights, or in the Rule of the Templars. The latter, indeed, discloses in the Admission Ritual that they had beautiful horses and equipment, and enjoyed good food and drink and fine raiment (para. 661). But the Rule of the Hospitalers reflects conditions in the early days; later the order was no less luxurious than the other two.

Paragraph 3 dealt with service at the altar, especially of priests who visit the sick outside of the convent; a similar clause appears, not in the Rule of the Teutonic Knights, but in the Laws (III, 24). The Hospitalers (para. 14) were to celebrate thirty masses for each deceased brother, the priests were to chant

\(^6\)Riley-Smith, p. 49; and see pp. 47-48, for analysis of the Rule: paras. 3, and part of 14 and 16 seem to be statutes inserted into the body of the Rule.
the psalms, and the lay brothers were to recite one hundred fifty Pater Nosters; the brother priests present were to offer a candle and a penny at the first Requiem Mass, and the money collected, along with the deceased brother's clothes, was to be distributed to the poor. The Rule of the Hospitallers did not contain as detailed regulations for the liturgical horarium and for the anniversaries of deceased brethren, but additional regulations adopted by the chapter in 1177, or included in the Usances, are in many instances similar to those of the Teutonic Knights.

Since at their foundation the Teutonic Knights were to follow the Rule of the Hospitallers in providing hospitals and caring for the sick, the regulations of the Hospitallers relating to this problem are of special interest. Three short paragraphs in the primitive Rule deal with these matters. Paragraphs 5 and 6 set forth the procedure for seeking alms to maintain the hospital: brothers, clerics as well as lay, were to be sent out to seek alms for the poor, and all the alms collected were to be delivered to the master who in turn delivered them to the hospital; also the commanders of the provincial houses had to deliver to the hospital one-third of their bread, wine and all other produce. This latter requirement is missing from the statutes of the Teutonic Knights. Paragraph 16 dealt with the care of the sick:
after arrival in the Hospital of St. John, the sick had to confess their sins and receive Holy Communion; they were fed according to the resources of the house; on Sundays the Epistles and the Gospels were read to them, the brethren went to them in procession, and the house was asperged with holy water. The Teutonic Knights obviously borrowed these early regulations, but added regulations more definite and more detailed than the original regulations for the Hospital of St. John, for the Rule of the Teutonic Knights provided for physicians and medicine. But, from at least 1176 (the year of the earliest extant statutes), the Hospitallers were issuing many supplementary regulations. For example, in 1181, the hospital in Jerusalem was ordered to employ four physicians who knew how to examine urine, diagnose disease, and administer appropriate remedies. Provisioning was better organized by fixing the deliveries from the subordinate houses: 200 cotton sheets to be sent to Jerusalem yearly, 4,000 ells of fustian, 2,000 ells of cotton cloth for coverlets, and 4 quintals of sugar for making syrups and medicine for the sick (paras. 2, 8, 9); the sick were to be given fresh meat, pork, mutton or chicken three days a week, also

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7 See Riley-Smith, pp. 335-338, passim, for the distinction between the hospital for the sick poor and the infirmary for the sick brethren.
comfortable beds, long enough and wide enough, each with its own sheets, and also each was to have fur cloaks and boots for going to the latrines (paras. 1, 3, 4); abandoned children were to be received and fed in the hospital, and cradles were to be made for babies born to women pilgrims (paras. 3, 5); the almoner was to give twelve pennies to prisoners when they were released from jail, and the convent was to feed thirty poor persons every day at the convent table (paras. 5, 7). The Rule of the Teutonic Knights (paras. 4-7) includes regulations for the hospital, evidently taken over from the Hospitallers, but the Laws and the Customs include no further regulations. Thus, though the German House started as a foundation to care for the sick poor, by about 1244 such care seemingly played a decreasing role in the activities of the Teutonic Knights.

At least seven paragraphs of the Rule of the Hospitallers deal with discipline (paras. 9-13, 17-18, and parts of 14 and 16). What were regarded as the most detestable sins by the Hospitallers? First comes unchastity: "if any of the brethren...shall fall into fornication, if he sin in secret, let him do his penance in secret; ...if it be well known...on the Sunday after Mass, when the people shall have left the church, let him be severely beaten and flogged with hard rods..."
or leathern thongs..., and let him be expelled from the company." If the expelled brother repents of his sin, he may be readmitted, after a year of penance (para. 9). For evil living a brother shall not be denounced to the people or to the pious, but first he shall be asked to chastise himself; if he refuses to amend, then the master shall be informed, but false accusers are to be punished (para. 18).

Less serious was the sin of quarreling among the brethren, which entailed a penance of a beating, eating on the floor for seven days with only bread and water on Wednesdays and Fridays (the septaine). For striking another brother, the penance was similar, but for forty days (the quarantaine); striking of brethren at service was forbidden (para. 12). The quarantaine was imposed also for leaving the house without permission (para. 10). Silence was required when at table and in bed, and drinking after compline was forbidden (para. 11).

Most serious was the sin of owning private property: if a brother acquired any money, it was tied around his neck and he was led naked through the house with another brother beating him severely (para. 13). Giving away funds of the Hospitallers meant expulsion from the order (para. 16).
The disciplinary system of the Hospitallers was later greatly expanded. Penalties, similar to those in other religious orders, were divided into five grades: (1) immediate deprivation of wine or cooked food, or both, (2) the septaine, (3) the quarantaine, (4) loss of the habit, which in fact meant expulsion from the order, though it might be temporary, and (5) expulsion from the order forever. The last two grades resemble the penances for the most serious offenses of the Teutonic Knights. For the first three grades, there is some similarity, but the Germans did not slavishly follow the Hospitallers in drawing up their code. Indeed the penal regulations of the Hospitallers are more akin to those of the Templars with no systematic arrangement of offenses and penalties according to seriousness, but with separate offenses listed with the appropriate punishments; in each order the disciplinary regulations constitute a complex of clauses in the Rule, augmented in the ensuing years by statutes, case law, customs, in contrast to the codification by the Teutonic Knights in the middle years of the thirteenth century (Laws III, 33-45).

The penal regulations of the Hospitallers had certain peculiarities. "Since all [brethren] are in the same Religion [I.e., order], and all, both clerics
and lay brethren, make the same promise, it is not a proper thing that there should be any distinction in regard to punishment (Esgarts, para. 10); this regulation corresponds approximately to the Laws of the Teutonic Knights (III, para. 40-44). But the Esgarts further declared (para. 55):

for all the words and misdeeds, for which, if done against another brother, he would undergo the Septaine; if done against a lay person, he shall have no sentence; and in like manner, for anything which, if done against another brother, he would undergo the Quarantaine, if done against a lay person, he shall undergo the Septaine.

Furthermore, for offenses for which, if done against a brother, a Hospitaller lost his habit; if done against a lay person, he was to do a quarantaine. No such distinctions are made in the Laws of the Teutonic Knights.

However, generally the penalties are in line with those of the Teutonic Knights and the Templars: for striking a Christian, the septaine; if blood is drawn through striking, the quarantaine; for wounding with sword, lance, stick, stone, mace or any cutting weapon, the quarantaine; for killing a Christian, loss of habit (Esgarts, para. 55); for dissipating the order's money—loss of habit (para. 8); for alienating the order's immovable property—expulsion forever (para. 9). The sins of heresy, bearing false witness, flight to the Saracens, desertion on the battlefield
and unnatural vice were also unpardonable and entailed expulsion from the order forever (paras. 33-34).

The hierarchy and military organization of the Hospitallers were established by the Statutes of 1206. The arrangements for electing a master (paras. 3-7) were similar to those of the Teutonic Knights and Templars. The new master

shall promise in the Chapter that he will maintain the good customs of the House and the Statutes, and that he will direct the business of the House with the advice of the brethren; and likewise that he will keep those things which shall be ordained by the brethren of the Chapter-General (para. 3).

Thus, as with the Knights Templars and the Teutonic Knights, the master was the chief executive, the chapter the legislative body, from whom the master had to seek advice in important matters.

The Laws of 1206 deal also with the military activities of the brethren. A brother knight was entitled to four horses, but a brother sergeant-at-arms only to two horses, and all the brethren-at-arms with their equipment, arms, and horses, were under the command of the marshal (Laws 1206, para. 11). When a brother needed new equipment or clothing, he had to hand over the old, and be satisfied with the equipment which was given to him (para. 12). Regulations on the provision of equipment and horses to the master and
the marshal were similar (paras. 10-11) to the regulations of the Teutonic Order and the Templars, but no detailed regulations for military campaigns and conduct in battle are extant for the Hospitallers.

However, the Laws of 1206 introduced a new element, quite foreign to the statutes of the Teutonic Knights, namely knighting within the order. Sons of knights, if brought up in the order, might be made knights after they have reached the age of knighthood, if so demanded in case they might be sent overseas (i.e., to Europe) or into battle. While the Laws of 1206 somewhat leniently allowed knighting within the order of those to whom knighthood was promised before admission to the order, the Laws of 1262 stipulated that only sons of knights or those of knightly family might be made knights within the order (para. 19); also that only knights of the order, who were sons of a knight and of legitimate birth, might be elected as masters (para. 11). These regulations, evolving as class distinctions were hardening, obviously were aimed against the infiltration of non-noble persons into the ranks of the fighting knights, and for the advancement of the ruling class of the order by making it a strictly segregated, privileged, and noble class. The distinction between secular and religious knights
was maintained: no person, either clerk or layman, was to have any authority over the brethren in a house of the order (Laws of 1262, para. 32). And no sick brother in the infirmary was to be allowed to read romances or to play chess (para. 39): games and courtly love for the worldly knights, celibacy and serving the Virgin Mary for the religious knights.

This analysis of the regulations of the Templars and the Knights Hospitallers shows that the Teutonic Knights, in compiling their statutes, followed the Hospitallers, though not completely, in regard to running the hospital and caring for the sick, and to a lesser degree, in other matters. By admitting needy people into the hospital, the Teutonic Knights also cared for the poor, but since regulations for the care of the poor are found also in the Rule of the Templars, in this respect the Teutonic Knights followed Hospitallers and Templars alike. In regard to the knights and military organization, the administration of the Order and the office-holders, the Germans took the Templars as their model for the most part. The detailed regulations in the Statutes of the Templars were not taken over by the Teutonic Knights in their Customs. It seems also that in the early years, the Teutonic Knights followed the Templars in regard to worship and to priests, though, here again the Hospitallers and the Teutonic Knights had many common regulations.
CHAPTER 5

Other Possible Sources:
The Disciplinary Code of the Dominicans,
The Decrees of the Fourth Lateran Council,
and The Papal Privileges

The question has been raised, and answered affirmatively by Perlbach, whether the penal code of the Teutonic Knights (Laws III, 33-45), the only section of their statutes which really does not follow the pattern of the regulations of either the Templars or the Hospitallers, may not have been derived from the Dominicans. Their statutes graded offenses in four categories—lesser, major, serious, and most serious.

Close examination shows a number of divergencies. The statutes of the Teutonic Knights devote a paragraph to each category, giving a detailed list of the offenses with, at the end of the paragraph, the penalties for that particular category. Chapters XVI to XIX in the Dominican Constitution, as revised by

Perlbach, pp. xxxvii-xxxix.
Raymond of Peñafort, third master (1238-1240), describe the four categories of offenses, from lesser to most serious, but Chapters XVI and XVII specify the penalties at the end, Chapter XVIII has penalties scattered all through, and Chapter XIX says nothing at all about penalties. Moreover, Chapter XX adds an offense, not included in the four categories, namely leaving the order; and gives the penalty.

The offenses in the various categories only occasionally correspond in the two codes. The Dominicans list some thirty minor offenses; the Germans, ten, of which only one, on abusive language (Laws III, 36, no. 7), resembles one in the Dominican list (Ch. XVI, 167).

The Dominicans left the penalty for minor offenses to the discretion of the superior, but the stipulation is a later addition—of 1249—to the redaction of Raymond of Peñafort. Most of the minor offenses listed by the Dominicans involve negligent behavior during divine office—a state of affairs seemingly disregarded by the Teutonic Knights.

Of the fifteen offenses classified as major by the Dominicans, only two, receiving and sending letters and complaining about food, drinks and clothing (Ch. XVII, paras. 2, 3) resemble offenses listed by the Teutonic Knights (Laws III, para. 37, nos. 2, 6), and the Germans specify not complaining, but throwing away food, drink, arms and clothing. On the other hand, trifling with women and telling lies were listed by the Dominicans as major offenses (Ch. XVII, paras. 2, 1), but were considered minor by the Germans (Laws III, para. 36, nos. 2, 4).

The Dominican Code lists only two most serious offenses, frequent relapse or refusal to repent and submit to punishment (Ch. XIX) in contrast to six most serious offenses in the German Code (Laws III, para. 39),

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4 Clause added in 1243, see Holstenius, Code, IV, 53, note "f!"
and in the lists of serious offenses only three are similar (Ch. XVIII, paras. 1, 4, 5 corresponding to Laws III, para. 38, nos. 2, 6, 8). The penalties for these serious offenses show some variation.

Thus the Teutonic Knights may have borrowed from the Dominican friars the principle of dividing offenses into four categories, but with this any clear connection between the two penal codes ends. Certainly, as might be expected, many offenses listed in one are found in the other, though not always in the same category. However, the German penal system also contains many offenses and penalties in common with that of the Knights Templars. But the German penal code is unique in its rigorous and systematic listing of offenses and penalties for each group according to the same principle: first the offenses, then the punishments. None of the other penal codes in question knows such an orderly system, nor does any of them list the offenses and punishments separately for knights and clerics (Laws III, 40-44). It seems that the penal code of the Teutonic Order is not only the best organized section of the entire statutes, but also the most independently compiled. Perhaps this independence in compilation positively influenced its homogeneity.

Perlbach found greater similarities between
the penal codes of the Teutonic Knights and the Dominicans for the single reason that he used the only edition of the Dominican Constitution available to him at the time he was writing, namely Holstenius' edition, based on a redaction, some twenty years later than the redaction of Raymond of Peñaafort (1238-1240), to say nothing of the original Constitution of 1228. Since this later redaction lists many more offenses than that of Raymond of Peñaafort, Perlbach, without benefit of the scholarship of Denifle and later scholars in analyzing the various redactions of the Dominican Constitution, might easily see a resemblance between the two codes and conclude (incorrectly) that the Dominican penal code influenced the German.

This leads to a further question: did not the Dominicans copy their penal code from the Germans? Scheeben, in editing the Constitution of 1228, expressed the opinion that the Dominicans copied many a regulation from the Teutonic Knights, particularly, the admission formula, and that the Dominican penal code was compiled before 1220. Unfortunately, since no copy of the statutes of the Teutonic Knights earlier than 1264 is extant, we cannot say whether the Germans had a written penal code in any form before 1250—to say

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5 Perlbach, p. xxxvii.

6 Scheeben, pp. 36-7, 20, 22.
nothing of 1220—and, consequently, there is no ground to assume that the German penal code influenced the compilation of the Dominican penal code.

Did the decrees of the Fourth Lateran Council\(^7\) which Pope Innocent III called in 1215 to discuss reform of the Church and organization of a new Crusade to the Holy Land, have any influence on the drafting of the statutes of the Teutonic Knights?\(^8\) One decree of the Council ordered the metropolitans to hold every year a provincial synod in which matters of the province should be discussed.\(^9\) The Teutonic Order was not subordinated to a metropolitan, nor did it constitute an ecclesiastical province, but the provincial commanders of the Teutonic Knights may be regarded as the metropolitans of the order, and their statutes (Laws IIc, Customs 20) required the provincial commanders to hold yearly general synods.

\(^7\)For the suggestion to investigate the decrees of the Fourth Lateran Council as a possible source for the statutes, I am indebted to Professor George F. Potter.


\(^9\)Mansi, Canon 6; Decretals, Book V, Title 1, Chapter 25.
chapters in which the office holders were to render account of the conditions within their house. Since the paragraph in the Laws also mentions the commander of Livonia, clearly it was drafted after 1237, thus probably in compliance with the Lateran decree, including the chapter of the Decretals of 1234. Another decree directed monastic orders to hold provincial general chapters every three years if they were not already doing so, and to invite two Cistercian abbots to attend, for the Cistercian Order initiated this custom of holding general chapters. Evidently, the Teutonic Knights did not follow this latter stipulation. The same decree that provided visitation of monasteries may have suggested the provisions in the Customs of the Teutonic Knights (paras. 16, 17), dealing with the removal of provincial commanders, and the provision in the Laws (II, c) that visitors sent by the grand master and the provincial commanders be accompanied by a lay brother commander. Other decrees provided for canonical elections within three months to fill church vacancies because of the death of the incumbent. As we have seen, the period for electing a new grand master was not restricted to three months, because some of the participants in the chapter, such as the masters of Livonia and Prussia,

10Mansi, c. 12; Decretals, III, t. 35, c. 7.
lived far away from the Holy Land. Therefore the Customs (para. 3) simply states that they "shall be given time to come to the chapter, during which time the election of the master shall not take place."

A decree of the Council on canonical elections provided that they be held in one of two ways: (1) either all persons present were to vote, and three scrutineers were to count the votes, or (2) a number of suitable men, representing the entire conclave, were to choose the new incumbent. The Teutonic Knights adopted the second alternative for an electoral college of thirteen electors (Customs, para. 5). The Teutonic Knights also strictly followed the Council decrees that the election be either unanimous, or by a majority vote, that no appeals be lodged against the result of such an election, and that the result of the election be immediately announced and solemnly celebrated (Customs, paras. 6, 7).

Other decrees seem to have directly influenced the compilation of the Statutes: the Fourth Lateran forbade monks to appeal against the decisions of their abbots; similarly the Laws of the Teutonic Knights

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11Mansi, c. 23 and 24; Decretals, I, t. 6, c. 41 and 42.

12Mansi, c. 48; Decretals, II, t. 28, c. 61.
(II d) declared that a brother who appealed against the laws of the order should do a one-year penance. The council decreed that alms collectors practice moderation and warned against lodging in public houses, lavish expenditure and wearing improper habits.\textsuperscript{13} The Rule (para. 7) required the alms collectors to lead a good life, be modest in their expenditure and, if they arrive at a house of the Order, they should lodge there and "gratefully accept what the brethren there offer, and be satisfied with that, not immoderately demanding more!" The compilers of the statutes of the Teutonic Knights may have been influenced by a few other decrees of the Council. Hunting and hawking as well as possession of hounds and falcons was forbidden to clerics.\textsuperscript{14} Although hunting was not forbidden altogether to the Teutonic Knights, yet the Rule forbade following the chase with hounds and falcons (para. 23). Shooting birds and hunting beasts of prey was allowed. Hunting, except as permitted by the Rule, was classified as a minor offense (Laws III, 36, no. 9). The decrees of the Council insisting on cleanliness in churches, keeping walls and sacred vessels clean and

\textsuperscript{13}Mansi, c. 62; \textit{Decretals}, III, t. 45, c. 2 and V, t. 38, c. 14.

\textsuperscript{14}Mansi, c. 15; \textit{Decretals}, III, t. 1, c. 14.
neat, and keeping the chrism and the Host locked up\textsuperscript{15} are paralleled in the Laws of the Teutonic Knights (Laws III, 22, 24). The laity under certain circumstances was allowed by the Fourth Lateran to confess to priests other than their parish priests.\textsuperscript{16} The Laws (III, 21) state: "No brother, clerk or lay, shall confess to anyone outside the Order unless he has received permission from his superior in advance." In regard to the sick, the Fourth Lateran emphasized the spiritual care of the soul rather than the physical care of the body, declaring that it is easier to look after a sick body if the soul is comforted first; treatment by physicians, however, was not prohibited.\textsuperscript{17} Similar requirements were included in the Laws (III,10), the Rule (paras. 5, 6) which provided that before a brother or a layman was admitted to the hospital, he should confess, receive the Eucharist and be anointed if necessary, and that physicians were to be employed and consulted.

Some of the most interesting canons of the Council are included in the section De vita et honestate clericorum of the Decretals. Drunkenness and frequenting

\textsuperscript{15}Mansi, c. 19 and 20; Decretals, III, t. 44, c. 1 and 2.

\textsuperscript{16}Mansi, c. 21; Decretals, V, t. 38, c. 12.

\textsuperscript{17}Mansi, c. 22; Decretals, V, t. 38, c. 13.
inns save on a journey were prohibited to clerics.\textsuperscript{18} Drinking of spirits and the use of spices was forbidden to the Teutonic Knights. When on a journey, a brother had to avoid places of bad repute. The Council forbade gambling with dice; gaming and drinking outside the house were classified as minor offenses for the Teutonic Knights (Laws III, 36, nos. 10, 6). The Fourth Lateran required the tonsure of clerics. Similarly the Rule (para. 12) states: "The brother clerks shall have a tonsure of not too small size, as is seemly for men in orders." Prelates at the Council had complained that clerics wore richly ornamented clothes and gloves, shoes with buckles and rings, and belts decorated with gold and silver, and had gold-plated saddles, bridles, spurs and horse collars. The Rule (paras. 11, 22) of the Teutonic Knights ordered that the brethren "shall have shoes without laces, buckles, and rings," and "that saddles and bridles and shields be not painted needlessly with gold or silver or other worldly colors." The Fourth Lateran Council decreed that garments of clerics be not too short or too long, neither red nor green. The Rule (para. 11) states that the shoes and clothing of the brethren should not be "too long, nor too short, nor too tight, nor too wide," and they should be of "sober hue." Thus, the

\textsuperscript{18}Mansi, c. 16; Decretals, III, t. 1, c. 15 and 16.
influence of the decrees of the Fourth Lateran Council on many a regulation in the statutes of the Teutonic Knights cannot be denied.

The decrees of the Fourth Lateran Council may offer a partial answer to two questions: (1) why the Teutonic Order remained for almost fifty years without a Rule of their own, and (2) whether their Book of the Order was ever confirmed by the papal chancery. Canon XIII of the Fourth Lateran Council declares: "whoever wishes to found an entirely new religious house [i.e., order], let him take the rule and ordinances of approved religious orders."¹⁹ The Teutonic Knights at their foundation were instructed to follow the Rule of the Templars and the Hospitallers, and, after the decree of the Fourth Lateran Council, the Germans had no choice but to continue to follow the Rule of the Templars and their statutes. Pope Innocent IV in 1244 did not allow the Teutonic Knights to write a new rule, but only to change or omit certain regulations of the Rule of the Templars. Nevertheless, the Germans not only compiled their own Rule, but also their own Customs and Laws, the latter including a rather superior code. There is no extant evidence that the Teutonic Knights obtained papal authorization for compiling their own Book of the

¹⁹Decretals, III, t. 36, c. 9: Similiter qui voluerit religiosam domum de novo fundare, regulam et institutionem accepiat de religionibus approbatis.
Order. Therefore, in the light of canon XIII, it is understandable and probable that the Teutonic Knights never submitted their Rule, Laws and Customs to the papal court for approval. For in the fifties and sixties of the thirteenth century, some 20 years after the promulgation of the canonical prohibition in the Decretals, they might have been refused upon presenting their statutes to the papal court. In the following years the military orders were too occupied with defending themselves and the Kingdom of Jerusalem against the attacks of the infidels. Later came the trial and dissolution of the Order of the Temple, when the Teutonic Knights may have decided that the best way of escaping a similar fate was to transfer the seat of their order and its main activities to a remote corner of Europe—Prussia. Moreover, by that time the Book of the Order was too old a document to be presented for approval.

To complete the investigation of the probable sources of the statutes of the Teutonic Knights, one must determine whether any of the papal concessions influenced the composition of their statutes. We have already noted that, on February 9, 1244, Innocent IV allowed the Germans to revise the Rule of the Templars for their use, but thus initiated a number of important

20See above, pp. 43-44, 69.
changes, the most important of which was the permission to admit knights to the order without first obtaining approval by the local bishop. Innocent's ruling concluded a series of papal decrees concerning membership. On January 16, 1221, Pope Honorius III allowed the order to admit as members any crusader who was not under a canonical ban. Two days later, on January 18, he allowed the order to receive into its ranks knights who had committed a crime against clerics or members of other orders, if they had been absolved by a bishop. Again two days later he allowed them to accept fugitives from other orders. Sometime before 1227, Honorius III ruled that prospective members of the order could gain absolution for minor offenses after admission into the order, evidently by the order's own priests. Therefore neither the Rule (para. 29), nor the Admission Ritual required an assurance from the candidates that they were not under a canonical ban, but they were required to declare before the chapter that they were not members of another order; i.e., that they had been released from their vow to any other order

21Strehlke, No. 320.
22Strehlke, No. 326.
23Strehlke, No. 340.
24Strehlke, No. 400, issued sometime 1216-1227.
before entering the Teutonic Order. During the admission ritual the candidates were to be asked whether they had incurred a debt which they were unable to repay, but in December 1222 the Emperor Frederick II had granted that no one might collect debts from a member of the order if they had been incurred before admission to the order.\textsuperscript{25} Much more far-reaching was the action of Pope Alexander IV, who, on May 18, 1258, gave permission to the priests of the order to absolve members of the order who had committed arson or robbery before their admission into the order.\textsuperscript{26} (This made the order a good refuge from secular punishment!) Thus it seems that the question in the Admission Ritual was more a formality than an attempt to separate the lambs from the wolves.

A letter of Pope Honorius III, January 20, 1221, to the prelates of the Church also throws some light on one of the ways in which members were recruited.\textsuperscript{27} When the order's solicitors were preaching in churches appealing for alms, the local priests were to encourage the faithful to join the order. Although the Rule (para. 27) speaks of a probation period for

\textsuperscript{25}Strehlke, No. 258, privilege of Frederick II, December 1222.

\textsuperscript{26}Strehlke, Nos. 578 and 579, two letters of the same date.

\textsuperscript{27}Strehlke, No. 341, letter to prelates in favor of Teutonic Knights.
the candidates, the Admission Ritual is more flexible: the candidates might choose, or not, a period of probation, but if they did not want it, they might be admitted immediately. Thus, the practice and the internal legislation of the order preceded the papal ruling of July 28, 1257, by which Alexander IV officially allowed the order to admit as members both clerics and laymen without a year's novitiate, if they so desired.28

The only restriction made by Alexander IV was the requirement that those admitted were not allowed to withdraw from the order. This constituted a problem with which the order and the papal curia had to deal. Transferring to another order with the master's consent was permitted by Pope Honorius III on December 15, 1220.29 This ruling most probably is reflected in the Laws (II, d, e) which deal with leaving the Order. Evidence is extant for at least two important resignations from the Teutonic Order. In 1245, Master Gerhard of Malberg obtained papal permission to join the Templars, and, in 1290, in the midst of the desperate fight to save Acre, Master Burkhard of

28 Strehlke, No. 560, letter to Teutonic Knights; cf. Laws II, g.

29 Strehlke, No. 306, letter to Teutonic Knights; see Honorius III's letter of February 1, 1223, Strehlke, No. 385.
Schwanden, with papal permission, went over to the Hospitallers. However, the real problems were those brethren who obtained leave to enter another order, but never did so, or did so reluctantly, or simply left the order without permission. The latter were ordered by Pope Gregory IX to be put under ecclesiastical restraint, and the Laws (III, 38, no. 8) gives as one of the more serious offenses: "if a brother casting behind him religious discipline and his vow of obedience, leaves the Order," he was subject to a one-year penance (that is, if the order ever laid hands on him again?). For those to whom permission to enter another order was granted, but who long remained living dishonorably in the world, the same penance was prescribed (Laws, III, 38, no. 9).

The order's penal code seems possibly to have been too rigorous for the Teutonic Knights. We have already noted that in reality no high morality or honest past was required of candidates before entering the order. Furthermore the knights seem to have continued their customary disorderly life after admission, for Innocent IV on January 4, 1246, allowed the order's priests to absolve brethren who were involved in internal

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30 Dusburg, in SSRP, I, 205, and above, p.39 and note 58.
31 Strehlke, No. 428, letter to Teutonic Knights, August 2, 1227.
brawls, thus diminishing the severity of the penances, for a number of the serious offenses (Laws III, nos. 7, 10, 12). In the same letter, the pope also allowed the order’s priests to absolve brethren from almost any sin, save the most serious for which the brother had to obtain absolution from Rome. On May 18, 1258, Alexander IV wrote in reply to a request of the Teutonic Knights that the best satisfaction (or reparation) to be made to persons who could no longer be found, against whom the brethren had committed all kinds of crime before entering the order would be to fight in the Holy Land or in Prussia or Livonia to the glory of God.

Six months later Alexander IV practically cancelled the penance for two of the most serious offenses, both giving and receiving money for admission to the order (Laws III, 39, nos. 1, 2). Every priest

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32 Strehlke, No. 497, letter to Teutonic Knights.

33 See Strehlke, No. 558, confirmation by Alexander IV, July 11, 1257.

34 Strehlke, No. 579: Ex parte vestra fuit propositum coram nobis, quod nonnulli ex fratribus ordinis vestri, dum adhuc manerent in seculo, multis modes, sed precipe per incendia, rapinas et usuras personis quam pluribus damna gravia intulerunt; propter quod humiliter petivistis, ut super hoc providere salubriter curaremus. Nos itaque devocionis vestre precibus annuentes presenciium vobis auctoritate concedimus, ut satisfaccionem pro huiusmode damnis et usuris debitam illis dumtaxat personis, que omnino sciri et inveniri non possunt, in subsidium terre sancte ac eciam Lyvonice et Pruscie, ubi fidei negocium per vos ad dei gloriam mag-nanimiter et potenter agitur, prout milius expedire videritis, convertatis.
of the order might absolve a brother found guilty of simony. While Honorius III on October 1, 1218, had exempted only the members of the order from the jurisdiction of secular clergy, on February 22, 1259, Alexander IV forbade the excommunication even of persons who had business with it, such as millers, bakers, and traders. Thus, aided by papal privileges, the Teutonic Order turned into a quasi-sanctuary for sinners and malefactors: the severe penal code with its austere requirements for the brethren was possibly more a facade than a true mirror of the actual life within the Teutonic Order.

A number of papal regulations were incorporated in the final draft of the statutes. On January 19, 1221, Pope Honorius III forbade the brethren to fast on other than on the official fast days, unless they had obtained the master's special permission; a general restriction to this effect is found in the Rule (para. 13). Honorius III confirmed the right of the knights of the order to wear the white mantle;

35 Strehlke, No. 595, letter of November 22, 1258.
36 Strehlke, No. 305.
37 Strehlke, No. 603.
38 Strehlke, No. 333.
39 Strehlke, No. 308, letter to Teutonic Knights, January 9, 1221; and see above, Chapter 1, p. 29 and passim.
and the Rule (para. 11) states: "the brother knights shall wear white mantles as a sign of knighthood." An important provision in the Rule (para. 7) allowing authorized members of the order to solicit alms follows earlier papal privileges, allowing alms collectors to be sent to Germany.\footnote{Strehlke, Nos. 312, 314, 315, letters of Honorius III to Teutonic Knights, January 15-16, 1221; see also, No. 254, privilege of Frederick II, January 23, 1216, conceding to the Teutonic Knights the right of having two alms collectors, at the imperial court, one going and one coming to collect alms.} Some insight into the duties of the hospital, at least in the early years of the order, is afforded a number of papal privileges. On February 5, 1221, Honorius III authorized the priests of the order to baptize children abandoned outside the gates of the house of the order, or born in the house.\footnote{Strehlke, No. 350.} Perhaps this permission influenced the provision of the Rule (para. 28) that "no brother shall become a godfather, except in mortal emergencies."

Honorius III in his letter of December 15, 1220, deals with the election of the master in a short passage, which interprets or elaborates for the Teutonic Knights, canon 24 of the Fourth Lateran Council.\footnote{See above, p. 101 and note 11; and below, p. 115.} The master should be selected from among the professed knights,
and be elected by all or by the greater and wiser part of the brethren (a familiar concept in medieval political thought). Adding to this general statement, Honorius prescribed that the master should be elected by all, i.e., by the general chapter in which all the brethren from all the provinces should be represented by their provincial commanders, from among whom the chapter should co-opt thirteen electors, who would elect a master whom the whole chapter, without any chance of refusing, had to accept. Thus, Honorius, in effect, directed the Teutonic Knights to use the same method the Knights Templars used to elect a master, and the Teutonic Knights formulated their own rules (Customs, paras. 5, 6), basing them on Honorius III's letter and the Rule of the Templars.

The master's obligation to seek advice in important matters from the wisest brethren is clearly expressed in letters of Honorius III and Innocent IV.

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43Strehlke, No. 306, p. 276; nullus eiusdem domus fratribus preponatur nisi militaris et religiosa persona, que vestram religionem et habitum sit professa, nec ab aliis nisi ab omnibus fratribus insimul vel a majori et saniori eorum parte, qui preponendus fuerit, eligatur.

44Curzon, para. 207.

Honorius III also warned the brethren against mingling with the laity while attending churches which the order had built or acquired. This may be the basis for the provision in the Laws (I, m), that the brethren doing business at kermesses, fairs, or markets, should do their business as quickly as possible.

Papal letters sometimes serve for dating statutes. For example, in a letter of February 13, 1244, Innocent IV allowed the priests of the order to wear the alb, and directed that they should no longer celebrate the divine office as many had been accustomed to do according to the order of the Holy Sepulchre, but to follow the order of the Dominicans (secundum ordinem fratrum predicatorum). Provisions in the Laws (III, 24, 23) require priests of the order to wear alb and surplice when they go forth to administer the Holy Sacrament, and to use one form throughout the order in celebrating the divine office. Thus, these provisions of the Laws probably were formulated in 1244 or shortly thereafter. The provisions of the Laws (III, 27, 28) dealing with copying and learning the Rule and the Laws, which end the section preceding the penal code (Laws III, 29-45), were probably drawn up also shortly thereafter.

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46 Strehlke, p. 278.
47 Strehlke, No. 471.
after 1244, or, in other words, at the same time when the revision of the Rule of the Templars took place. In discussing the composition of the statutes, we saw that the Rule, the penal code (\textit{judicia}, Laws, III, 29-45), and the Customs were already compiled by 1250. Now we can add that this other section of the Laws was probably compiled about the same time, which means that all of the Rule, Laws and Customs were compiled by 1250. Thus the provisions on copying and reading the Rule and the Laws, completed by then, take on added significance.

We may conclude that between 1244 and 1250, important internal changes took place in the Teutonic Order: within this short period of time not only was the Rule of the Templars completely revised for the use of the Teutonic Knights, and the whole Book of the Order compiled, but also celebration of the divine office according to the ritual of the Order of the Holy Sepulchre was abandoned. The Breviary of the Order of the Holy Sepulchre was also the Breviary of the Templars.\footnote{Curzon, para. 363.} In fact, Innocent IV in 1244 freed the Teutonic Knights from both the Rule and the ritual of the Templars. Thus, Innocent IV in 1244 fulfilled what Honorius III in 1221 had begun:\footnote{See above, p. 30, and note 39.} the Teutonic

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\footnote{Curzon, para. 363.}

\footnote{See above, p. 30, and note 39.}
Order was put on an equal footing with the Knights Hospitallers and Knights Templars.

The only field in which the Teutonic Knights still followed the model of the Templars was military activity. Oddly enough, this became the main branch of operations for the Teutonic Knights, particularly in Prussia and Livonia.
PART III

THE STATUTES OF THE TEUTONIC KNIGHTS:

THE RELIGIOUS BACKGROUND
CHAPTER 6

The Rules of St. Benedict and of St. Augustine and the "Carta Caritatis"

In order to trace the monastic element in the life of the Teutonic Order, several of the classic monastic rules will be briefly analyzed and compared with the statutes of the Teutonic Knights. This analysis also will include the rules of the two mendicant orders, the Dominicans and the Franciscans.

The dominant monastic rule throughout the middle ages was the Rule of St. Benedict,¹ which is made up of a Prologue and seventy-three chapters and is longer than any of the rules of the three religious military orders. The Prologue quotes passages from Scripture in order to explain and support the significance and need for religious and monastic life in this world, partially resembling the biblical paragraphs

(2-5) in the Prologue of the Rule of the Teutonic Knights. One may assume that at least the idea of introducing biblical background into the Prologue was borrowed from the Rule of St. Benedict by the Germans.

The basic elements of the religious life are very clearly set forth in the fourth chapter of the Rule of St. Benedict, which contains seventy-two very short, slightly paraphrased quotations, from the Scripture, almost every one of which is reflected in the statutes of the Teutonic Knights. The three vows which became standard for all life in religion are set forth in detail. Do not commit adultery, do not fulfill the desires of the flesh, love chastity (Ch. 5): this is the first command for the religious life. Hate your own will and obey in all things the commands of the abbot (Ch. 3,2): this is the second. Obedience is best attained through humility (Ch. 5, 7). Let no one own anything whatsoever, for monks should not have even their bodies and their wills at their own disposal (Ch. 33). Chapter 4 contains the rudimentary precepts of brotherly love in the cloister: keep your mouth from evil speech, do not nurse a grudge, do not render evil for evil, do not kill, do not seek soft living, avoid worldly conduct, listen gladly to sacred readings and pray frequently to the Lord. These commands are frequently repeated and emphasized, with
penances prescribed for breaking them; and similar provisions are found in the statutes of the Teutonic Knights. There are other precepts common to both monks and knights: love fasting, relieve the poor, visit the sick, clothe the naked, revere the old, chastise the body (Ch. 4). Instructions for the care of the sick and aged brethren in the Rule of the Teutonic Knights are similar to those in the Rule of St. Benedict: "Before all things and above all things care must be taken of the sick" (Ch. 36). Similarly, the old and the young deserve more careful attention than the healthy brethren (Ch. 37), but the sick brethren should not make unreasonable demands on the healthy. And yet the sick should be borne with patience (Ch. 36).

The regulations for the liturgical horarium in the Rule of St. Benedict are far more rigid and detailed than those in the statutes of the Teutonic Knights, laying out as they do the required services for day and night, for summer and winter, and for Sunday, setting the number of Psalms to be said and the time the Alleluia is to be chanted (Ch. 8-20). They reflected the chief duty of a Benedictine cloistered familia, epitomized in the phrase laborare est orare.

An order formed to fight in the world would have no time for such extended worship, and had no need for such detailed regulations for the opus Dei. So we
find less detailed regulations for celebration of the mass by the brother priests and the brother clerks, for the canonical hours and the chief feasts and for the passive participation of the brother knights. As we have seen, Innocent IV in 1244 directed that the clerics, celebrating the divine service, should all use a Breviary modelled on that of the Dominicans.  

The regulations for clothing and bedding, are, as might be expected, much the same in both Rules. Certain garments for the twelfth century religious knights naturally differed from those of the sixth century monks but the basic clothing was the same: tunic, belts, shoes, hose, drawers. Bedding consisted of a mattress, blanket, coverlet, and pillow. As in the code of the Teutonic Knights, the garments were not to be too short, and, when new ones were received, the old clothing had to be returned for the use of the poor (Ch. 55).

Much the same can be said about the meals: prayers had to be recited before and after meals, and silence observed during meals (Ch. 38, 43); equal portions of food and drink were given to all (Ch. 39, 40), but "he that needeth less, let him thank God and not be discontented; he that needeth more, let him be humbled

\footnote{See above, p. 115.}
for his infirmity and not made proud by the mercy shown to him" (Ch. 34). This phrase is repeated almost word for word in the Rule of the Teutonic Knights (para. 13).

Fasting on Wednesdays and Fridays (Ch. 41) and during Lent (Ch. 49) is required, and no eating or drinking allowed outside the regular hours (Ch. 43); those who come late to table are to eat apart (Ch. 46).

The regulations for sleeping are similar in both Rules: all in one room, clothed and girt, but without belts, and with the light burning all night (Ch. 22). No talking is allowed after Compline, when the Collations of Cassian were to be read (Ch. 42). A Benedictine monk, like a Teutonic Knight, could not give or receive gifts, or send or receive letters, without permission, not even letters or gifts, for he was to own nothing of his own (Ch. 33, 54).

The penal code in the Rule of St. Benedict is not as well arranged as that of the Teutonic Knights, but it is not difficult to follow the main principles of the Benedictine system. The Rule of St. Benedict distinguishes two grades of sin: the minor and the major (Ch. 24-25), but punishments can be grouped into six grades: (1) admonition by the superior in secret, (2) rebuke before the chapter, (3) excommunication, (4) corporal punishment, (5) common prayers, and (6) expulsion from the monastery (Ch. 23-25, 28). The Rule
left to the discretion of the superior what constituted a major or minor sin. The duration of penance was not fixed by Benedict, but was to last until the sinner had made satisfaction (Ch. 25). The ways of doing penance became almost standard procedure for later orders, including the Teutonic Knights. For minor sins, they involved exclusion from the common table and from officiating at divine service (Ch. 24, 44); and for major sins exclusion from the common table, eating and working alone, no association with other brethren; when excommunicate no converse at all with other brethren, and exclusion from entering the chapel during the divine service (Ch. 25, 44).

Methods of doing penance included the public rebuke and the discipline, i.e., beating with the rod (Ch. 28) and specifically for minor offenses, exclusion from the common table and from officiating at divine service (Ch. 24, 44); and for major offenses, exclusion from the common table, eating and working alone, exclusion from entering the chapel, and, if excommunicate, prohibition of all converse with the brethren and lying prostrate outside the doors of the chapel (Ch. 25, 44). These ways of doing penance set the pattern adopted by later orders, including the Teutonic Knights.

Admission to a Benedictine monastery involved a probation period, during which the applicant was
admonished and instructed in the religious life, and the intensity of his desire of becoming a monk was tested (Ch. 61). After two months the Rule was to be read to him, and "After the lapse of six months let the Rule be read to him again, so that he may know on what he is entering" (Ch. 58). After four more months the Rule was once more read to him; and, if upon mature deliberation he promised to observe all things, "then let him be received into the community." Thus, a year's novitiate was required by St. Benedict, though the military orders of the twelfth and thirteenth centuries allowed postulants to omit it. Benedictine monasteries admitted young boys as oblates (Ch. 59) and welcomed secular clerics and monks from other monasteries as members of the community (Ch. 60-61). A monk might leave and be readmitted to the monastery three times (Ch. 29), a much more liberal attitude towards giving up religious vows than the military orders adopted, for one must assume from their Rule that those who left a Benedictine monastery returned to secular life. In the Teutonic Order, return to secular life was practically impossible; all a member could expect was leave to enter another order (Laws III, 38, nos. 8-10).

The heads of the thirteenth century orders always had to seek counsel from their chapter and the
wisest brethren. What were the requirements in the early middle ages? The third chapter of the Rule of St. Benedict makes it very plain:

As often as any important business has to be done in the monastery, let the abbot call together the whole community and himself set forth the matter...Let the brethren give their advice...but let the decision depend rather on the abbot's judgment...But if the business to be done in the interests of the monastery be of lesser importance, let him use the advice of the seniors only.

Thus the Teutonic Knights, in this, followed the Rule of St. Benedict: the Benedictine abbot, like the master of the Teutonic Knights, was elected for life, either unanimously by the chapter, or by the wisest brethren of the monastery (Ch. 64). Or, since the Rule of St. Benedict was written many centuries before the rise of the great exempt orders, the abbot might be appointed by the diocesan bishop (Ch. 65).

Like the master of the Teutonic Order, the Benedictine abbot was the vicar of Christ among the brethren (Abbas autem, quia vices Christi creditur agere..., Ch. 63). The abbot, like the master, should be impartial, for the abbot is a loving father and a rigorous judge (Ch. 2), he should be moderate in administering corrections and yet should eradicate evil prudently and severely (Ch. 64), for, like the master, the abbot would have to render account for his deeds at the Last Judgment (Ch. 2). Like the master of a
house, the abbot acted as host in receiving guests (Ch. 56).

The other office holders were to be appointed by the abbot with the advice of the brethren (Ch. 65). As might be expected, there was no requirement in the Rule of St. Benedict for a general or yearly chapter, since the early Benedictine monasteries did not make up an order, but were independent monastic units, and had no centralized administration.

The Rule of St. Benedict had to be read before the brethren, so that no brother might plead ignorance as an excuse for disobeying the Rule (Ch. 66); a similar requirement is emphasized several times in the statutes of the Teutonic Order. Thus the rudiments for almost all of the essential institutions and requirements of religious life which are included in the statutes of the Teutonic Knights may be traced back to the Rule of St. Benedict. But was anything of importance in the Rule of St. Benedict omitted in the statutes of the religious military orders or did the Teutonic Knights include in their statutes anything not found in the Rule of St. Benedict? We have already noted that Benedictine monasteries admitted boys (Ch. 59) and prescribed a long novitiate (Ch. 61). Since the Teutonic Knights constituted a military order, and most of their members were knights, with no real interest in any of those
groups of people, clerics were needed mostly for the offices; there was no occasion for the Germans to turn their order into an educational institution for young boys.

The Rule of St. Benedict describes the office holders of the monastery: the deans (Ch. 21), the prior (Ch. 65), the cellarer (Ch. 31), and the porter (Ch. 66). The deans were the sectional supervisors or heads of auxiliary houses in a large monastery; the prior was the abbot's deputy. In some respect the deans resemble the heads of the smaller houses within the Teutonic Order, and the prior—the grand commander. However, the person of real importance in the Benedictine monastery was the cellarer, custodian of the monastery's property, who cared for the sick, the poor, the guests and the boys; and, in this respect, the grand commander also resembles the cellarer. The porter was the gatekeeper, a kind of inquiry desk, or communication office between the laity and the monks. Other brethren were put in charge of tools, clothing, and other equipment (Ch. 32). They resemble the various office holders within the Teutonic Order, such as the treasurer, draper, master of provisions, and the brethren in charge of various workshops. Thus, the rudiments of the various offices and the administrative hierarchy within the Teutonic Order may be traced back to the Rule of St.
Benedict, though naturally, given to the different goals of the two groups, some office holders had different duties, or were not of the same importance in each.

Again, difference in goals explains the fact that the duties of the Benedictine monks—daily labor and daily study of the Scripture (Ch. 48)—have no place in the Teutonic Order. The upper class of the membership of the Teutonic Order was made up of the knights, and a medieval knight did not perform manual labor; he was a fightingman, a warrior; therefore, manual labor in the Teutonic Order was replaced with military duties. As for the reading of Scripture or lectio divina, little is to be said: the German knights were like most knights—illiterate.

The description of the military duties of the Teutonic Knights is an essential part of the statutes of the Teutonic Order. The Teutonic Knights borrowed these regulations from the Templars. Though the Rule of St. Benedict speaks of care for the sick and the poor (Ch. 36), it does not provide for a hospital for them. Again the Teutonic Knights borrowed this from the Hospitalers.

John of Ypres stated that the German Hospital in Jerusalem had submitted itself to the Rule of St. Augustine. It is probable that the German Hospital in

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^See above, chs. 3, 4, passim.
Acre also followed the Rule of St. Augustine, until its reorganization as the Teutonic Order in 1198. The Rule of St. Augustine also influenced the primitive Rule of the Hospitallers.\(^4\)

The Rule of St. Augustine\(^5\) is the shortest and the simplest of all the rules considered so far. It lacks administrative regulations, such as the regulations for admission into the monastery, on the role of the chapter, and on seeking counsel and advice. Although the penal code is not fully developed, the Rule provides

\(^4\)See above, pp. 5, 12, 16-22.


Hümpfner's Rule II, beginning, "Haec sunt quae ut observetis praecipimus in monasterio constituti," is regarded as the original, written by St. Augustine himself for a religious community; Hümpfner's Rule I, beginning Ante omnia, fraters, whose authenticity is still an open question, was also written for a religious community. From the eleventh century on, the Rule of St. Augustine was adopted by canons regular in various countries, and the Rule was confirmed by the Fourth Lateran Council.
punishment for faults (II, Ch. 7, I, para. 10), which are left to the discretion of the superior as the sole judge within the community (II, Ch. 7). Punishments include admonition and the discipline, the beating (I, para. 10); and, in case of refusal to submit to punishment, expulsion from the community (II, Ch. 7). The three basic requirements of monastic life, chastity, poverty and obedience, are made explicitly clear: call not anything your own, but let all things be common (II, Ch. 1; I, para. 4); guard your chastity (II, Ch. 6); obey him who is set over you (II, Ch. 11; I, para. 6). Regulations for meals and clothing also are not specific, though the provision of uniform garments from a common vestry is emphasized and complaints at receiving inferior garments are condemned (II, Ch. 1, 8). Reading the Scripture, reciting prayers and silence during meals is required; and fasting at certain times (II, 1, 4, 5; I, para. 7). Liturgical instructions are similar to those in the Rule of St. Benedict, though not as detailed. They contain more directions for Psalms and lessons for the canonical hour, and for the various periods of the year (I, para. 2) than the Rule of the Teutonic Knights, but no instructions on the Eucharist and prayers for the dead.

Brotherly love is emphasized throughout.
Insults, calumny and false accusations are to be avoided, and quarrels ended with all speed, lest anger grow into hate (II, Ch. 10). Echoing this, the Rule of the Teutonic Knights (para. 26) directs the brethren to live "so that friendly concord in the name of brotherhood does not turn into hard heartedness." Likewise, no "evil speech—whispering, backbiting...cursing...quarreling, or idle words—shall issue from a brother's mouth." One provision of the Rule (II, Ch. 6) speaks at length of the danger from women that a canon may run while travelling outside his community:

Should your eyes light upon women, let them not linger on one. For it is not forbidden to look at women, when you are walking abroad, but it is sinful to lust after them, or to desire to be lusted after by them...You cannot say that you have chaste minds, if you have unchaste eyes, for an unchaste glance is the messenger of an unchaste heart. For when hearts, though the lips be silent, manifest unchastity to each other, and, by the desire of the flesh, strive each for the attention of the other, chastity has departed, even though the bodies remain inviolate, untouched by any uncleanness.

The Laws of the Teutonic Knights are more succinct: it is a fault when "a brother on a journey knowingly, and secretly or openly, consorts with bad women" (Laws III, 36, no. 2). The Rule of St. Augustine prescribes admonition by other canons, and, if this does not help, bringing the culprit before the superior for correction (II, Ch. 7). The Teutonic Knights were given a one-
three-day penance (Laws III, para. 36 end).

The Rule of St. Augustine contains a number of instructions for the care of sick brethren. They shall receive better care than healthy brethren, so they may be speedily restored to health and strength (II, Ch. 5). The care of the sick, of the weak, and of those suffering from fever shall be entrusted to someone whose duty it is to look after each according to his needs, a physician shall be consulted, and the sick may be compelled to take a bath (II, Ch. 9). The sick also were to be exempted from fasting, and given meals outside the regular times (II, 4).

Such rules seem no more fitted as guidelines for setting up and administering hospitals for the care of the sick and the poor than the Rule of St. Benedict. The Rule of St. Augustine was possibly of more significance to the embryonic Teutonic Knights and Knights Hospitallers because by then it was a rule for canons living more in the world, than the sheltered familia of the Benedictine monasteries, envisaged St. Benedict in his Rule. As another example of a rule not strictly limited to cloistered monks we must turn to the Carta Caritatis of the Cistercians.

Pope Innocent III at the Fourth Lateran Council decreed that religious orders were to invite two Cistercian abbots to their provincial chapters, and that such
chapters should last for several days according to the custom of the Cistercian Order. In order to investigate whether the council's decree had any influence on the development of the chapters and the administration of the religious military orders, and the Teutonic Knights in particular, the Cistercian practice of holding chapters, as described in their constitution, the Carta Caritatis.

Though the annual chapter of the Cistercian Order in its early days under Stephen Harding may have been the yearly visit to Cîteaux of the abbots of the oldest daughter houses—La Ferté, Pontigny, Clairvaux and Morimond—towards the end of the twelfth century the general chapter of the Cistercian Order was the annual gathering of all of the abbots of all the daughter

6Mansi, Collectio, XXII, Canon 12, p. 999, see above, p. 100.

7For the Rule of the Cistercian Order, based on the Rule of St. Benedict, drawn up originally c. 1114 by the second abbot of Cîteaux, Stephen Harding, with subsequent revision, resulting in the Carta Caritatis, compiled between 1173 and 1191, see Dom David Knowles, Great Historical Enterprises (London: Thomas Nelson and Sons, 1963), pp. 197-222. For the text of the Carta Caritatis, see Les monuments primitifs de la Règle Cistercienne, ed. Philip Guignard, in "Analecta Divionensia," vol. VI (Dijon: Imprimerie Durantière, 1878), 79-84. See Ludwig J. Lecai, Geschichte und Wirken der Weissen Mönche: Der Orden der Cistercienser, ed. Ambrosius Schneider (Cologne: Wienand-Verlag, 1958), pp. 29-30; for Innocent's reference, probably to the Carta Caritatis, also Knowles, p. 201

8Guignard, p. 81; Knowles, p. 206.
houses of the Order. Only those who were ill or who lived too far from Cîteaux were excused from attending. Moreover, if an abbot for any other reason failed to appear at the yearly chapter the following year, he had to ask pardon in the chapter for his fault and undergo severe penance.

In the general chapter the abbots were to interpret cases of wrongdoing in the light of the Rule of St. Benedict and existing customs, and make new laws in order to prevent further wrongdoing. Furthermore, the abbots in the general chapter were to provide for the salvation of their own souls and observe peace and love among themselves. If an abbot failed to observe the Rule of St. Benedict, or occupied himself too much with worldly affairs, or was found wanting in any other way, he had to ask for mercy and do penance imposed on him by the chapter. If an abbot had committed so serious

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9Knowles, pp. 212-214; see Guignard, p. 81: omnes abbates de ordine nostro singulis annis ad generale capitulum cisterciense omni postposita occasione convenient.

10Guignard, pp. 81-2.

11See the interpretations of the Rule of St. Benedict by the Mother House of Cîteaux, compiled and known as the Customs (consuetudines), ed. Guignard, pp. 87-245; and the later laws decreed by the general chapters, known as Institutes, and dating from 1134, ed. Guignard, pp. 245-276.

Even superficial analysis shows similarities to the Laws (without the penal code) of the Teutonic Knights, and the other military orders.
a sin that he might merit suspension or deposition, the delinquent had to submit himself to the decision of the chapter. In case of disagreement within the chapter, the abbot of Cîteaux, with the advice of the wisest and most suitable of the abbots, was to decide.¹²

The Charter also sets forth the terms for electing the abbot of the mother monastery of Cîteaux: on a fixed day, announced at least fifteen days in advance, the abbots of those houses which were founded by the mother monastery were to gather together with those monks whom the said abbots and the brethren of Cîteaux considered suitable, and this conclave of abbots and monks was to elect the new abbot of Cîteaux either from the monks of Cîteaux and of the daughter houses, or from the abbots of the Order.¹³ Only members of the Order might be elected abbot of Cîteaux or of any other house of the Order. Should it happen that the abbot of Cîteaux was inefficient or negligent in observing the Rule, he was to be admonished up to four times by the abbots of the four oldest daughter houses, and, if that did not help, he was to be deposed by the

¹²Guignard, p. 82: Si vero pro diversitate sententiarum in discordiam cause devenirit: ille inde irrefragabiliter teneatur quod abbis cisterciensis et hi qui sanioris consilii et magis idonei apparuerint iudicabunt.

¹³Guignard, pp. 82-3.
general chapter, or, in an emergency, by an assembly of the abbots of the monasteries founded by Cîteaux together with abbots of some other houses. This assembly was also to elect the new abbot of Cîteaux.  

The Carta Caritatis contained also regulations for the youngest daughter houses, not founded directly by Cîteaux, but by its daughter and grand-daughter houses. Just as the abbot of Cîteaux was the father of the four oldest houses—La Ferté, Pontigny, Clairvaux and Morimond—so the abbots of these monasteries were fathers to daughter houses founded by them, and the process continued. The father abbot, like the abbot of Cîteaux, had to visit his daughter houses every year. If the father abbot found the abbot of a daughter house negligent, he had to admonish the delinquent up to four times, and if necessary, depose him, with the advice of some of the other abbots. Then the abbots of the daughter houses were to be summoned at a fixed day, and, together with the monks of the house and with the approval of the father abbot, elect a new abbot.  

However, except in cases of negligence and incompetence, the father abbot might not interfere with the business of the daughter houses against the will of the abbot and the brethren, nor might he, on his own, even consecrate novices of a daughter house after the regular  

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14Guignard, p. 84.  
15Guignard, pp. 82-83.
probation period. The abbots of the daughter houses might not hold annual chapters amongst themselves.

Thus we may sum up the constitution of the Cistercian Order. (1) The Order was a federation of rather independent groups of sister houses. (2) It was governed by the head of the order, the abbot of Cîteaux and the general chapter, made up of the abbots of all the houses of the order. (3) The abbot was elected jointly by the abbots of the daughter houses and the brethren of all the houses. (4) The abbot of the founding house retained rights of visitation and correction of the daughter houses. (5) On all important occasions the advice and counsel of the fellow abbots and the most prudent brethren was sought. If we compare the Cistercian constitution with the administrative setup in the Teutonic Order, we notice considerable similarity. (1) The Teutonic Order also was made up of the main branch in the Holy Land and of a federation of rather independent groups of houses outside Palestine, the regional commanderies, under whom were the ordinary houses of the Order. (2) The Order was governed by the grand master and the annual general chapter. (3) The grand master was elected by an electoral college chosen in an extraordinary chapter.

16 Guignard, p. 80.
17 Guignard, p. 81.
of the regional commanders and the brethren of the main house. (4) The grand commander and the regional commanders possessed rights of visitation and correction of the subordinate houses. (5) In all important matters the advice and counsel of the most prudent brethren was to be sought. Thus we may say that in organizational matters the Teutonic Knights closely followed the pattern of the Cistercian Order, the best known of the new religious orders in the West which followed the Rule of St. Benedict. The Teutonic Order, like the Cistercians, had a partially centralized, partially federated organization, but the Teutonic Knights held yearly provincial general chapters, while the Cistercians did not. As we have seen, these provincial chapters were established by one of the decrees of the Fourth Lateran Council.\(^{18}\) The general chapter of the Teutonic Knights in the Holy Land, chiefly because of the extreme remoteness from the houses on the continent, was not attended by all the commanders, but only by the commanders and officeholders in the Holy Land, Armenia and Cyprus.

Other similarities may be traced between the organization and administration of the Cistercians and the Teutonic Knights. The *Carta Caritatis* contained a stipulation that the main house at Cîteaux was not to exact agricultural commodities or other temporal

\(^{18}\)See above, p. 100.
goods from the subordinate houses,\textsuperscript{19} thus putting the relations between the mother monastery and its daughter houses in the economic field also on a federated basis. The Customs of the Teutonic Knights (para. 18) sets forth that the master's expenditure (i.e., expenditure of the main house) shall not be charged to the provinces, but to the treasury. Thus, the Teutonic Knights, unlike the Knights Hospitallers, followed the Cistercians in the pattern of economic independence of the main house from the provincial houses.

We have already noted that the general chapter of the Cistercian Order had to interpret the Rule of St. Benedict and the customs, and to make new laws, so that the monks in each house might live by a uniform Rule and customs.\textsuperscript{20} The same principle is emphasized in the Laws of the Teutonic Knights (III, paras. 27, 28), which provide for a correct copy of the Rule and the Laws in each house. No commander could issue new regulations without the confirmation of the grand commander and the chapter in the Holy Land,\textsuperscript{21} whereas the general chapter of the Cistercian Order decreed new laws for the entire order. The Customs and the

\textsuperscript{19}Guignard, p. 79: nullam terrene commoditatis seu rerum temporalium exactionem imponimus.

\textsuperscript{20}See above, p. 135 and note 11.

\textsuperscript{21}\textit{Littera fratri de Seyne}, no. 16, in Perlbach, p. 161; see above, pp. 46-47.
Institutes correspond to the decrees made by the Chapters of the Knights Templars, Knights Hospitallers, and to the Laws (without the penal code) of the Teutonic Knights.

The Customs and the Institutes, with many repetitions, contain regulations on vigils and prayers, on tonsure on clothing, on admission to the Order, on novices, on meals and office-holders. New regulations were passed by the general chapter which had arisen from discussions of inadequacies in the existing regulations. A closer examination of those regulations would be a repetition of a detailed analysis of the Rule of St. Benedict, and certainly would lead to analogous conclusions as did the comparison of the organization and administration of the Cistercian and the Teutonic Order. In monastic tradition and religious life the Teutonic Knights just followed the footsteps of the great order governed according to the Rule of St. Benedict, the Cistercians.
CHAPTER 7

The Constitution of the Dominican Order and the Rule of St. Francis

The pontificate of Innocent III saw the rise of three important religious orders, the Teutonic Knights, the Dominican Order and the Franciscan Order. It may be of some interest to compare the statutes of the two contemporaries of the Teutonic Knights for the sake of investigating what the two mendicant orders had in common with this military religious order.

Since the penal code of the Dominicans has already been analyzed in connection with the penal code of the Teutonic Knights,¹ I will deal here briefly with the remaining chapters of the statutes of the Dominicans. Just as the Cistercians followed the Rule of St. Benedict, so the Dominicans adopted the Rule of St. Augustine.² The statutes or constitution of the Dominicans is divided into two parts (distinctiones),³ of which the first is divided into twenty

¹See above, Chapter 5.
³See Denifle, "Konstitutionen...der Redaktion Raimunds."
chapters and more or less resembles the Laws of the Teutonic Knights. The second part is divided into fifteen chapters and partially resembles those paragraphs of the Customs of the Teutonic Knights which deal with chapters and elections. Three chapters of the second part of the Dominican statutes contain regulations concerning their special duties as itinerant preachers and students, and those chapters (XII-XIV) may be regarded as equivalent to the chapters of the Customs of the Teutonic Knights which concern their special duties as knights. Furthermore, the Prologue provides that a supplement to or change of the existing statutes may take effect only after the proposal is approved by three successive general chapters.

The regulations on divine service (I, 1) and prayers (I, 3) only slightly resemble those of the Teutonic Knights. However, it seems probable that the Germans borrowed from the Dominicans a number of rules on genuflections (I, 2) and fasting (I, 5). Regulations about meals (I, 5), evening drinking (I, 6) and the sick brethren (I, 7) bear some resemblance to similar regulations in the statutes of the Teutonic Knights, particularly in the Laws (III, 8, 10), though one can hardly say that the Germans borrowed them from the Dominicans. In these matters, the statutes of the
Templars seem closer to the Dominicans than to the statutes of the Teutonic Knights. However, the Dominican regulations are better systematized than those of the Templars and the Teutonic Knights. The German regulations on meals may be found in both the Laws (I, b, c; III, 8) and Customs (para. 60), while the Dominicans have confined their regulations to Part I, Chapters 5, 7, and 12. The Dominican regulations on bedding (I, 9) and clothing (I, 10) are similar to those of the Teutonic Knights, except that the latter were allowed underwear made of linen, a stuff too fine for the Dominicans.

Of interest are the regulations for admission to the Order and for novices. A college of three suitable brothers examined the knowledge and character of the candidates and, after careful consideration, reported their findings to the prior and the chapter (I, 13). The chapter again questioned the applicant whether he was married, or a serf, whether he had any obligations, or diseases, or had made any previous profession to another order. The Dominicans admitted children over eighteen years of age (I, 13); while the Teutonic Knights admitted their novices at the age of fourteen (Rule, para. 30). Every novice had to undergo a year's probation (I, 14), during which period the novices were carefully instructed in being humble in
heart and in body, in living without possessions, and in obedience. They were taught how to confess, how to do penance and to prostrate themselves. They had to learn the Psalms and the liturgy, and were instructed on life in the convent, on when to pray and when to observe silence, how to avoid evil, and follow the good. They were admonished to undergo discipline frequently, and to drink sitting and using both hands, and to take care of their books and clothing. They were warned against petitioning for the same thing from two superiors at a time, and were ordered to explain their problems first to a lower official (I, 14). No such requirements can be found in the statutes of the Teutonic Knights, since their duties were different. All they were required to know was the Credo, the Pater Noster, the Ave Maria and the Gloria. However, it appears that the lay brethren in the Dominican Order, not destined to be preachers, had the same minimal requirements as the knights in the Teutonic Order; and they were not allowed to possess even a Psalter (II, 15).

After a year's novitiate, the candidates were admitted to the order. During the profession ceremony they had to promise obedience to God, to the Virgin Mary, to the prior, and to the master of the order and his successors, in accordance with the Rule of St. Augustine and the statutes of the order (I, 15).
The second part (distinctio secunda) of the statutes contains interesting regulations on elections, chapters, preachers and students. The Dominicans had written regulations not only on the general chapter and election of the master, but, unlike the Teutonic Knights, also on the election of priors of individual houses (II, 2) and provincial priors (II, 3) and on difinitors (II, 5). The Dominican form for electing the master differed somewhat from the German form. To the general chapter the Dominicans sent the twelve provincial priors, each accompanied by two brothers of the province, elected by the provincial chapter. These, together with the convent of the place where the chapter was held, and the priors of the respective province, made up the conclave which elected the new master. Three scrutineers were chosen from the said twelve priors to conduct the election, and the whole conclave unanimously or by majority elected the master of the order (II, 4).

The general chapter was held every year, alternatively in Paris and in Bologna. In the general chapters "definitors" had the right to correct the excesses of the master. No one could appeal against the decisions of the general chapter, nor disclose its secrets (II, 8). The general chapter, together with the master on the advice of the definitors, confirmed, and could remove, the provincial priors; the master alone could
not (II, 3). The institution of those internal guards and admonishers, i.e., the "definitors," is a novelty among thirteenth century religious orders, not taken over by the Teutonic Knights, with whom the yearly general and provincial chapters acted as inquirers and admonishers in cases of misconduct and negligence of office holders (Customs, para. 18).

In conclusion the statutes of both orders contain a number of similar, though not identical, regulations in regard to religious life, but the statutes of the Dominicans are far better arranged than the statutes of the Teutonic Knights—or indeed, of any of the three religious military orders. Likewise with the exception of some regulations on fasting, genuflections, and the division of offenses into four categories, the statutes of the Dominicans had little influence on the compilation of the statutes of the Teutonic Knights. The instructions on internal organization and administration of the Dominicans—on the various grades of chapters and elections of superiors—are by far the most detailed of all of the codes so far considered. The Dominicans in clarity, and in form, style and technique of compilation and editing far surpass the Teutonic Knights. The explanation seems simple. The Teutonic Order was made up mostly of illiterate knights and some possibly second-grade clerics,
while from the ranks of the Dominicans came many of the greatest intellects of the thirteenth century.

In the Rule of St. Francis⁴ as exemplified in both the Rule of 1221 and the Final Rule of 1223, many of the usual elements of monastic rules are missing. Since the Franciscans were expected to be devout mendicants, living in towns and not in cloistered communities, the Rule contains no regulations on internal life in cloisters or convents, and also no requirements for daily or weekly chapters, for maintaining infirmaries for the sick brethren, or for meals in refectories. The friars were ordered to fast from the feast of All Saints till Christmas, and from Epiphany till Easter, and on Fridays, but at other times they could partake of any food they could get (I, Ch. 3; II, Ch. 3). The First Rule adds (Ch. 9):

In case of need the friars, no matter where they are, can eat any ordinary food...In times of urgent need, the friars may provide for themselves as God gives them the opportunity, because necessity knows no law.

⁴For the text of the First Rule of 1221, a revision by St. Francis in that year of his original Rule of 1209, and, though never confirmed by the papacy, called Regula prima, and for the revision of 1223, the Final Rule confirmed by Honorius III, called the Regula bullata, see Analekten zur Geschichte des Francisus von Assisi, ed Heinrich Boehmer (Tübingen und Leipzig: J.C.B. Mohr, 1904), pp. 1-26; 29-35; also, The Writings of St. Francis of Assisi, trans., Benen Fahy (Chicago: Franciscan Herald Press, 1964), pp. 27-64.

Rules referred to in this study as "I" and "II" respectively, and all quotations from Fahy.
The last clause even suggests permission to steal and is omitted in the Final Rule.

Concerning sick brethren the Rule simply says (I, Ch. 10):

If a friar falls ill, no matter where he is, the others may not leave him... But if the sick friar lets his illness upset him and becomes angry with God or with the other friars, always looking for medicine... then he seems not to be a real friar, because he cares more for his body than for his soul.

The Final Rule contains a still shorter regulation: the healthy friars had to care for the sick as the healthy themselves would wish to be cared for (II, Ch. 6).

Regulations for celebrating divine service are, perhaps not surprisingly, closer to the regulations of the Teutonic Knights than any of the Franciscan regulations so far considered. While the Rule of St. Francis prescribes no specific form for celebrating the canonical hours, and states that the friars just had to comply with the custom of the Roman Church, yet the Franciscan regulations are similar to those of the Teutonic Knights in dividing the brothers into two groups, the clerics and the lay brothers. The clerics had to celebrate the full liturgy of the day, the lay brothers just had to recite the Creed, the Pater Noster, and the Gloria (I, Ch. 3; II, Ch. 3). Just as in the Teutonic order, the Franciscan lay brothers were...
generally illiterate. The First Rule adds: "The lay brethren who can read the psalter may have a copy of it, but those who cannot read are not allowed to have one" (I, Ch. 3). The Rule of the Teutonic Knights speaks of lay brothers "sufficiently educated so that some of them on their own or with the permission of their superior wish to recite with the priests the canonical hours or the hours of Our Lady with the Psalms..." (Rule, para. 8), but the implication is that they are few. Unlike the Teutonic Knights, the Franciscans were allowed to confess to any qualified priest, and, after confession, they were obliged to receive the Holy Eucharist (I, Ch. 20). The friars were not required to partake a fixed number of times a year at fixed times.

Applicants for admission to the order of the Friars Minor had to undergo a year’s novitiate, and during this period the candidates had to dispose of all of their possessions and distribute the money to the poor, and not to give it to the order (I, Ch. 2; II, Ch. 2). In this latter clause, they differed from the Benedictines and Teutonic Knights, where the community could own property. However, like the members of the Teutonic Order, the friars who had a trade, had to work at it (I, Ch. 7; II, Ch. 5). After a year’s probation the novices, upon profession of obedience,
were admitted to the Order, but were forbidden to transfer to another order (I, Ch. 2).

The garments of the friars, as might be expected, were much simpler than those of the Teutonic Knights; shoes were allowed only to those who really needed them; and the amount of clothing was adjusted to the locality, the season and the climate (II, Ch. 2, 4). Two odd similarities may be noted: the illiterate were not to be taught (II, Ch. 10; Laws, III, para. 1), and members were not to become god-fathers (II, Ch. 11; Rule, para. 28).

However, the most significant distinction between the Rule of St. Francis and the statutes of the military religious orders is—in the Rule of St. Francis—the absence of a penal code and the ultimate requirement of absolute poverty. The first chapter of both versions of the Rule requires living without personal possessions; the sixth chapter of the Final Rule adds: "The brothers shall possess nothing, neither a house, nor a place, nor anything. But, as pilgrims and strangers in this world, serving God in poverty and humility, they shall confidently seek alms."

This requirement meant that at least in theory the Friars could not possess immovable property even in common, while, in the Teutonic order, the brethren, to support hospitals, knights, the sick and the poor,
"may possess moveables and inheritances to be held in common in the name of their chapters, and land and fields, vineyards, mills, fortresses, villages, parishes, chapels, tithes and such things" (Rule, para. 2). Moreover, St. Francis commanded "all the brethren never to receive coin or money either directly or through an intermediary. The ministers and guardians alone shall make provision, through spiritual friends, for the needs of the infirm and for the other brethren" (II, Ch. 4).

Naturally, all the detailed regulations on stores, workshops and supplies that may be found in the Customs of the Teutonic Knights are missing from the Rule of St. Francis.

The other peculiarity of the Franciscans is the absence of a strict penal code from the Rule. When a friar sinned, he was to be admonished three times by his superior (I, Ch. 5; II, Ch. 10), but all "the friars, both ministers...and their subjects, should be careful not to be upset or angry when anyone falls into sin or gives a bad example. They are bound, on the contrary, to give the sinner spiritual aid" (I, Ch. 5). If a friar did not repent after the third admonition, he was to be sent to the provincial minister who was to deal with him as he deemed right (I, Ch. 5). Thus, the Franciscan penal system is similar to the Augustinian rather than to the Benedictine, or to
statutes of the religious military orders. Only for the sin of fornication was a friar liable to loss of his habit and expulsion from the order (I, Ch. 13), but this passage is omitted from the Final Rule.

Thus, we say the Rule of St. Francis and the statutes of the Teutonic Knights have very little in common, either from the point of view of composition or in actual regulations. The Rule of St. Francis seems in no way to have influenced the composition of the statutes of the Teutonic Knights. In particular, the Franciscans had devoted themselves to aiding and preaching to Christian laymen, and extended their activities to the Saracens and other infidels as well (I, Ch. 16, 17; II, Ch. 9, 12).

The organization and regulations of the three contemporary orders reflected the differences in their aims. The Friars Preachers devoted themselves to preaching and teaching, the Friars Minor to works of charity among the poor, to preaching and converting the infidels, the Teutonic Knights to defending the Holy Land and Western Christendom with sword in hand.
PART IV

THE GERMAN IMAGE

OF THE TRUE RELIGIOUS CHIVALRY
CHAPTER 8

The Order

The statutes of all the religious knights clearly direct that religious chivalry must be organized into an order. In organization the closest models for the Teutonic Order were the two other religious military orders, the Templars and the Hospitallers. Like the other two, the Teutonic Knights based their rule on the Rule of St. Benedict. In administration the Germans followed neither the more rigorously centralized Dominicans, nor the loosely organized Franciscans, but the federated organization of the Cistercians. It cannot be proved that St. Bernard introduced into the Order of the Templars the administrative pattern of the Cistercians, for no version of the Rule of the Templars contains such organizational details as are found in the Carta Caritatis of the Cistercians. However, in later statutes, the Templars adopted many institutions concerning organization from the Cistercians, and in turn, the Teutonic Knights took over these organizational patterns from the Cistercians through the Templars, and the organization of the Teutonic Knights was modified in turn.
by the canons of the Fourth Lateran Council. Thus, the Teutonic Order had, in its structural pattern, the characteristics of the religious life—the three monastic vows, the living in community, the early religious exercises, the chapter and chapter meetings, and an official hierarchy—combined with other worldly knightly features.

The head of the Teutonic Order was the master, and since, within the Order, he was "the deputy of our Lord Jesus Christ" (Customs, para. 8), and was "over all the others" (Rule, para. 34), the only one who was "pleasing to God and whose life might be a mirror and an example to his subordinates" (Customs, para. 3) might be elected. For "all the honor of the Order and the salvation of souls and the virtur of life and the way of justice, and the protection of discipline depend on a good shepherd and on the head of an order" (Customs, para. 5). The master not only was to "rule over the house and the Order" (Customs, para. 7), but also he was the highest judge amongst the brethren (Rule, para. 37). In his hands were placed the rod as well as the staff, and he was expected to keep a vigilant eye on the life of the brethren day and night; he had to administer justice with the rod and display fatherly care and brotherly love with the staff to the brethren of the Order (Rule, para. 34). Furthermore, the master
was the commander-in-chief (Customs, para. 26). He was entitled to four horses and an extra in war. His household was made up of a chaplain and his assistant with three horses, an Arabic scribe, and three Turcopoles, of which one was his shield bearer, one his messenger, and one his chamberlain, and in the field he had an extra Turcopole. Furthermore, the master had a cook, and each of the above mentioned attendants had a horse. On long journeys, if needed, his retinue was increased by two brother knights as companions and one brother sergeant as steward, but, when in the field, two sergeants. In addition, he might have two footmen to carry messages, and two extra pack animals (Customs, para. 13). The master was expected to reside in the Holy Land (Customs, para. 14). His headquarters was the castle of Montfort (Starkenberg); after the fall of Montfort in 1270, they were shifted to Acre.

The master was elected for life by an electoral college made up of thirteen brethren of the Order. The presiding officer of this electoral college had to be a brother knight. Though not specifically stated, the master likewise had to be a knight; and no one illegitimate or who had been convicted of unchastity or theft could be master (Customs, para. 5). The symbols of his office were the master's ring and the Order's seal (Customs, para. 7), he had his own standard, and special
insignia on shield and surcoat\(^1\) (Customs, para. 34).

The two greatest officials below the master, sometimes deputizing for him, were the grand commander and the marshal, each acting in his strictly prescribed field (Customs, paras. 23, 24, 32). The marshal's status is clearly defined in the Customs: "All the brethren who are given arms are subject to the marshal and shall be obedient to him after the master." To the marshal's office belonged everything pertaining to arms: horses, mules, weapons, tents, the saddlery and the forge (Customs, para. 21). He was the Order's minister of war and the commanding general of the Order's army in the absence of the master (Customs, para. 26).

The marshal's counterpart in matters of administration, finance and supply was the grand commander, originally the commander of the house at Acre. "To the office of the grand commander pertain the treasury and the grain supply, and the ships, and all the brother clerks and lay brothers and their domestics who live in the house, and the camels, pack-animals, wagons, slaves\(^2\), craftsmen, the armory and all the other workshops save

\(^{1}\) \textit{wapenroc}, see below, p. 218 (Rule, para. 11), and notes.

\(^{2}\) \textit{slaven}, or serfs, but see below, p. 278, \textit{Laws III}, para. 40.
those under the marshal" (Customs, para. 30). But "if the marshal is sent out of the province, the grand commander shall take his place in looking after the horses and all things pertaining to arms" (Customs, para. 23). Furthermore, "the marshal shall have precedence, when on campaign, and shall hold the chapter if the master himself is not present or his deputy. But if the marshal is not present, then the commander shall hold the chapter." But, "when they are home, then the commander by right has precedence and holds the chapter. But if the commander is not present, then the marshal shall hold it" (Customs, para. 24). In short, both officials "shall take pains to be in harmony and to bear each other's burdens, so that, when one of them is not there, the other shall take his place and carry out his duties" (Customs, para. 32). Those regulations clearly demonstrate how well the central administration of the Order was organized by setting up two permanent offices, which in fact could completely replace the master.

What, then, really was the master's most essential or intrinsic duty? The answer seems to be rather simple—representation of the Order. The Customs (para. 34) make this clear: "The brother, who deputizes for the master, may raise his standard and have carpets and the great tent and the things which he needs to
do the honors for guests whom he may receive in the master's place. He shall, however, not use the master's shield and coat of mail; also he shall not take his place at table or in church." The master's second prerogative was doing justice: "If the master or his deputy has imposed a penance on any brother, he may not be relieved...either by the commander or the marshal or any other brother without the permission of the master or his deputy" (Laws III, 4). Yet the Rule (para. 35) and the Laws (III, paras. 35, 36) make clear that the chapter was the actual body that decided on the punishment of a brother, and the master administered the chapter's decision.

Like the master, the marshal and the grand commander each had their own entourage: both had as companions one brother knight and one other brother, one Turcopole (two on campaigns) and a vice-marshal, or vice-commander (Customs, paras. 21, 31, 37). The marshal and grand commander, as well as the other office-holders, were restricted to not more than four horses, like the brother knights, but the Customs are not clear on the exact number the office-holders should have (Customs, paras. 44, 47). Both the grand commander and the marshal were chosen, and could be dismissed, jointly by the master and the chapter of the main house of Acre; thus, their offices, strictly speaking, were
not for life. However, from the description above, it becomes obvious that this triumvirate held the three highest and most important offices of the order. Indeed, the Customs (para. 32) assert that, if the master is to be away for a long time, "it would be proper for him with the chapter's consent to leave the commander in his place... However, the master may decide at will whether to leave with the chapter's advice, the commander or the marshal or another brother in his place."

Various brothers might deputize for the master, but the commander and marshal had permanent deputies: the vice-commander, or "little commander" and the vice-marshall, or "under marshal." The former was in charge of the workshops and servants in the workshops, and of the gardens. He had to provide "camels and wagons, slaves, carpenters, masons, and other workmen, whom he shall put to work and supply with whatever they need." He had likewise see to the proper disposal of grain and cloth arriving by ship (Customs, para. 37).

The exact nature of the duties of the vice-marshall or "under marshal" (Customs, para. 21), are not given, but he may have been the same person as the "master of the esquires," in charge of allocating the

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3The Latin translates meisteres der schiltknehte by vicemarshalci, but the Latin is not always to be trusted.
esquires to the brethren and of paying those serving for wages (Customs, para. 41). He also gave out fodder, curry-combs and other supplies for the horses. Furthermore, provision is made for a non-permanent deputy; for the "marshall, when he himself is not present, may put in his place a brother knight," whose powers, however, were restricted (Customs, para. 44). The arrangement for permanent deputies and occasional substitutes was of the greatest importance in combat: should one of the officers get killed or otherwise disabled of conducting the battle, another officer automatically could take his place and conduct the advanced engagement.

To complete the central administration of the order, the master jointly with the chapter chose four more high office holders: the hospitaller, the drapier, the treasurer and the castellan of the fortress of Starkenberg (Customs, para. 10). Little is known about the hospitaller and the castellan, with the exception that the hospitaller had a rather prominent position amongst the other higher office holders, for he was the only one who did not have to render monthly account of his expenditures to the master and

4 Customs, para. 10, gives the relative importance of the various office holders, designating those who are to be informed of the state of the treasury.
the chapter, "so that he may more fully perform the
office of charity for the sick, but he shall talk with
the master of his own accord when it is necessary, and,
if he needs anything for the work in the hospital, the
commander shall supply it" (Customs, para. 33). On
campaign the hospitaler was subordinated to the
marshal (Customs, para. 24). The castellan of Starken-
berg was the commander of the fortress, and this office
necessarily disappeared after its fall in 1270.

The treasurer was the master's disbursing
agent and custodian of the Treasure of the Order
(Customs, paras. 18, 19, 38), and, along with the
office holders who distributed supplies, he rendered
an account at the end of every month (Customs, para.
33). The treasury was guarded with three locks and
three keys, "of which one shall be in the master's
hands, the other in the grand commander's hands, and
the third in the treasurer's hands, so that no one of
them alone may have separate access" (Customs, para.
11). The grand commander had a key, since the treasury
"pertained" to his office (Customs, para. 30).

The draper was the last of the high office
holders chosen by the master and the general chapter.
To his office pertained "the drapery; coats of mail,
shoulder pads, knee guards, standards, helmet crests,
gauntlets, girdles and other garments" (Customs, para.35).
The drapier also had to collect the worn-out clothing and distribute it to the servants and to the poor. In regard to accoutrement the drapier was subordinated to the marshal (Customs, para. 24).

The marshal had two more subordinate supply officers, the brother in charge of the saddlery (Customs, para. 42) and the brother in charge of the small forge. The latter repaired bits, stirrups, and spurs, and handed out the rings for hose, belly-bands, surcinglees, and pack straps (Customs, para. 43). The saddlery supplied all kinds of belts and straps for the brethren's arms and for harnessing the horses (Customs, para. 42).

The grand commander had also two important subordinate supply officers, the master of victuals (Customs, paras. 57 and 61); and the brother in charge of the armory (Customs, para. 30). The armory (snithus) was probably a shop and storeroom where crossbows, bows (Customs, para. 31) and arrows and similar weapons of wood were made and repaired. The commander of victuals was in charge of food supply and distribution to the brethren (Customs, paras. 57 and 61). Those four supply officers of lesser rank were chosen by the master with the advice of the most discreet brethren, and had to render their accounts not to the chapter, but to the master and their respective superiors (Customs, paras. 9 and 10).
This analysis of the order's hierarchy in the Holy Land shows how well the order was organized and administered, and prepared for military operations. In addition to all the regulations for horses, supplies and equipment, we find in the Customs detailed regulations for military expeditions, the chain of command, the order of battle and other matters (Customs, paras. 46, 48-53, 55-56, 63, 65).

The organization of the branches or provinces elsewhere seemingly was modeled on the main organization in the Holy Land. The head of the province was the provincial commander or master who was appointed by the grand master with the approval of the chapter (Customs, para. 10). Thus it appears that a provincial master was lower in rank than the six high office holders in the Holy Land who were chosen jointly by the master and the chapter, namely, the grand command, the marshal, the hospitaller, the treasurer, the drapier, the castellan of Starkenberg, but higher than all the rest of the office holders in the Holy Land who were chosen by the master with the counsel of the most discreet brethren. The Book of the Order gives no specific account of the organization and administration of a province, but later regulations show that it was organized on the lines of the main branch in the Holy Land. The provincial master was the deputy or representative of the master (the brother who was in the
master's place) in the province. Once installed, the provincial master was almost independent and removable only for the gravest crimes. The grand master could visit a province in person (Customs, para. 16), or send others as visitors (Laws, II c), but the master could remove a provincial master only for grave misconduct, or, as the Customs put it, if the master finds "any commander so infamous and vicious that he cannot be tolerated or excused." As long as a provincial commander was kept in office, the master could put no one over him (Customs, para. 17).

Provincial masters were given a free hand in military activities, for the main branch in the Holy Land could neither organize nor support operations in a distant province. The Rule allowed the superior, with the counsel of the wisest brethren, to decide all things in the land where the war was fought, "since the customs of the enemy in fighting and in other matters differ in different lands, and therefore it is necessary to oppose the enemy in different ways..." (Rule, para. 22). This would obviously apply to provinces like Prussia and Livonia where the Order had conquered huge territory and was in constant combat defending it. As in the main branch, so the provincial office holders were chosen by the provincial chapters and had to return and give account of their offices in the annual chapters (Laws II c; Customs, para. 9).
The basic unit of the Order, however, was the individual house. A major house had a convent, that is, twelve brethren, in accord with the number of Christ's disciples, and a commander (Rule, para. 13). A house which did not have a convent was a minor or a small house. According to Eberhard of Sayn's instructions of 1250, the commanders of individual houses were to be installed and dismissed with the advice of the provincial chapter (para. 4); the provincial commanders and chapters could admit new brethren to the Order (para. 13); and provincial masters should have their own seal (para. 1).

An important aspect of the organization of the Order is the chapter and its role in giving counsel. Many statutes emphasize the necessity to seek advice and discuss matters with the chapter. Why should advice be sought? "We have the teachings and the example of the apostles that it is salutary gladly to seek and to follow good counsel" (Customs, para. 8). Moreover, "Jesus Christ, Who, though He was full of wisdom and grace, yet listened to and questioned the teachers, and thereby He gave a lesson and an example to His followers that they gladly listen to good teaching and seek counsel and follow it. Therefore, it is very fitting for the master who is deputy of Our Lord Jesus Christ, and also

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5See above, pp. 45-46, and note 11.
for the commanders who are under him, that they gladly and diligently seek counsel and patiently follow good counsel" (Customs, para. 8).

The master and the other higher officers had constantly to seek the advice of the wisest brethren, singly or in chapter. In establishing hospitals the master was to seek advice from the wiser brethren (Rule, para. 4), in decisions on military matters, the provincial commanders were to seek counsel of the wisest brethren (Rule, para. 22). The master had to seek the advice of ten of the more discreet brethren if he wished to lend or give away a sum of 100 to 500 besants (Customs, para. 12); an official was not to increase the measure of drink without the advice of the discreet brethren (Customs, para. 50). The general rule for seeking counsel and advice was simple: in very important matters the advice and consent was to be obtained from the chapter, where the opinion of the wiser part was to prevail; in less important matters, from the wisest brethren at hand; on minor matters, no advice was needed (Rule, para. 27).

Who, then, constituted the wiser part (or the wisest brethren)? The Rule states: "Which is the wiser part in case of disagreement shall be left to the judgment of the master or his deputies; and, furthermore, piety, discretion, knowledge, and good repute
shall have more weight than just a plurality of the brethren" (para. 27).

In regard to the treasury, the Customs say that the master shall not disclose the state of the treasury to all the brethren "except as seems proper to the master and his council;" thus he may inform the grand commander and the marshal and the hospitaller, and the drapier, and one brother priest, and the vice-commander and one of the other brethren who is not a knight, and such other brethren as he wishes to choose, so that they may be aware of the financial condition of the house" (Customs, para. 11). These then, seemingly made up the master's council (Customs, para. 11), and the members of this council may be regarded as the wisest and most discreet brethren. It included the highest office holders within the Order, chosen by the master jointly with the chapter, and thus representing the chapter. Seemingly they were members ex officio. How the master selected the others is not clear, nor how many he selected. Did the ten brethren who advised him on loans of money constitute his council (Customs, para. 12)?

Matters on which counsel had to be sought from the entire chapter were numerous. They included: admitting new members to the Order (Rule, paras. 27, 29, 29, 30).

6unde sinister rat, here council; elsewhere rat means counsel.
30, Admission Ritual); alienation of property (Rule, para. 27, Customs, para. 19); loans or gifts of 500 besants or more (Customs, para. 12); absence of the master from the Holy Land (Customs, para. 14); imposition and termination of penances (Laws III, paras. 36-44); revocation of Customs (Laws III, para. 31).

Three kinds of chapters may be distinguished. First, there was a weekly chapter on Sundays (Laws II, introduction and para. a). Here the brethren in each house gathered together to listen to the reading of portions of the statutes, and some brethren received their discipline (Laws, III, paras. 25, 38). Whether this chapter discussed also the business of the house or whether this was done at another time, is not stated in the statutes. Second, there was the annual General Chapter, held on September 14 in the main house and in all the provinces (Customs, para. 20). By this chapter the higher office holders in the Holy Land and in the provinces were chosen each year, and in this chapter they surrendered their offices and rendered their accounts to the brethren (Customs, paras. 9, 20). In the annual chapter in Acre were discussed all the important matters referring to the Order; the provincial chapters discussed business regarding their province. The third kind of chapter was the Electoral Chapter
which was convened after the master's death to elect a new master (Customs, paras. 3-7).

In case of disagreement in the chapter, the master had to follow the advice of the wiser part (Rule, para. 27). As often in the Middle Ages, this did not mean a numerical majority; here, it meant, as noted above, the brethren of the notable piety, discretion, knowledge, and good repute. Thus we see that in reality the Order was not governed by all the brethren, each with an equal voice, but by a smaller group round the master, the wisest, most discreet, most experienced brethren, whose counsel he had to respect. This oligarchical system, which prevented the master from becoming a dictator, appears also in arrangements for choosing a new master. The members of the electoral college were co-opted. The brother whom the master before his death had chosen to act temporarily in his place, selected, though with the consent of the chapter, a brother knight to preside over the college. He then went on to co-opt another brother and so on, until thirteen were chosen—one priest, eight knights and four other brothers. "Care shall be taken to avoid having a majority from one province." Therefore to the electoral chapter were summoned the commanders of the provinces of Prussia,

7See above, pp. 168-169.
the German Lands, Austria, Apulia, Romania, Armenia and Livonia, to join with the convent of the main house in the electoral proceedings and, as representatives of the new master, to carry the news home to their subordinates (Customs, paras. 3-7).

Thus the Order was organized on representative principles, but "democratic" representation was not typical of the Middle Ages. A superior, seeking advice from the chapter or from the wisest brethren, in theory obtained the consent of the entire community of the brethren of a house, a province, or the brotherhood in the Holy Land. A superior's decree or a chapter's decision was binding on everyone; appeal outside the Order against the laws of the Order warranted a one-year penance (Laws II, f). It was the master and his council, in fact, who, as an oligarchy, ruled the Order in the Holy Land.

What were the relations of the provinces of the Order to the main house in the Holy Land? In many respects the provinces were independent. As we have noted, the provinces held their own annual chapters where they elected and dismissed their own office holders, and also elected the commanders of the individual houses. The provincial commanders and chapters admitted new members and carried out visitations of individual houses. The provincial commanders, though appointed by the grand
master, could be dismissed only for the gravest offenses. Since conditions varied in the different provinces, the provincial commanders were given a wide discretion in conducting military operations. Unlike the Hospitallers, the provinces did not have to contribute financially to the support of the main house. 8

But a number of ties bound the provinces—in some instances as equals, in others as subordinates—to the main house. Common membership in the Order, a common head and participation in choosing that head, common observation of the Book of the Order—these all united them on an equal basis. Yet the grand master appointed the provincial commanders, and could, in certain instances, remove them. The grand master had the right of visiting the provinces. The commanders of Armenia and Cyprus—for obvious reasons—were required to attend the annual chapter in the Holy Land, and the grand master might ask other provincial commanders (Customs, para. 20). The provinces had to send an annual report to the main house (Eberhard of Sayn, para. 18), and every second or third year each province had to send a representative to the Holy Land to report on the province (Eberhard of Sayn, para. 18). Every new brother

8See above, pp. 163, 165-167, 170; Riley-Smith, index, sub nomine, for responsions and other taxes imposed on the provinces of the Knights of St. John.
admitted by the provincial chapters had to swear allegiance to the grand master and obedience to the chapter in the Holy Land (Eberhard of Sayn, para. 13). Finally, new laws decreed by the provincial commander, with the consent of the provincial chapter, had to be confirmed by the grand master and the chapter in the Holy Land (Eberhard of Sayn, para. 16). Thus the Teutonic Order, in the mid-thirteenth century at least, displayed certain characteristics of a centralized state, and certain aspects of a federation. In these early days, with provinces spread from Livonia to Armenia, the federative aspects most probably predominated, but, with the move to Marienburg in 1309, the possibilities for centralization increased.

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9 For Eberhard of Sayn, see above, pp. 45-46, and note 11.
CHAPTER 9

The Members of the Order and their Entourage

The Order's membership consisted of brother knights, brother priests and clerks, and a group of other brothers, lay brothers, serving in military or other capacities. Orbiting round this nucleus of professed brethren was a large group ranging from military auxiliaries, such as mercenary knights and Turcopoles, through esquires, domestic servants and halpswesteren to slaves. We know that the Order of the Teutonic Knights was the smallest of the three military orders in the Holy Land. How many Teutonic Knights there were we do not know, but we can get some idea of the relative strength and importance of the three classes of professed brothers from the construction of the electoral college, which was made up of eight brother knights, one brother priest, and four other brothers.

Though "this order had a hospital before it had knights" (Rule, para. 4), yet the brother knights dominated the Order, which was "specially founded for knights fighting the enemies of the Cross and of the
faith" (Rule, para. 22). The Order was the "holy Knightly Order of the Hospital of Saint Mary of the German House" (Prologue, para. 4). The brother knights were the actual electors of the master, most of whom were knights. Most of the highest office holders of the Order were knights. Since the brother clerks were subordinate to the grand commander, himself a brother knight, the brother knights in the Order controlled the religious life of the Order, though, of course, they did not celebrate divine service.

A knight who decided to join the order had to secure a sponsor amongst the brethren who would recommend his admission into the Order (Rule, para. 29). Children under fourteen were not admitted to the Order, though children presented to the Order, or coming of their own accord, might, with the consent of the brethren, be brought up by the brethren until they reached the prescribed age of admission (Rule, para. 30). Admission took place in full chapter where the candidate was questioned on his marital, legal and religious status, his health and financial liabilities. If no impediments to entering the Order were found, the candidate was asked to promise to care for the sick, defend the Holy Land and the lands pertaining to the Holy Land, keep the counsel of the chapter and the master, not leave the Order without permission, and
observe the Rule, the Laws, and the Customs. After making these promises, the candidate might choose either to enter after a one-year probation period, or to be received at once. In the latter case he took the three vows of poverty, chastity, and obedience, vowing to be obedient to the master until death, and then was clothed with the habit of the Order and, on the same day, participated in the sacrament of the Mass (Admission Ritual). This was the ritual for all who entered the Order, but the prospective brother knight, as a sign of his religious knighthood, was clothed in the white mantle with the Cross, which had been blessed and asperged with holy water (Rule, para. 29).

The distinctive features of the brother knights' clothing were the white mantle and the surcoat (Rule, para. 11). Otherwise his clothing, as well as bedding, did not differ from that of the other brethren. Clothing consisted of linen shirts, drawers, hose, cappèn with the cross, and, for the knights, one or two mantles and surcoat, all with cross. In cold climates the brethren also wore fur coats (Rule, para. 11). They slept on a bed of straw, with one sheet, coverlet, rug, and pillow (Customs, para. 36). The military outfit of a brother

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1Rule, para. 11 applies to all brethren; Customs, para. 36, possibly just is for a brother knight.

2See below, p. 217 and note 15.
knight consisted of the customary accoutrement of any secular knight, including horses, of which a brother knight might have four (Customs, para. 44). However, his arms and the trappings of his horses, in contrast to secular knights, were not to be ornamented (Rule, para. 22). Again, brother knights were not allowed to participate in knightly tournaments and other knightly games, or attend worldly festivities (Rule, para. 28). The chase was permitted for food and clothing (furs), but hunting with hounds and hawks was prohibited (Rule, para. 23). Similarly, all kissing and converse with women was strictly forbidden (Rule, para. 28, Laws III, para. 36 No. 2). These latter regulations applied as well to other brethren in the order. When the knights were commanded to prepare for combat, they had to perform everything according to orders: they could neither don their armor, nor saddle their horses until told to do so, nor could they mount their steeds or ride out of the convent of their own accord (Customs, paras. 48 and 62). Every pace of the knights' progress on the road was regulated. They had to ride in rank and file, surrounded by their esquires and trailed by the caravan of spare horses and pack-animals. While proceeding in battle-array, they were not allowed to ride about or talk to each other except in an emergency; even watering of horses was restricted (Customs, paras.
48-50). In the field, they were under discipline as rigorous as in the convent. They had to pitch their tents, usually in a ring, to protect the horses, the arms and the "chapel," attend divine service day and night (Customs, paras. 52-54), and continue their penances, if they were doing any (Customs, para. 67). They were not even allowed to take off their armor at will (Customs, para. 62), or graze their horses, or go far from camp without special permission (Customs, paras. 54-55). However, their greatest hour came "whenever the marshal or he who carries the standard attacks the enemy" (Customs, para. 63). Then the brother knights advanced to battle while their attendants (esquires) gathered round a standard, carried by a brother sergeant-at-arms, with the spare horses and spare weapons and prayed "until God sends their lords back again" (Customs, para. 63). No brother knight could attack "before he who carries the standard of the Order has attacked." When the brother knight had joined in the attack, his next steps were left to God's dictates "in his heart," but when it seemed "opportune," he might return to the standard (Customs, para. 63). The Knights Templars had detailed instructions on conduct in battle; the Teutonic Knights had only to remember: "if a brother in cowardice flees from the standard or from the army," or "goes over
from the Christians to the heathen," he was committing the most serious sin, for which was no pardon or redress; he lost the Order forever (Laws III, para. 39, Nos. 4,5, and end). As a matter of fact, when a religious knight met the enemy of the faith in battle, he had only one choice, so gallantly portrayed by the poet Hartmann von Aue:

Nu zinsent, ritter, iuer leben 
und ouch den muot 
durch in der in dâ hât gegeben 
lip unde guot.

Wan swem daz ist beschert 
daz er dâ wol gevert, 
daz giltet beidiu teil, 
der werlte lop, der sêle heil. ³

Pope Urban II promised no more to his crusaders when he proclaimed at Clermont: "enpurpled with your own blood, you will gain everlasting glory." ⁴

³"Now, oh knights, pay your tribute with your life and your courage to Him Who has sacrificed for you both His body and His riches...For he on whom the lot has fallen to depart thither, will be rewarded two-fold: with world's acclaim and the soul's salvation." See Hartmann von Aue, "Dem kriuze zimt wol reiner mout," Deutsche Liederichter des zwolfen bis vierzehnten Jahrhunderts: eine Auswahl, ed. Karl Bartsch und Wolfgang Golther (4th ed., Berlin: B. Behr, 1910), pp. 86-87.

If the sick or aging brother knight or some other brother were lucky, he could leave the Holy Land, not to go "at his own pleasure here and there, where he wishes," but to spend his last days in a convent of the Order in Europe, where he could expect tender treatment (Customs, para. 15). However, those who, because of wounds or for other reasons, had to spend their days in the infirmary in the Holy Land, were to be honored and cared for with patience (Rule, para. 25).\(^5\) When the brave brother knight's last hour had come, he confessed, received the Eucharist and Extreme Unction (Laws III, para. 10). If a brother died before Vespers, he was to be buried at once, his body covered with a white cloth with the black cross; if he died after Vespers, he was to be buried the next day after Prime (Rule, para. 6, Laws III, para. 20). Furthermore, each brother priest recited for each deceased brother of the house the office of the dead according to the breviary of the Order, and each lay brother, a hundred Pater Nosters, and all brethren of the order recited every day fifteen Pater Nosters for all brethren of the order who had died. In addition, the brother priests celebrated annually ten masses for all brethren, servants, friends and benefactors of the order, and ten masses for the dead, while the brother clerks recited three Psalms for the living and three for the dead (Rule, \(^5\)And see Laws III, paras. 13, 14.)
para. 10). The clothes of the deceased brother were distributed to the poor, and also the food and the drink, to which the dead brother was entitled for forty days, "since alms liberate from death and shorten the punishment of the soul who has departed in grace" (Rule, para. 10). Such was the glory and the end of a brother knight.

However, a brother knight was not only a warrior, he was also a religious who, like the canons regular, had to take the three religious vows (Admission Ritual), live in a convent (Rule, passim), and attend Mass and the canonical hours, and receive the Sacrament (Rule, paras. 8, 9; Customs, para. 65). He was tonsured (Rule, para. 12), and communications with the world outside, sending and receiving letters, and receiving visitors and gifts were restricted (Rule, para. 19; Laws III, 37, No. 2; Customs, paras. 40, 58, 59). His meals, if the Rule was rigorously observed, were more than moderate (Rule, para. 13); his bodily strength was weakened by regular fasting (Rule, para. 15), and his religious maturity promoted, to some extent, by learning the Pater Noster, Ave Maria and Creed (Laws II, a, g). If the lay brothers (and these included the brother knights) were sufficiently literate, with the permission of the superior, they might "recite with the priests the canonical hours or the hours of Our Lady with the Psalms and
the other things pertaining to the priestly office" (Rule, para. 8).

Religious knights were not born; they had to be recruited from the secular knights. To tame their spirits, they, along with all the other brethren, received "their discipline" on Mondays, Wednesdays, and Fridays during the Advent and Lenten fasts, and on Fridays the rest of the year (Laws II, h). The brother knights also attended the chapter on Sundays (Laws II, introduction, and a), when part of the Rule and the Laws was read to them (Laws III, para. 27) and the brethren were admonished to "listen carefully and be diligent to learn what they have vowed to do, so that by instruction in the good life and in the things they are obligated to do, nothing may lead to a breakdown and a fall, and so that good medicine, badly used; may not become an agent of plague" (Laws III, para. 28). However, if this "medicine" did not help to promote brotherly living, if they forgot that the superior's request or order had the force of a command, then they made themselves liable to penance (Laws III, para. 29). A sinning brother was admonished to repent and amend his fault in secret, but, in case of serious and open wrong doing, he was accused before and tried by the chapter (Rule, para. 35; Laws III, para. 34), so that by "the chapter's judgment, they purge themselves of those things which
should be burned in the purgatorial fire" (Laws III, para. 33). A penal code, definitely not the most severe, but certainly the best systematized of all penal codes of the military orders in the Holy Land, was drawn up, and if rigorously applied, beyond doubt could not only have brought any sturdy knight to his knees, but also have broken his body and his devotion to the religious life. However, one may doubt whether the one-year penance was often enforced upon a brother knight who fought against the infidels, for the Holy Land was more in need of bold, though turbulent, warriors than of religious and emaciated penitents. Even the Roman pontiffs prescribed fighting against the heathen as a penance.

"Amongst the members are also priests who play a worthy and useful role, for in time of peace they shine in the midst of the lay brethren, urge them to observe strictly the rules, celebrate for them divine service, and administer to them the sacraments. And in war strengthen the brethren for battle and admonish them to remember how God also suffered death for them on the Cross," states the Prologue (para. 5). One may gage the numerical importance, at least, of the clerics in the order from the fact that, out of thirteen members of the electoral college, only one was a brother priest (Customs, para. 5), and, in the Master's Council, only
one brother priest was specifically mentioned, although other clerics may have been included in "such other brethren as he [the Master] wishes to choose" (Customs, para. 11).

These data indicate, as might be expected, that the clerics were not numerous and possibly possessed little weight in running the Order's business. But their role was rather spiritual than administrative.

"The other brethren shall honor the brother priests and provide for their needs before all others, because of the dignity of their order and office, for God is honored in them; and moreover [the brethren] shall honor them the more diligently, since they are lovers of the Order and of the religious life and are gladly furthering the religious life" (Laws III, para. 2).

The role of the brother priests and brother clerks was to provide for and guide the religious life of the lay brethren. They officiated at the canonical hours according to the order's breviary (Rule, para. 8), celebrated the Mass, administered to the brethren the Eucharist seven times a year, and also the other sacraments (Rule, para. 9), prayed for the brethren, servants, and benefactors of the Order, living and dead (Rule, para. 10), said grace at meals (Rule, para. 13), and conducted worship in the hospital for the sick poor and in the infirmary for the brethren (Rule, paras. 5
and 24; Laws III, para. 12). Moreover, the brother clerks probably taught the lay brothers the Creed and the Pater Noster and Ave Maria (Laws, II g), heard their confessions (Laws III, para. 21) and probably read the Rule and the Laws to the brethren and acted as scribes (Laws III, para. 27). The brother priests and the brother clerks saw to the upkeep of the churches of the Order, and took care of the sacred vessels, vestments, holy oil and other things necessary for the Mass; and the brother priests might administer the sacraments to persons outside the Order (Laws III, paras. 22, 24). The brother priests and brother clerks accompanied the lay brothers on military campaigns. The chaplain, probably a brother clerk in charge of the temporary "chapel," rang the hours, and a brother priest recited the hours (Customs, paras. 52, 65). The brother priests were assisted in celebrating the Mass and administering the sacraments by schülere. Were they acolytes, choir boys, student assistants, possibly the children under fourteen offered to the order but not old enough for admission (Laws III, paras. 12, 24, 25; Rule, para. 30)?

The Teutonic Order had a special penal code for the brother priests and brother clerks. In general a sinful cleric was treated like a lay brother: he was tried in the chapter and received the same punishment
as the lay brethren. However, the penances of the clerics were supervised not by the master, but by a priest, and, in the small houses where there was no priest, the sinning brother clerk either had to do his penance in a major house or a priest from a major house had to come to a smaller house to supervise the penance (Laws III, paras. 40-42). Moreover, a penitent cleric was permitted to eat and fast in a chamber apart, using a tablecloth, save on fast days (Laws III, para. 43). A brother clerk, after doing part of his penance, might be allowed to assist in the choir, and, if he were a brother priest, to celebrate Mass in private. Similarly, those in clerical orders received their discipline in private (Laws III, para. 43).

Like the other military orders, the membership of the Teutonic Order included, besides brother knights and brother priests and clerks, also "other brothers," mentioned occasionally as brother sergeants, i.e., serving brothers: brother sergeants-at-arms, and at-office, at-service or at-labor. It is often difficult to classify these "other brothers."

A few passages in the Book of the Order seem to refer to brother sergeants-at-arms. The Customs declare that if the master "decides that the brother

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6 See Riley-Smith, pp. 239-240, and Index, sub nomine.
knights have four animals, then the other brethren who bear arms shall...have two" (Customs, para. 44). These "others" were probably brother sergeants-at-arms, like the brother sergeant who was to carry the standard around which the esquires rallied in time of battle (Customs, para. 63). Under the Turcopoler were not only the light armed native auxiliary cavalry, the Turcopoles, but also "the brethren who are not knights, who shall ride under his standard in the van or the rear, as they are assigned" (Customs, para. 46). Both the marshal and the grand commander were entitled to have in their suite one brother knight and "one other brother," possibly a brother "sergeant-at-arms." The master of the esquires was probably a brother sergeant-at-arms, as he was in the Order of the Hospital of St. John (Customs, para. 41).

While the three highest office holders (Customs, para. 10) were certainly brother knights, and perhaps the hospitaller (Rule, paras. 5, 6; Customs, paras. 23, 33), and the treasurer (Customs, paras. 11, 18, 33, 38), the drapier might possibly have been a brother sergeant-at-service (Customs, paras. 37, 40). Probably the brother "who dwells in the drapery" and looked over clothes when they were brought to be washed to see if they needed mending (Customs, para. 36) was a brother sergeant-at-service, as well as the brothers in charge
of the saddlery, forge and other workshops, and the master of victuals (Customs, paras. 42, 43, 37, 57, 58). The master, when on a journey, had "one brother sergeant as steward, and two when...in the field."

Tacked on to the Admission Ritual was a statement that "brethren who do not wish to practice their trade shall be kept on bread and water until they do it cheerfully."

All these were the "other brothers" who had their place in the chapter, but probably had much less voice, or no voice, than the brother knights and brother priests in the affairs of the order, though some of these "other brothers" were members of the master's council (Customs, para. 11).

Associated with, and assisting the professed brethren of the order, were a host of individuals, ranging from auxiliary knights to "slaves, if there are any in the house" (Laws III, para. 38). Highest in rank were the knights who served the Order for charity; they were probably crusaders of knightly birth. If such a knight died, each brother had to recite thirty Pater Nosters for his soul, and give to the poor seven days food, "as it is customary to give to one brother" (Rule, para. 33).

Another category of fighting men to be distinguished from these non-member knights, were the Turcopoles. For centuries these native troops had
served the Byzantines, and they made up the Order’s light cavalry. Their commander was the Turcopoler, who in turn was subordinated to the marshal. The Turcopoler was also the commander of the brother sergeants-at-arms; he had his own standard, besides other horses, and a turkoman instead of a mule (Customs, paras. 46-47). Turcopoles were assigned to the grand master’s household: one as armor bearer, another as messenger, and a third as chamberlain; and, on campaign, a fourth (Customs, para. 13); the marshal’s standard bearer also was a Turcopole (Customs, para. 21). The grand commander likewise had one Turcopole at home and another in the field (Customs, para. 31).

Like secular knights, each of the brother knights had attendants (knehte) (Rule, para. 22), or esquires, who were under the master of the esquires (meister der schiltknehte), who received them into service, allocated them to the brother knights and determined their pay, if they were not serving for charity, and once a week he held a chapter with these attendants (Customs, para. 41). When the brother knights

7 The Turcopoles were usually native mercenaries, but the laws of the grand master, Conrad of Feuchtwangen, 1292, spoke of Turcopoles and attendants (esquires?) who serve for charity or pay: turkopel unde knechte, beide die in caritat dienent unde umme solt, ed. Perlbach, p. 141.
rode in array, these attendants naturally accompanied them (Customs, para. 48), but ordinarily did not participate in battle; instead they rallied round the standard behind the lines, and were expected to pray for the safe return of their lords (Customs, para. 63). Since the same word, knehte, is used in the Book of the Order for esquires and for domestic servants, it is sometimes hard to determine whether esquires or ordinary domestic servants are referred to. For example, a provision in the Rule states that no brother beat any servant (knehte) who serves for charity or wages, and then goes on to speak of the knights who serve for charity (para. 33). Again, the Customs (para. 39) state that, if a brother "makes a complaint against his servant (knehte), then the brother who is master of the servants (meister uber die knehte) shall immediately punish him in order to make the others apprehensive..."

The halpswesteren provided for in the Rule certainly were domestics. Since they were "not admitted in full service and fellowship," they were called halpswesteren. They were introduced because there were "some

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8 Were schüler of the priests the counterpart of the knehte of the knights?

9 Schiltknehte is used only in the title of the Master of the esquires, see above.

10 I have translated this as "sister aids," since "halfsister" gives the wrong impression. The Latin consorores is inexact; these sisters were not at all like the consorores in other orders—full fledged religious, see Riley-Smith, pp. 241-242.
services for the sick...and also for livestock which are better performed by women than by men..." (Rule, para. 31). By the latter half of the thirteenth century, there were also halpbrøderen. 11

The women, as I have said, served in the hospital, and looked after the cattle; they may have worked in the laundry (Customs, para. 36). They lived in separate quarters from the men.

The halpbrøderen, or brother aids, were used to graze and tend the cattle, to cultivate and till the fields and do other kinds of work, according to the commander's wishes and the needs of the house. They received food and clothes from the Order. Their outer garment was a short mantle (schaprun) of religious hue with wide arms, but without the full cross. Their shoes were three or four finger-widths higher than those of the brother knights, and they were required to cut their beards and hair in line with their ears. They had to learn the Creed and fast like the professed brethren, but punishments for offenses in certain cases were lighter than for the professed brethren. When they applied for admission to the Order, they were asked the same questions as the full brothers, but they were not

11 See later supplements to the Book of the Order: Two collections of Laws from the Holy Land (decreed between 1264 and 1269), and the Laws of Burchard of Schwanden (1289), ed. Perlbach, pp. 136-139.
asked to do a year's probation. Both the halpbrüderen and halpswesteren had to take the vows of chastity, poverty and obedience (Laws of Burchard, para. 1; Supplementary Laws, 1264-1289, first collection, para. 5).

The Order also received lay people, married or single, as domestics, "who submit their bodies and property to the direction of the brethren." If one of the married domestics died, half of the estate fell to the Order, the other half "to the survivor until his death; and after his death the entire estate falls to the use of the Order." Married or single, they had to lead an honest life and were not to pursue illicit trade. They also, like the halpbrüderen and halpswesteren, wore garments of "religious hue, and without the full cross" (Rule, para. 34).

In addition to all these servants, whether called halpswesteren, heimliche, knehte, gesinde, pflegere (in the hospitals and infirmaries) there were other servants: artisans and laborers who worked for charity or for wages. Gardeners, carpenters, masons and other workmen were under the command of the vice-commander (Customs, para. 37).

At the bottom of the scale were the people perpetually bound to the Order, the serfs and the slaves.

12 Zu der heimliche (Latin: pro familiaribus).
13 The supplementary laws of the Holy Land (1264-1289) make no mention of married domestics.
The Rule (para. 2) allowed the Order to "possess in perpetual right people, men and women, serfs, male and female." These serfs, probably donated along with lands to the Order, may, some of whom have worked directly for the brethren.

Probably to be distinguished from them were the slaves. The Laws (III, para. 38) decree that a brother doing a one-year penance "shall remain with the slaves, if there are any in the house..." The slaves "pertained" to the office of the grand commander, and the vice-commander had to provide slaves (Customs 30, 37).\textsuperscript{14} The statutes do not describe closer this group of unfree people; it is also not stated how they were acquired. In Prussia and Livonia slaves were the heathen prisoners-of-war or persons who had committed crimes and, unable to pay heavy compensation, had to pawn their own bodies to save their lives.

The measure of drink is an amusing index to the relative rank of these people in or serving the Order. A brother was entitled to two quarts of drink a day, a Turcopole to a quart and a half, and a knehte to a quart (Customs, para. 60).

Such is the German image of the true religious chivalry, as reflected in the Book of the Order, when

\textsuperscript{14}See above, pp. 161-162, and note 3.
the Teutonic Knights were still based in the Holy Land. What changes were to come when the Order moved to Marienburg in 1309 is beyond the scope of this study.
PART V

THE BOOK OF THE ORDER:

A TRANSLATION OF THE GERMAN TEXT OF 1264
INTRODUCTION

The Manuscripts and Printed Editions of the Statutes

Among the numerous manuscripts of the statutes, the oldest extant is a Middle German manuscript, dated 1264, in the State Library in Berlin (Mss. Borussica 79). This is the oldest of some twenty-four German manuscripts.\(^1\) Of the four extant Dutch manuscripts, the oldest is a fourteenth century copy in the Royal Library at the Hague (Ms. 1121). The only French manuscript is a fourteenth century copy, formerly in the Royal University Library of Königsberg (Ms. 1574). Of the five extant Latin manuscripts of the fourteenth and fifteenth centuries, only one has an exact date, 1398; it also was formerly in the Royal University Library of Königsberg (Ms. 1564).\(^2\)

Various editions of the statutes appeared before Max Perlbach, in 1890, published what may be regarded as the definitive edition of the statutes. In 1724, Raymund Duellius edited one of the fifteenth century Latin

\(^1\)For discussion of the manuscripts, see Perlbach, pp. ix-xxx, lix.

\(^2\)That is in 1890, when Perlbach's edition was published.
manuscripts. In 1847, O. F. H. Schön­huth edited an early fourteenth century Middle German manuscript in the Central Archives of the Teutonic Order in Vienna (Ms. 182). In 1857, a Dutchman, W. J. D*Ablaing van Giessenberg, published a Dutch version, based on two texts of the fourteenth and sixteenth centuries, a manuscript in the Royal Library at the Hague (Mss. 1121). Then in 1872, the Brothers of the Teutonic Order published an edition based on a late fourteenth to early fifteenth century Latin manuscript among the manuscripts of Queen Christina in the Vatican (Cod. Reg. Lat. 163).

Finally, in 1890, Perl­bach's edition superseded all these earlier editions; Perl­bach published in parallel

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3 In Miscellanea quae ex codicibus manuscriptis collegit, ed. R. Duellius (Augsburg and Gratz, 1724), Vol. II, 12-64; in 1890 this was in the Royal Court Library at Vienna (Ms. 4724), see Perl­bach, p. ix.


columns the earliest German, Latin and Dutch manuscripts and the only French manuscript, and collated them with later manuscripts. At the bottom of each page he included also the text of a fourteenth century Low German manuscript, then in the Library of the High School (codices historici, 33) at Linköping, Sweden. He also included in his edition the supplementary laws of the later grand masters, which were not incorporated into the Book of the Order proper. He did not use the revised version of 1442. Perlbach's text is made up of the (1) Calendar, (2) Table of Contents, (3) Prologue, (4) Rule, (5) Laws, (6) Customs, (7) Vigils, (8) Genuflections, (9) Admission Ritual, (10) Prayers, and (11) Supplementary Laws. 

In translating the Book of the Order, I have used as the basic text the Middle German text of 1264, 

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8Perlbach, pp. 134-158.

9See above, pp. 46 and 57, and Perlbach, p. xxix.

10Venien (Genuflections or Devotions), see above, p. 49 and note 18.

11See above, pp. 192-193, and notes 11 and 13.

12I call it Bl; Perlbach calls it bl.
as edited by Perlbach. In some instances my numbering of paragraphs differs from that of Perlbach,\footnote{13}{I have tried to follow the original order of the 1264 German text; when my numbering of the paragraphs differs from Perlbach's, I have indicated that in the footnotes of the translation.} since he used the Latin as the basic text and made the German conform to the Latin order.\footnote{14}{Omissions are indicated in the footnotes of the translation.}

To avoid repetition, and to confine myself strictly to statutory material, I have translated only the Prologue, Rule, Laws and Customs, and Admission Ritual, though I use the other sections, as given in Perlbach, when needed for clarification. The Dutch text is the closest to the Middle German and often helped in interpreting obscure passages. The Low German text also was useful. The Latin text, a rather corrupt text, was used occasionally to clear up some points, although it is difficult to assess how far this text of 1398 reflects the situation in the thirteenth century. The French text is very corrupt and was of little use.
THE BOOK OF THE ORDER

The Prologue

This is how the order of the German House was established.

1. In the name of the Holy Trinity we inform all who now are or who are to come by whom, when and how the order of the Hospital of St. Mary of the German House of Jerusalem was established. In the year eleven hundred and ninety from the birth of our Lord, at the time when Acre was being besieged by the Christians and, with God's help, was won back again from the hands of the infidels, at that very time there was in the army a band of good people from Bremen and from Lübeck, who, through the charity of our Lord, took pity on the manifold needs of the sick in the army and started the aforementioned hospital under a sail of a ship, called a "cog," under which they brought the sick with great devotion and cared for them with zeal. This small beginning moved the hearts of Duke Frederick of Swabia and other noble lords, whose names are written hereafter: the honorable Patriarch of Jerusalem and Henry, King of the same realm, and Duke Henry of Brabant, who
was head of the army there, and the Master of the Hospital of St. John and the Master of the Temple, the archbishop and the great men of the same realm, by whose counsel, the aforementioned Duke of Swabia sent his messengers overseas to his brother King Henry, who was the Holy Emperor, to get the pope, Celestine, to confirm the aforesaid hospital and grant to the sick the rule of the Hospital of St. John and to the knights, the order of the Templars. It thus came about that both these ways of life and their liberties, by the grace of our Lord and by the liberality of the pope, were confirmed and given to the hospital. Yet this way of life itself is granted not just by men on earth, but it is likewise granted by God in heaven.

2. We read in the Old Testament that Lord Abraham, the great patriarch, fought to free his brother, Lord Lot, who had been made prisoner, and by battle delivered him from prison. On his return Melchizedek, with gifts, met him, † and there the Holy Ghost revealed how dearly he who had the highest place in the Church should regard the knights and how he should receive them with blessings into the protection of the Church with

†Genesis 14:12-20.
particular favor, and also furnish them with indulgences and confirmations of the religious endowments offered them by righteous folk. Thus arose the knightly order of the faithful to fight the infidels.

3. This order, signifying both the heavenly and the earthly knighthood, is the foremost for it has promised to avenge the dishonoring of God and His Cross and to fight so that the Holy Land, which the infidels subjected to their rule, shall belong to the Christians. St. John also saw a new knighthood coming down out of heaven. This vision signifies to us that the Church now shall have knights sworn to drive out the enemies of the Church by force. In addition to this there is further testimony that in the time of Moses and Joshua, who were judges among the Jews, there were knights of God who fought the fights which were pleasing to God, and who, like lions, subdued the evil and heathen peoples, who had seized the Holy Land, and exterminated them to the last man. Lord David was a king whom God Himself chose for the kingdom, and also a great prophet;

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2Revelation 3:12.

3Joshua 11:6-23.
he had men amongst his household whose duty was that they alone should be his body-guard and destroy all those who lay in wait for David.\textsuperscript{4} This was a sign that Our Lord God, who is Head of the Church, shall now in these latter days likewise have guards. We remember also the struggle, praiseworthy and pleasing to God, of the knights who were called the Maccabees; how stoutly, for their honor and their faith, they fought with the pagans who wished to force them to deny God, and, with His help, defeated and exterminated them so that they cleansed once again the Holy City which the pagans had defiled, and restored once again peace in the land.

\textsuperscript{4}These struggles, this holy Knightly Order of the Hospital of Saint Mary of the German House has zealously imitated and has deserved to be graced with many honorable members, for there are knights and chosen fighters, who for love of honor and the fatherland have exterminated the enemies of the faith with a strong hand. They also, from abundance of love, receive visitors and pilgrims and the poor. They also from tender-heartedness, serve with fervor the sick who lie in the hospital.

\textsuperscript{4}II Samuel 23:8-37, and \textit{passim}. 

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Prologue

5. Amongst the members are also priests who play a worthy and useful role, for in time of peace they shine in the midst of the lay brethren, urge them to observe strictly the rules, celebrate for them divine service, and administer to them the sacraments. But, when hostilities break out, they are to strengthen the brethren for battle and admonish them to remember how God also suffered death for them on the Cross. They are likewise to care for and protect both the healthy and the sick, and are to carry out all their duties in a gentle spirit. Therefore many popes have looked upon this special order, which has spread widely to the profit of Holy Church, with joyful eyes and\(^5\) have illumined and endowed it with many liberties and privileges.

\(^5\) The Dutch text and a fourteenth century German text add: at the request of Duke Frederick of Swabia and of other princes of the Holy Land and also of German lords at the time when Acre was besieged by the Christians.
The Rule

This is the rule of the brethren who serve the German House of Saint Mary.

To the praise of the almighty Trinity. Here begins the rule of the brethren of the Hospital of Saint Mary of the German House of Jerusalem, and it is divided into three parts. The first part speaks of chastity, of obedience, and of living without property. The second part speaks of the hospitals, how and where they shall be established. The third part speaks of the rules which the brethren are bound to observe.

1. Of chastity and obedience and living without property, and their ordering.

There are three things which are fundamental to every life in religion, and they are prescribed in this rule. The first is perpetual chastity, the second is renunciation of one's own will, that is, obedience unto death, the third is the assumption of poverty, that is living without property after entering this order.

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1 Here follow the headings of paragraphs 8-37 (i.e., of the third part), omitted here to avoid repetition.
These three things fashion and make dedicated men like unto the image of Our Lord Jesus Christ, who was and remained chaste in soul and body, and who assumed great poverty at His birth, when they wrapped Him in ragged swaddling clothes. Poverty followed Him all His life until He hung naked for us on the cross. He has given us also the model of obedience, for He was obedient unto death to His Father. Thus He sanctified in Himself holy obedience when He said: "I am not come to do mine own will, but the will of My Father, Who sent me."^2 Also, St. Luke writes that Jesus, when leaving Jerusalem with Mary and Joseph, was obedient to them.\(^3\) On these three things, chastity, obedience, and living without property, rests completely the strength of this rule and they remain unchangeable so that the master of the order has no power to dispense anyone from these three things, for if one of them is broken, the whole rule is broken.

2. That they may have property, inheritances, land and serfs in common.

The brethren, on account of the great expenses,

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\(^2\)John 6:38.

\(^3\)Luke 2:51.
Rule

arising from the needs of so many people and hospitals and of the knights and the sick and the poor, may possess, to be held in common in the name of the Order and their chapters, movables and inheritances, land and fields, vineyards, mills, fortresses, villages, parishes, chapels, tithes and such things, as are granted in their privileges. They may also possess in perpetual right, people, men and women, serfs, male and female.\(^4\)

3. Of the liberty to accuse and answer accusations in a lawful manner.

Since every religious order with privileges and liberties from the See of Rome is exempt from secular courts, so it is likewise fitting that this holy Order of the Brethren of the Hospital of Saint Mary of the German House of Jerusalem realize that it is taken under the special protection of the Papal See. But, in order that such protection by the Church be in no way contrary to right, we decree that the brethren in suits which they have against anyone, keep in all ways their liberties and privileges, provided that they not act wickedly, unfairly, and maliciously against those whom they accuse or indict. And if they are

\(^4\)\textit{lōte, wip unde man, knehte unde dirnen} (Latin text: \textit{homin\`es promiscu\`i sexus in servos et ancillas}).
Rule

accused or indicted they shall not proceed cunningly
and deceitfully against their accusers.

4. Of establishing hospitals.

Because this order had a hospital before it
had knights, as appears clearly from its name for it
is called the Hospital, so we decree that in the main
house, or where the master with the counsel of the
chapter decides, there be a hospital at all times, but
elsewhere, if someone wishes to give an established
hospital with funds to the house, the provincial com-
mander with the counsel of the wisest brethren may
accept or refuse. In other houses of this order, where
there is no hospital, no hospital shall be established
without special command of the master with the counsel
of the wiser brethren.

5. How to admit the sick to the hospital.

The sick shall be admitted to the hospital in
this manner When the sick person arrives, before
being put to bed, he shall confess his sins, if he is
strong enough and if there is a confessor, and he shall
also receive the Eucharist if the confessor advises it.

Ms. B1 speaks of "wise brethren," other mss.,
"wiser" or "wisest."
In no other way shall anyone who is sick be admitted to the hospital. And if he has any property the brother in charge of the hospital shall keep it against a written receipt. He shall also warn the sick person that he take great care of the welfare of his soul, and what the sick person orders and decides concerning his property shall be carried out as far as possible.

6. How the sick shall be cared for in the hospital.

Then after the sick person has been admitted to the hospital, he shall, at the discretion of the hospitaller, who shall decide what he needs for his illness, be cared for diligently, with such discretion that in the main house, where is the head of the Order, there shall be physicians according to the means of the house and the number of the sick, and the sick shall be compassionately treated and lovingly cared for, according to the judgment of the physicians and the circumstances of the house, and every day they shall in charity be given food before the brethren eat, and on Sundays the Epistles and the Gospel shall be read to them and they shall be aspered with Holy Water

[spitaler]
and the brethren shall go in procession to them. In other hospitals they shall in charity be fed at the proper times. On Sundays the Epistles and the Gospel shall be read and they shall be aspered with Holy Water, with no procession, unless the provincial commander, at his discretion, orders otherwise. Also we leave to his discretion, with the advice of the wise brethren, provision of physicians in the aforenamed hospitals. Furthermore, careful watch shall be kept, that in all hospitals the sick never lack a night light. Those who die in these hospitals any time in the day before Vespers shall be buried at once, if it suits the warden.\(^7\) Those who die after Vespers shall be kept over night and buried the next day after Prime, unless it is decided otherwise by the warden of the hospital. Also we wish it to be strictly observed that in all places where there is a hospital, the brother to whom the master, or the master's deputy, has entrusted the care of the sick shall care for their souls as well as for their bodies and take pains to serve them humbly and devotedly. The commanders likewise shall be careful lest the sick lack anything in the way of food and other necessaries, so far as they can

\(^7\)pfleger.
be provided. However, if through despite or negligence on the part of those who provide for the needs of the sick, the sick are neglected, then the brethren who serve in the hospital shall notify the master or the superior, who shall inflict suitable punishment according to the gravity of the offense. He to whom the sick are entrusted shall also take care to secure, if possible, attendants who will bring devotion and humbleness to the task of compassionately and faithfully serving the sick; and if obvious neglect by those who tend the sick comes to his attention, he shall not let it go unpunished. The commanders and also the other brethren shall bear in mind that, when they first entered this holy order, they solemnly promised to serve the sick as well as to keep the order of knighthood.

7. How alms collectors shall be sent out.

Since care of the sick entails great expense, in accordance with concessions in the privileges of the Order, there may be ordained, by special permission of the master or of the provincial commander, and sent out alms collectors for the sick, who are religious and chosen for that purpose, who may announce the papal
Rule

indulgence to the laity and also remind the people to come to the aid of the hospital with alms. They shall likewise be of such good life that they do not, by their bad example, as the sons of Eli did, turn the people from sacrifice to God and from giving alms for the sick. Likewise, they shall not be immoderate in their expenditures, and, as they travel about the countryside, when they come to a house of the Order, they shall gratefully accept what the brethren in the house offer them and be satisfied, not immoderately demanding more.

8. How they shall come to and hear divine service.

The brethren, priest and lay, shall jointly come day and night to divine service and to the hours, and the priests shall sing and read the services according to the breviary and the books which are written for the order; the lay brothers, if present, or wherever they are, shall say for Matins thirteen Pater Nosters, and for the other canonical hours seven Pater Nosters, save for Vespers when they shall say nine.

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9 I Samuel 2:17.
They shall say the same number of *Pater Nosters* for the *Hours of Our Lady*, and when the lay brothers are sufficiently literate so that some of them, on their own or with the permission of the superior, wish to recite with the priests the canonical hours or the *Hours of Our Lady* with the Psalms and the other things pertaining to the priestly office, they are excused from saying the *Pater Nosters* set for the lay brothers. Brethren who hold office are permitted to be absent from divine service and collation, when the duties of their office do not allow them to attend. At Matins, after the invitatory and the hymn, the brethren shall sit down together, but when the Gospel is read and lauds sung, and during the *Hours of Our Lady*, the healthy shall stand, and in their oratories, shall rise from their seats, bowing at every *Gloria Patri* in reverence for the Holy Trinity. But when they stand they shall bow at the *Gloria Patri* with a seemly bend of the body. They shall likewise be diligently on guard lest anyone disturb others by whispering, by talking out loud or by unauthorized prayers, and they shall strive diligently that what they say with their lips shall come from their heart, for prayer is of little avail without the heart's participation.
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9. How often in the year the brethren shall receive the Sacrament.

Since Our Lord said in the Gospel: "He that eateth My flesh, and drinketh My blood, dwelleth in Me, and I in him," and "he shall not see death," so we decree that all the brethren of this Order take Holy Communion seven times a year. First, on the Thursday before Easter Day, the same Thursday when Our Lord Jesus Christ for the first time instituted the sacrament and gave His body and His blood to His disciples and commanded them to begin to celebrate the office of the Mass in remembrance of Him; the second time on Easter Day; the third time, on Whitsunday; the fourth time at Our Lady’s Mass in August; the fifth time at All Saints Mass; the sixth time on Christmas Day; the seventh time on Candlemas Day. It is not proper to receive Holy Communion fewer times, since other orders, where there are likewise lay brothers, are accustomed to partake much more frequently.

10 John 6:56 and 8:5.
11 August 15.
12 November 1.
13 February 2.
10. How prayers shall be offered for the living and the dead.

For the dead who already have come to God's judgment and therefore need quicker help, the brethren shall be careful not to delay giving the help which they ought to give. Therefore, we decree that each brother priest who is present say the office of the Dead, as set forth in the breviary of the Order, for each brother of his Order, just deceased, and each lay brother shall recite one hundred Pater Nosters for his convent brother's soul. The brethren in houses where there is no convent shall complete the same number. Each brother shall recite every day fifteen Pater Nosters for all the brethren of this Order wherever they have departed from this world. Furthermore, each brother priest of this Order shall celebrate ten masses annually for the sins and salvation of all brethren and servants, benefactors and friends of the house who are living, and ten masses for the dead. The clerks who are not priests shall recite three Psalms for the living and three for the dead. Each lay brother shall recite thirty Pater Nosters a day at the prescribed hours for the benefactors, servants, and all friends of

\[14\] See below, Rule, para. 13. A smaller group would probably not have any priest.
Rule

the Order, still living, and the same number also for
the dead. But they are not required to recite these
Pater Nosters while fasting. It is the obligation of
the house in which a brother dies to give to a poor
man the best habit of the deceased brother and, for
forty days, the food and drink which is customary for
one brother, since alms liberate from death and shorten
the punishment of the soul who has departed in grace.
No brother shall make any other offerings at any time
of the year.

11. How and with what the brethren may clothe
themselves, and what they may have for
bedding.

The brethren of this order are allowed to wear
and use linen for undershirts, for drawers and hose,
for sheets and for bed covers, and for other things,
when suitable. Outer garments shall be of sober hue.
The brother knights shall wear white mantles as a sign
of knighthood, but their other garments shall not differ
from those of the other brethren. We decree that each
brother wear a black cross on mantle, cappen\textsuperscript{15} and armor

\textsuperscript{15}cappen, seemingly a long robe or habit; see
below, pp. 275-276 (Laws III, 38 end) where a brother,
doing penance, is to serve in a cappen without a cross
(obviously not a cap) and eat with the servants; see
below, p. 306, Customs, para. 36; also Riley-Smith,
p. 295; until mid-thirteenth century, the Hospitallers
seem to have worn the cappa, a long robe or habit, over
their armor, but in 1248, Innocent IV gave them per-
mission to wear a less awkward great surcoat instead.
Rule

surcoats\textsuperscript{16} to show outwardly that he is a special member of this Order. Furs, pelisses, and coverlets shall be of no material other than sheep or goat skins, yet goat shall be given to no one, unless he asks for it. The brethren shall have shoes without laces, or buckles, or rings. Likewise, those in charge of clothing or footwear shall take pains to supply the brethren in so religious and seemly a fashion that each one has the right size, not too long, nor too short, nor too tight, nor too wide, and that each one may without any help put on and off his clothes and shoes. As for bedding, let each brother be content with a sleeping bag, a rug, a sheet, a coverlet of linen or buckram and a pillow, unless the one in charge of such articles wishes to give more or less. It is fitting that upon receipt of new things, the old are returned, so that the one to whom the clothes are handed over may distribute them to the servants and to the poor. But should it happen, which God forbid, that a brother outrageously insists on arms or clothing or such things finer or better than those given him, then he deserves to be given worse. For this proves how much he is lacking in the clothing

\textsuperscript{16}\textit{wapenrocken} (Latin: \textit{tunica armorum}), possibly like the great surcoats of the Hospitallers? See above note 15.
Rule

of the heart and in inner virtue, who bothers so much about the outer needs of the body. Since clerics living in the world should show their religion by their clothing, so it is all the more seemly that those in the Order use special clothing.

12. Of the shaving of brother clerks and lay brothers.

All the brethren shall have their hair shaved in a regular and clerical manner, so that they can be recognized from the front as well as from the back as religious. As for beard and moustache, likewise care shall be taken that they be neither too short nor too full. The brother clerks shall have a tonsure of not too small size, as is seemly for men in orders, and likewise because they officiate at the Mass they shall shave the beard.

13. How and what the brethren shall eat.

When the brethren assemble for meals, the clerics shall recite the customary grace, and the lay brothers a Pater Noster and an Ave María, and all shall take the victuals given by the grace of God and by the house. On three days, Sunday, Tuesday, and Thursday, the brethren of this Order are allowed to eat meat;
Rule

the other three days\(^{17}\) they may eat cheese and eggs, and on Friday they eat fish;\(^{18}\) however, they may eat meat every day on which Christmas Day falls, even if it falls on a Friday, because of the joy of the holy season. To all brethren common victuals should be given and distributed equally according to the status, place and need of the brother, yet among the brethren more attention shall be paid to each one’s need than to his eminence. For the need of one nothing shall be taken from another, but each shall have a share according to his need. They shall likewise not desire for themselves all they see given in charity to others in need. Let him whose need is smaller thank God; let him whose need is greater, because of weakness, humble himself, and, when he receives more because of weakness, let him not pride himself on being treated with charity; thus may all members live in peace. We warn that special abstinence, which markedly differs from the general, be avoided. In their houses the brethren eat two and two together, except for vegetable dishes, and drink separately. Furthermore, in all houses where there is a convent of brethren, that is, a commander and twelve

\(^{17}\) i.e., Mondays, Wednesdays, Saturdays.

\(^{18}\) vastelich spise.
Rule

brethren, to the number of the disciples of Our Lord Jesus Christ, the custom of reading at table shall be observed, and all who are eating shall listen in silence, so that not only the mouth is fed, but also the ears which hunger after the word of God. However, those at table, in case of need, may talk quietly and in few words with those who are serving, or with other people with whom they have to settle some small matter. The servers¹⁹ and those eating at the second table after the convent and the brethren in the small houses where there is no reading shall endeavor to keep silent as far as the business of the house allows, unless the superior, because of visitors, gives permission to speak. The brethren shall not rise from table before they have finished their meal, except when absolutely necessary, after which they may return and finish their meal. When the meal is over, the clerks shall recite the customary prayer and the lay brothers two Pater Nosters and two Ave Marias, and in every house they shall go in an orderly fashion to the church or elsewhere as assigned by the superior. Whole loaves of bread shall be kept, but the rest given in alms.

¹⁹dinere.
Rule

14. Of giving alms and the tithe of bread.

It is a salutary decree of this Order, counselled by piety, that, in all houses of this Order where there are churches or chapels, the tithe of all bread baked in the ovens of the houses be given to the poor, or that, instead of the tithe of bread, common alms be given three times a week.

15. Of fasting by the brethren.

From the Sunday prior to St. Martin's Day until Christmas, and from the Sunday seven weeks before Easter until Easter Day, except Sundays, and furthermore on Twelfth Night, and the Eve of the Purification of Our Lady, St. Matthias Eve, Fridays from All Saints Day till Easter, and St. Mark's Day, unless it falls on a Sunday, and on the three days when the Cross is carried, and on Whitsun Eve, and on the Vigil of St. Philip and St. James, and on the Vigils

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20 November 11.
21 February 1.
22 February 23.
23 November 1.
24 April 25.
25 Probably the Adoration (Good Friday), Finding (May 3) and Elevation (September 14) of the Cross.
26 April 30.
Rule

of St. John the Baptist, and of St. Peter and St. Paul, and of St. James and of St. Lawrence, and on the Vigil of Our Lady in mid-August, on St. Bartholomew's Day, and on the eve of Our Lady when she was born, and on St. Matthew's, on St. Simon's and St. Jude's Day, on All Saint's Eve, on St. Andrew's, on St. Thomas's, and on all four Ember days, the brethren shall fast on Lenten fare unless infirmity or other necessity demand otherwise; and if the vigils fall on a Sunday, then they shall fast on Saturday instead. On Fridays, from Easter until All Saint's Day, the brethren may eat Lenten fare twice a day, unless, lest the laity be scandalized, the

27 June 23, 28.
28 July 24.
29 August 9, 14 (Assumption), 23.
30 September 7, 20.
31 October 27, 31.
32 November 29.
33 December 20.
34 At the four seasons, i.e., the Wednesday, Friday, and Saturday after (1) First Sunday in Lent, (2) Whit Sunday, (3) Elevation of the Cross (September 14), and (4) St. Lucy's Day (December 13), called in Latin quatuor tempora, jejuna temporalia, etc.
province commander with the better part of the chapter, counsels otherwise.

16. Of the evening drink.

Every fast day the brethren shall have a collation; on other days, when they eat twice, they shall have none, unless by special permission from the superior. On collation days, the brethren, after Vespers, before Compline, shall assemble for collation and, giving thanks to God, shall take the drink which is offered them; and since in other orders where collation is drunk at night there is reading to which all listen in silence, we admonish the brethren to keep silent during collation, or to speak only of honest matters without gossiping. As soon as they hear the signal they shall go to Compline.

17. How and where the brethren shall sleep.

All the healthy brethren, if it can be easily arranged, shall sleep together in one room, unless the superior orders that some brethren, because of official duties or because of some other matter, sleep elsewhere; and when they sleep, they shall sleep girt in their shirt, with drawers and hose on, as is proper for religious. They shall sleep apart only if it is absolutely necessary. In the places where the brethren
usually sleep, the light shall be left on during the night.

18. How the brethren shall keep silence.

After Compline, the brethren shall keep silence until Prime the next day is said, unless in the meantime they must speak with their servants or anyone else in performance of their official duties or in the care of their steeds or their arms or for other things they are commanded to do; for which tasks they shall choose the most suitable time and do them as quietly and quickly as possible. Yet exception is here made for emergencies such as thieves and fire; and whoever has to speak because of such matters shall recite a *Pater Noster* and an *Ave Maria* before going to sleep.

19. That no brother, save office-holders, have a seal.

We decree also that no brother, save those to whom an office is entrusted, have a seal or send letters, or read letters sent by anyone to him, without the permission of the superior, before whom, if it so pleases him, the letter which is received or is to be sent, shall also be read.
Rule

20. How the brethren may be permitted to give, receive and exchange things.

The brethren may exchange or give away without permission what they make of wood, save things which are entrusted to a brother for his use by the superior, and which he shall not exchange or give away without the master's permission; likewise no brother, except the commander, shall receive gifts for his own use without permission of the superior, who also has the power to decide whether he wishes to let the brother keep the gift or give it to someone else.

21. How they shall not have special keys.

Since religious shall in all ways avoid property we will that the brethren who live in religious houses do without keys and locks for bags and boxes and chests and other things which can be locked. Here are excepted brethren who are travelling, or who are office holders, whose office requires such things for the common good of the house.

22. Of the things which pertain to the knights.

Since this order is specially founded for knights fighting the enemies of the Cross and of the
Rule

faith, and since the customs of the enemy in fighting and in other matters differ in different lands, and therefore it is necessary likewise to oppose the enemy with different weapons in different ways, so we leave to the decision of the superior among the brethren the things which pertain to knights, horses, arms, attendants and other things proper and permitted to the brethren for battle, that he order and decide all the aforesaid things with the counsel of the wisest brethren of the province in which the war is fought, or with those who are present, if he cannot delay without harming the other brethren. However, the rule shall be carefully observed that saddles and bridles and shields be not painted needlessly with gold or silver, or other worldly colors. Spears, shields, and saddles shall not have covers, but polished lances may be covered with a sheath so that they be kept sharp for wounding the enemy. Likewise if the master or the brethren, who are empowered by the master, give or lend to other men beasts and arms or other things which were granted to the brethren temporarily for their use only, then the brethren to

35knehen.
Rule

whom the things were granted, shall in no way object, so that here be no thought that they wish to keep as their own things which were granted only temporarily. Further we decree that no brother seek to have a weapon or animal as peculiarly his own. Should it happen that a brother was or is granted anything which is not fit for use, he shall humbly and decently inform the official who is in charge of that office about the deficiency and shall submit to his discretion to act and order the matter as he wills.

23. Of the chase.

The brethren shall not participate in the chase, as it is currently carried on with hallooing and hounds and hawking with lures. But if they have or acquire in the future in some regions thickly wooded lands from which they may gain great profit in game and skins, then they are allowed hunters whom, with others also, the brethren may accompany for defense and protection against evil men. However, they shall not go rushing over fields and through woods with arrows and other weapons on purpose after wild animals. Further we allow them to harry wolves, lynxes, bears and lions, without hounds, and to destroy them, not as a pastime
but for the common good. Meanwhile, the brethren may also shoot birds to practice shooting and increase their skill.

24. How to care for the sick brethren.

Since the sick are entitled to special attention and care, we will that pains be taken to entrust the care of the sick brethren to those who are provident and devoted, who with diligence faithfully attend to their every need and convenience and follow fully the physician's advice, if a physician can be conveniently secured.

25. Of the old and the infirm brethren.

The old brethren and the infirm shall be generously cared for according to their infirmity; they shall be treated with patience and diligently honored; one shall not in any way be rigorous as to the bodily needs of those who bear themselves honorably and piously.


All brethren shall behave to each other so that friendly concord in the name of brotherhood does not turn into hardness of heart, but they shall take
pains to live with each other in brotherly love, harmoniously and amicably in the spirit of gentleness, so that one may justly say of them: how good and how pleasant it is for brethren to dwell together in unity, that is harmoniously.\textsuperscript{36} Let each, as well as he can, bear one another's burdens, and in accord with the Apostle's advice be diligent in honoring one another.\textsuperscript{37} No evil speech—whispering, backbiting, boasting of deeds of old, lying, cursing or reviling, quarreling, or idle words shall issue from a brother's mouth. But, if any of the brethren at times mistreat each other by word or deed, let them not delay to seek reconciliation and not be slow, each one to heal with instant words the wounds in the other's heart, where he has been injured by word or deed; as likewise the Apostle bids us that the sun not go down on our wrath,\textsuperscript{38} that is, that it not last overnight, and as especially our Lord Jesus Christ bids us in the Gospel, where he says: "If thou bring thine offering before the altar and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar and go first

\textsuperscript{36}Psalms 133:1.
\textsuperscript{37}Galatians 6:2; Romans 12:10.
\textsuperscript{38}Ephesians 4:26.
Rule

to reconcile thyself with thy brother and then come and offer thy gift. \(^{39}\)

27. How all the brethren shall come together in council.

The Master of this Order, or his deputies, shall call together all the brethren in residence whenever they wish to consider or decide about matters concerning the whole Order, whether to continue or to change, and about the alienation of land or small pieces of real property, for which license must be secured from the Master and Chapter, and also about the reception of brethren into the Order; then, whatever the wiser part of the brethren shall decide after discussion, the Master or his deputies shall put into effect. Which is the wiser part in case of disagreement shall be left to the judgment of the master or his deputies; and, furthermore, piety, and discretion and knowledge and good repute shall have more weight than just a plurality of the brethren. Other smaller matters they may settle with the wisest brethren who are at hand. Some small matters they may decide themselves. Should it happen that some urgent business concerning the house and the Order has to be discussed

\(^{39}\text{Matthew 5:23-24.}\)
Rule

after Compline rather than at another time it may be
done, so long as idle words and words moving to laughter
be avoided. Those present at this council shall like­
wise recite a Pater Noster and an Ave Maria before they
go to sleep.

28. How the brethren shall set people a
good example.

Whenever the brethren are travelling or going
against the enemy or on other business, since they
display outwardly by the Cross the sign of meekness
and of the Order, they shall strive to show people,
by examples of good deeds and useful words, that God
is with and within them. If they are on the road at
night, they may, after Compline or before Prime, speak
of necessary and honest matters, but not in the hospice
after Compline has been said, except as prescribed
above. They shall avoid inns and places they know are
of bad repute; also, in their lodging there shall be
in the room where they sleep a light by night, if they
can arrange it without great difficulty, so that no
harm may come to their good reputation or to their
effects. While on the road travelling from place to
place, they may attend divine service and prayers
wherever they are, and on their return to the house
they may, because of weariness from arms or the road,
be excused in the morning from Matins and from the Hours; not only those wearied from a journey, but also those who are engaged in necessary business of the house may be excused. Weddings and gatherings of knights and other assemblages, and frivolous amusements, by which through worldly pride the devil is served, the brethren shall rarely attend, though they may attend for the affairs of the Order or to win souls. The brethren shall avoid talking in suspect places and at suspect times with women and, above all, with maidens, and kissing women, which is an open indication of unchastity and worldly love, so that it is forbidden likewise to kiss even their own mothers and sisters. No brother shall have dealings with excommunicated people, or those who are publicly put under the ban, in matters not specially permitted. Likewise, no brother shall become a godfather, except in mortal emergency.

29. Of the probation of those who wish to enter this Order.

He who wishes to be received into this honorable brotherhood shall be given a suitable period of probation, so that he may learn the hardships to be undergone in this Order, and the brethren may find out
Rule

his character, unless he wishes to be excused the period of probation, and his sponsor agrees, in which case he may then make profession of complete obedience. Then the superior, if he is present, or a priest, shall give him the mantle with the Cross, which is blessed with the usual blessing and asperged with holy water, for he receives the habit of this order with the Cross, and otherwise no other garment distinguishes the novice from the professed. 40

30. How children shall be received into the Order.

We will likewise that no child be given the habit or received into this order before he has reached his fourteenth year. But should it happen that fathers or mothers or guardians bring a child to this order before his fourteenth year, or the child come of his own accord, he, if the brethren wish to receive him, shall be well brought up until the prescribed age, and then, if he and the brethren consent, he may be received into the order in the customary manner.

40 die novicien unde die gehorsamen (Latin: inter novicios et professos).
Rule

31. How women shall be received into the service of the house.

Furthermore we decree that no women shall be admitted in full service and fellowship to this Order, for it often happens that manly courage is most harmfully softened by familiarity with women. And yet, since there are some services for the sick in the hospitals and also for the livestock which are better performed by women than by men, therefore, it is permitted to receive women as sister aids for such services. However, they shall be received only with the permission of the provincial commander, and, after they are received, they shall be housed apart from the quarters of the brethren, for the chastity of professed brethren, who dwell with women, although a light is kept on, still is not safe, and also may not last long without scandal.

32. How to receive those who are married as domestics of the house.

Since this Order may have need of more people, we permit the reception, as domestics, into this Order,

41 halpswesteren (Latin: consorores).
42 zu der heimliche (Latin: pro familiaribus).
Rule

of lay people, married or single, who submit their bodies and property to the direction of the brethren; furthermore, their life, as is seemly, shall be honest, and they shall not only avoid manifest sin, but also shall not pursue illicit profit and trade. They shall wear garments of a religious hue, but not with the full cross. And if they are married and one dies, half of the estate of the deceased falls to the Order, but the other half to the survivor until his death; and after his death the entire estate falls to the use of the Order. In addition, whatever they acquire after reception into the Order shall all fall to the house. It is also decreed that, at the will and discretion of the provincial commander, some persons may be received on other terms, if he deems it useful.

33. How to receive those who serve for charity or for wages.

If anyone wishes to serve the brethren for charity or for wages, since it is difficult to make a special rule how each shall be received, we decree that it be left to the discretion of the official in charge of receiving applicants at the particular time and place; and further that no brother beat any
servant, who serves the house for charity or for wages, except the office holders, who, in order to correct their subordinates, may chastise them from time to time, as is customary. Whenever it happens that a knight or a man worthy of knighthood joins the brethren to serve in arms for charity and then dies, each brother present shall recite thirty Pater Nosters for his soul, and give to the poor for seven days such food as it is customary to give to one brother.

34. Of the Master's care for the brethren.

In the ark were placed both the rod and the manna, which signify to us that for judges there should be both: the one mildly calling for mercy and the other justly calling for severity. Therefore, the master who is over all the others and shall, himself, give to all the brethren an example of good works, shall both reprove the turbulent and receive the sick, and shall comfort the downhearted and be gentle and patient to all, and shall carry in his

43 knechte.

44 ritter oder rittermezie man (Dutch: ridder of een ridders ghenoet).
Rule

hand the rod and the staff, according to the words of the prophet, the rod of watchfulness, with which, keeping nightly watch over his flock, he graciously frees the slothful from the deadly sleep of sloth and of neglect of the sacred observances, diligently and justly, chastises all disobedience; the staff shall be the fatherly care and compassion with which he shall support frailty and strengthen those who are faint of heart and broken by sorrow so that they, uncomforted, are not destroyed by despair.

35. How they shall admonish and accuse each other.

Should it happen that a brother becomes aware of another brother's secret sins, he shall gently and in truly brotherly fashion persuade him to repent and confess his misdeed. But if he has done anything openly against the welfare of his own soul or the honor of the house that should not be ignored, let him be admonished to appear before the master and the brethren and humbly ask for forgiveness. But also, if it happens that he does not comply and is convicted with more witnesses before the master and the brethren,

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45Psalms 23:4.
Rule

then it is just that he suffer so much the harsher penance.

36. How the brethren shall make amends for their misdeeds.

If a brother by word or deed or otherwise commits a trifling offense, he may disclose it to his superior under whom he shall make voluntary amends. For a petty offense, a small penance shall be set, unless he repeat so often the petty offense that it is just to increase and extend the penance. Should it happen that an offense, which he wishes to conceal, is discovered by someone else, he shall justly be more heavily penalized. If the offense is great, he shall be separated from the society of the brethren and shall not eat with them at their table, but shall sit apart. He shall be wholly submissive to the will and the orders of the master and the brethren, so that he also may be saved at the Last Day.

37. Of the heedful discretion of the master.

The master has the power to dispense with all the above regulations laid down in the Rule, except for three—chastity, living without property, and obedience—and, with due regard to the time, the place,
Rule

the person and the needs of the case, to give dispensations, but yet in such a way that in all instances he act to the honor of God with due regard to piety and practical considerations.

Here ends the Rule.
Here begin the Laws of the Brethren of the German House

I.

(a) Except at the appointed times, the brethren should not go barefoot to church to pray, or go barefoot in the house or outside for amusement or recreation or eat or drink barefoot unless they are sick.

(b) The brethren in the houses shall not drink anything but water between meals without special permission, except immediately after Nones or at Collation or with guests.

(c) In towns where our brethren dwell, no brother shall eat outside his own house, save occasionally by special permission, with prelates or religious, with whom they are allowed to drink.

(d) If two brothers or more come to a town, where we have no house, let them lodge together, if it can be easily arranged.

(e) No brother shall accept letters for delivery, which are of a suspicious nature until
they have been examined, except by permission of the master or the provincial commander.

(f) No brother shall buy property above the value of a mark of silver, nor shall he lend to one or more persons more than a mark of silver or its equivalent, and moreover he shall avoid lending at all, if he possibly can.

(g) No brother shall ride with another on one horse, except over a stream or in an emergency.

(h) No brother shall take under safe-conduct another person or his property, unless he tells him beforehand, that, if any damages are incurred on the way, he will not pay compensation.

(i) Let no brother undertake any commission, except by written agreement, if it can be easily arranged.

(k) No brother shall herd cattle or beasts belonging to another or have them herded with ours, without permission of the superior.

(l) No brother shall cause churches or houses to be built with lime without permission of the master or of the provincial commander.

\[1\] commendisse.
Laws I

(m) Let the brethren, who need to go to kermisses or fairs or markets, not stay long, and let them do their business there as quickly as possible.

(n) No brother shall knowingly or willingly lend animals or offer other aid to one who may wish to use it to harm Christians or for other evil ends.

(o) The brethren shall not make or drink spirits\(^2\) in their houses, and if it is sent them as a present, then let them give it to the poor; if it is offered them in other places, they shall drink it, but then let them drink it in moderation.

(p) No brother who is in good health shall sleep in the houses on feather beds, mattresses or felt or on things, other than those which are prescribed in the Rule, without special permission, save for the sick and for guests.

(q) No brother shall call a Christian a traitor or a renegade or an evil smelling bastard, or abuse him in such terms.

\(^2\text{\underline{Tertrank}}: \text{low wines.}\)
Laws II

II.

Every Sunday the brethren, when they are at home, and when possible, shall hold a chapter, which is begun thus:

(a) Let each brother recite seven Pater Nosters kneeling to ask for the gifts of the Holy Ghost, and, once the chapter is ended, a Pater Noster and an Ave Maria; if the prayers are over and the brethren have stood up, and then a brother comes in, let him sit with the others and say his prayers sitting down or recite them after the chapter, so that the proceedings not be interrupted.

(b) We also decree that all the office holders who are customarily appointed by the general chapter surrender their offices in the chapter each year and those who are not appointed by the chapter shall surrender their offices yearly before their superiors and before those who are named for the purpose.

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3Order and lettering of paragraphs in Laws II differ from Perlbach's edition: in this translation para. "a" corresponds to Perlbach's para. "f", "b" to "a", "c" to "b", "d" to "c", "e" to "c1", "f" to "d", "g" to "e" and "h" to "g"; see above, "Introduction" to the Translation, p. 200 and note 14.
Laws II

(c) How the provincial commanders shall hold their chapters.

We decree that the provincial commanders of Livonia of Germany, of Prussia, of Austria, of Apulia, of Romania, and of Armenia hold a general chapter yearly and that their office holders there hand over their offices, and the others, as is prescribed above, and moreover that they hand them over together with written statements of assets and debts, and in what condition they found or left the house or the office, and whenever the master or the commanders send visitors they shall be accompanied on the visitation by a lay brother commander.

(d) Of those who take leave of the Order.

We decree that those brethren who have once taken leave of the Order and are again received, if they take leave again and wish to return to the Order a second time, they may be received again only after a year's penance, and this shall be made clear to them when they are considering leaving.

(e) Of those who ask leave to depart from the Order.

We decree likewise that if a brother asks leave to transfer to another Order, if he is an office
holder, he shall resign his office and also return his arms and armor; likewise each brother who has arms and armor shall do the same. He shall not participate in the chapter nor give counsel after the master or he who is holding the chapter says: "If anyone has anything to say for the salvation of his soul, let him have leave to speak." This shall be done when he has not returned voluntarily. But should it happen that he returns voluntarily, he shall say in the chapter: "Brethren, I have returned of my own will."

(f) Of the one year penance for those who appeal against the laws of the Order.

We decree that all the brethren, who call upon others, or appeal elsewhere against the laws of their Order, shall do a one year penance, if, after a warning, they do not within three days desist from their forwardness.

(g) How the brethren shall learn their faith.

Since faith without works is dead, so likewise are works without faith. Therefore, we decree that each man who is received as a brother into our Order shall be asked whether he knows the Creed and the
Pater Noster, and, if he does not know them, he shall learn them privately from the priests in the first half-year; if he is frivolous and negligent and does not learn them, he shall do a three-day penance. But should it happen that he does not learn them within the second half year, which God forbid, then he loses his mantle, unless reprieved by the master and the brethren.

(h) How and when the brethren shall receive their discipline.

In all houses of this Order, every Friday all brethren shall receive their discipline, except on feast days; and during the fasts before Christmas and before Easter the brethren shall receive discipline three days a week, that is on Mondays, Wednesdays and Fridays, and no brother shall be exempted without permission, and thereafter all the year on Fridays, when they are kneeling. Exempted are the brethren who are on a journey and the brethren in the infirmary. The others who attend divine service shall not be exempted without permission from their superior.
Laws III

III.

1. That the illiterate brethren shall not study without permission.

The illiterate brethren shall not study in the Order without permission; those who earlier have had some instruction, may make use of it if they so wish (and no lay brother shall become a clerk and no clerk shall go to higher schools without the permission of the Grand Master).\(^4\)

2. That the brethren shall, to the honor of God, honor the brother priests and the clerks.

The other brethren shall honor the brother priests and provide for their needs before all others, because of the dignity of their order and office, for God is honored in them; and moreover they shall honor them the more diligently, since they are lovers of the Order and of the religious life and are gladly furthering the honor of God.

\(^4\)Clause in parentheses is a pre-1264 regulation added in a later hand to Ms. Bl.
Laws III

3. Of the brother on whom the master imposes a penance.

If the master or his deputy has imposed a penance on any brother, he may not be relieved of his penance either by the commander or the marshal or any other brother without the permission of the master or his deputy, if they are near enough to be consulted. But if the master or his deputy are so far away that they cannot be consulted, then it is permissible for the superior, upon consultation with the chapter, to release the brother from his penance; likewise if the brother has completed his penance.

4. That the brethren who hold office shall not give money to the convent brethren without permission.

The brethren who hold office shall not give money to the convent brethren without permission from the superior. Exempt are the grand commander and the marshal, who may give money for buying things and for the business that pertains to their office; yet, it should be added, that they do this sparingly. The commander shall not give specially to anyone anything for buying food or drink.
Laws III

5. That the convent brethren shall not keep money overnight.

When the convent brethren have received the above-mentioned money they shall not keep it overnight without permission of the superior, but they shall return it if they have not spent it, unless they be the brethren who are accustomed to handle funds for the common business of the house. It is indeed seemly that the brethren hold so dear the life in community of the Order and those things which particularly pertain to it, that they in all ways shun excess, personal property, individual holdings, unjust gains, and such things, which bring harm to the soul. And let each one be diligent in attending to the matters and business and office which are entrusted to him in such wise as not to anger God by the sin of negligence.

6. How the office holders shall act with good will toward the others.

All the brethren who hold office, high or low, shall endeavor to give or withhold in a definite and friendly manner, the things to be distributed to the other brethren, so that by any fault of theirs the other brethren not be troubled. Likewise, they
should not do unto others that which they do not
wish others to do unto them, and they should do unto
others as they would that others do unto them, and
further, they should keep in mind that they are the
servants of the others, rather than their masters.
And, likewise, not one brother alone should treat
the others with good will, but it is meet that all
the brethren be diligent in setting an example of a
good life, upright and disciplined, for all men with
whom they come in contact.

7. The brethren shall not use spices
without permission.

The brethren shall not use spices, electu­
aries, syrups, and such things without permission.

8. How the master and the healthy brethren
shall sit at the convent table.

The master and all the healthy brethren shall
sit at the convent table and shall partake of the
same food and drink. The brethren who serve at table
shall take pains to distribute dishes and apportion
the drink equally, but the master shall be given as
much fish and meat as four brethren, since he may
if he so wishes, share it with the brethren seated
there doing penance or with whomever else he wishes. No other brother shall give away their food except in the small houses, where the wardens may send their food to those who, they see, need it. Also, the brethren who, because of their duties, have missed the first convent table, and the second, at which the servers eat, may, by leave of the brother steward, take their food at the third table with the servants who have returned with him from work. The brethren, likewise, with whom, because of sickness, the convent food does not agree, may sit at the infirmary table, and, just as this is allowed for the sick, so it is forbidden to the healthy, and, if anyone who needs infirmary food, sits at the convent table, and if anyone who should eat the convent food, sits at the infirmary table, know that each has committed a grievous sin, unless the healthy brother is invited to the infirmary table by the superior who has the power to do so. And this table shall be well provided with food according to the means of the house, and yet with at least one dish more than at the convent table. Cow meat⁵ and salt meat, salt fish, salt cheese,

⁵Rintvleis (Latin: carnes vaccine)
Lentils, unpeeled beans and other unhealthy food shall not be served at the infirmary table, but if any brethren for any reason are seated at this table, before or after the sick brethren, they may there partake of the aforementioned food.

9. Of the master eating in the infirmary.

Whenever the master eats at the infirmary table, then it is proper that the brethren be better fed. But should it happen that the master needs better food for a longer time and the regular food and drink at the infirmary table does not agree with him, then he shall eat before or after the sick brethren or in his own room, for it would be too costly to share the special food needed for him alone with all those who eat the regular food and drink the one drink there.

10. What a brother may do who starts to be sick.

Whenever a brother starts to be sick, he may have three meals in bed, and yet he should not partake of meat, eggs, cheese, fish, and wine. But should his sickness increase, he shall go to the infirmary and first he shall confess and shall likewise receive the Eucharist, or he shall delay on the advice of the priest whom he shall ask, whether he is in need of unction.
Laws III

The grand commander and the marshal, and the office holders, when they are sick, shall lie with the other brethren in the infirmary, unless one of them at any time is taking the place of the master.

11. Of the treatment of the sick brethren.

The grand commander shall provide for the sick brethren a physician who shall be warned that he pay equal attention to all the brethren, who, in turn, shall faithfully follow his advice, and whoever is in charge of the infirmary shall take pains to pay equal attention to all the brethren; to him the grand commander shall give all things necessary for the care of the sick brethren. Likewise, should something special be sent to a brother, he shall hand it over immediately to the attendant in the infirmary. Furthermore, no brother shall venture to bathe in the town without the master's permission.

12. That no brother shall drink without the master's permission.

No brother shall drink without the permission of the master, if he is present. Likewise the head of the infirmary may give permission for blood-letting and such things for the sick. Care also shall be
Laws III

taken that every Sunday a priest and student assistant⁶ say the office of the day or of Our Lady, read one Epistle and the Gospel, as is most convenient, where most of the brethren are lying.

13. Of the wounded and of the especially sick brethren.

The brethren who are wounded or who have dysentery or other sicknesses, which may disturb the comfort of the others, shall sleep apart until they recover. If a brother has recovered and wishes to leave the infirmary, when he leaves he shall still eat in the infirmary for three days, to try out whether it is better for him to remain in the infirmary or to leave. And though he remain out of the infirmary, yet he shall eat with the other brethren at the infirmary table, unless the superior allows him to eat before or after so that he be better served than the others.

14. Of the brethren who have quartan fever and of those who are weak.

The brethren who have a quartan fever may, with the permission of the master, eat meat three days a week at the table in the infirmary on the fast days

⁶sehulere.
Laws III

before Christmas, and, if they are very sick, they shall be allowed to eat meat also in Advent, and they also shall not be forced to attend divine service like the healthy ones.

15. The brethren, also, who are not able to keep genuflecting and standing up with the others, as is customary, shall stand behind the others. The master shall see to it that the brethren who are so old or so young or so feeble that they need it, shall receive better care than the others.

16. That each brother keep his own particular place during divine service.

Each brother shall keep his own place for chapel where he may hear divine service, and, if any brother by night or by day oversleeps divine service, the brother who has the place next to him shall wake him up. Likewise, those who are next them shall awaken those who sleep at divine service. This is also to be observed in the houses.

7 vor winahten biz an den advent.

8 No paragraph heading.

9 i.e., if they oversleep in the dormitory. See below, p. 314, Customs, para. 54.
Laws III

17. That the Rule and the Laws shall be in each house.
In each house there shall be kept a copy of the Rule and of the Laws, so that the brethren may all the more often hear and study them, as is written hereafter.

18. The brethren to whom offices are entrusted shall, if they possibly can, look after things themselves, and shall not lightly entrust the storehouse keys to the servants.

19. Of observing silence in the privies.
On the close stools and in the privies the brethren shall at all times observe strict silence.

20. In each house there shall be a white cloth with a black cross for the burial of our brethren, who expire there.

21. No brother, clerk or lay, shall confess to anyone outside the Order unless he has received permission in advance from his superior.

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10 No paragraph heading.
11 No paragraph heading.
22. Of the cleanliness of the house of God.

The brethren shall take special care that the churches of the order are not disfigured either by leaking roofs or by dust on the walls, or by dirt on the pavements, or by disarrangement of the seats, but that they be kept attractive and clean, as is seemly for religious.

23. How the brother clerks shall uniformly celebrate the divine office.

There shall be one form of divine office followed throughout the whole Order, and the better to do this, we will that in each house be kept the breviary for the order of the office, which is appropriate for the day and for the night, which shall be carefully observed and followed, as far as possible at divine service, and strange observances which do not belong to our Order shall be kept out.

24. Of the body of Our Lord.

The body of Our Lord and the vessels for the chrism and the holy oil and the oil for the sick shall be kept securely locked up, and the body of Our Lord shall be renewed every three weeks. The altar cloths and the corporals and the sacerdotal
furnishings and vestments shall be kept white and clean and locked up, so that outer cleanliness and neatness be a witness to and a sign of inner devotion and cleanliness of heart. The priests, to whom this duty is entrusted, shall, if possible, go in person to the rich and to the poor to administer the sacrament, so that it may not be thought that they are attentive to the rich and neglect the poor. And, when on their way to attend a sick person, they shall wear albs and surplices and shall be accompanied by a surpliced student assistant\textsuperscript{12} with a lantern in which a light is burning, and with a small sweet-sounding bell. If this is not possible because of bad weather, they may go in their tunics to the lodging of the sick person and put on their surplices there. They shall also take with them to the sick person a clean stole and a pewter chalice and a white towel, if they are visiting a sick person in the same village or town where they live. But if they have to go to another village, let them observe what is prescribed above, as far as convenient. They shall do likewise for unction, but without chalices and without bells.

\textsuperscript{12}\textit{schüler.}
Laws III

25. The students who are in the house shall serve at the mass and the hours, in surplices, as is seemly.

26. That all things be done in a diligent and discreet manner.

In all things which are to be done it shall be kept in mind what they are, what the time, the place and the means, and that they should be done with wisdom and discretion.

27. That the Rule and the Laws be correctly copied.

We decree likewise that any brother told to copy the Rule or the Laws be careful that they are precisely written and properly corrected. In all houses the Rule and the Laws shall be read three times a year, in the octaves of Christmas and of Easter and at the feast of the Elevation of the Holy Cross, and in the chapter; and furthermore, every Sunday, if it be convenient, some part of the Rule and the Laws shall be read to the brethren.

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13 No paragraph heading.

14 schüler.

15 September 14.
Laws III

28. That the brethren listen carefully to the Rule and the Laws.
Whenever the Rule and the Laws are read, the brethren shall all listen carefully and pay attention and be diligent to learn what they have vowed to do, so that by instruction in the good life and in the things they are obligated to do, nothing may lead to a breakdown and a fall, and so that good medicine, badly used, may not become an agent of plague.

29. Of the obedience for which the brethren shall strive.
Furthermore, since, by obedience, we may return, whence, through disobedience, we have fallen, so the brethren shall be humbly obedient and in all things subdue their own will; and special care shall be taken that the recalcitrant be checked with reprimands, censures and heavy penances, for where discontent is tolerated there the vigor of the order is weakened; and it is to be noted that the summons or call of the superior has the force of a command, so that whoever wittingly does not heed what the superior tells him to do becomes liable to the penance which anyone who disregards a command incurs.

16 zdaz erzenfe solte sin, zu siche iht gerate.
Laws III

30. That love is the gilding of all good things.

It is written that Solomon\textsuperscript{17} covered with gold the temple and all that was therein, and had fashioned golden shields. What gold adorns, the shields defend. Should our house of God lack the gold of love, then are we unprotected and unadorned, for love is a fundament of the spiritual life, and strengthens and comforts those who labor therein, and is the fruit and reward of those who remain steadfast therein. Without love neither the order nor the work is holy, they are only a simulacrum of holiness. Love is a treasure, by which the poor man, who has it, is rich, and the rich man, who has it not, is poor. Therefore, all the brethren shall be diligent not only that they not offend each other, but that they likewise by love and service and humility toward each other merit being lifted up into the Kingdom of Heaven, as it says in the Gospel: "He that humbleth himself here, shall be exalted there."\textsuperscript{18}

\textsuperscript{17}I Kings 6:21-22; 10:16.

\textsuperscript{18}Matthew 23:11-12.
Laws III

31.¹⁹ All the aforementioned things are the discretion of the master who may mitigate or suspend them according to the time, the place and the status of the person. Yet, without the chapter's consent, he shall not permanently revoke any regulation.

32. Of the feasts which the brethren celebrate.

These are the feasts which are customarily observed and celebrated within the houses of the Hospital of Saint Mary of the German House of Jerusalem. In the first month of the year, in January: the Circumcision of Our Lord, that is the eighth day after Christmas, the Feast of the Kings; the Conversion of St. Paul;²⁰ in February: Our Lady at Candlemas; St. Mathias the Apostle;²¹ in March: when Our Lord was announced to Our Lady;²² in April: St. George's Day,²³ according to the custom of the land; in May: Sts. Philip and James, the Apostles and the day of the Holy Cross, when it was found;²⁴ in June:

¹⁹No paragraph heading.
²⁰January 1, 6, 25.
²¹February 2, 24.
²²March 25.
²³April 23.
²⁴May 1, 3.
St. John the Baptist's day and Sts. Peter and Paul the Apostles;\textsuperscript{25} in July: St. Mary Magdalene and St. James;\textsuperscript{26} in August: St. Peter's Day according to the custom of the land; St. Lawrence's Day and Our Lady's Day, when she departed, and St. Bartholomew's Day and St. John the Baptist's day, when he was beheaded,\textsuperscript{27} according to the custom of the land; in September: the Nativity of Our Lady; and the day of the Holy Cross when it was raised; St. Matthew's day and Michaelmas;\textsuperscript{28} in October: St. Simon's and Jude's;\textsuperscript{29} in November: All Saints Day; Martinmas and St. Elizabeth's day and St. Katherine's day and St. Andrew the Apostle's day;\textsuperscript{30} in December: St. Nicholas day and St. Thomas the Apostle's day and holy Christmas and St. Stephen's day and St. John the Apostle and Evangelist; and Holy Innocent's day,\textsuperscript{31} according to the

\textsuperscript{25}June 24, 29.

\textsuperscript{26}July 22, 25.

\textsuperscript{27}August 1, 10, 15, 24, 29.

\textsuperscript{28}September 8, 14, 21, 29.

\textsuperscript{29}October 28.

\textsuperscript{30}November 1, 11, 19, 25, 30.

\textsuperscript{31}December 6, 21, 25, 26, 27, 28.
custom of the land. Likewise Easter Day with the next three days, and Whitsunday with the three days following shall be celebrated. Furthermore the brethren shall keep with care the feasts of the churches in the houses where they live. The brethren also may celebrate the feasts which are celebrated where they live so that the people are not offended, and they shall keep the feast of the patron of the town where they dwell, as is proper.

33. That the Master be not oppressive in his judgments.

We read in the Old Testament that Eli, whose own sins are not described, through leniency toward, and neglect of, his sons, fell into sin, and God judged him because he perceived not the sins of his sons. So the aim of all life in religion shall be that the Order endure and that sins be punished, and that each one keep his vow to God which he has vowed of his own free will. Since likewise the apostle says: "For if we would judge ourselves, we should not be judged," therefore we decree that secret faults, if considered small, be privately

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32 I Samuel 2: 12-17; 3:12-14.
33 I Corinthians 11:31.
confessed, and that open wrongdoing be censured in the chapter and there receive the appropriate penalty, so that the law of God be fulfilled, where it says: according to what the faults are, one shall measure the stripes, \(^{34}\) and, just as this precept should certainly be observed for serious faults, so it should not be ignored for the least, for St. Gregory says: "He who neglects the least, little by little slips into the great, and so most careful watch should be maintained, so that we avoid the great sins lest the quicksands overwhelm us."\(^{35}\) Since, according to the words of Our Lord, \(^{36}\) even lay folk must give account at the Day of Judgment for every idle word, so it is much more incumbent upon professed brethren that they atone for their sins in this life and that the Order be purgatory for them and that, by the chapter's judgment, they purge themselves of those things which should be burned in the purgatorial fire, so that at their death the devil may not find them.

\(^{34}\text{Deuteronomy 25:2.}\)

\(^{35}\text{Probably freely after Gregory the Great, "Moralia," Book 10, Chapter 11, para. 21, in PL., vol. 75, col. 933.}\)

\(^{36}\text{Matthew 12:36.}\)
Laws III

34. Of testimony and judgment.

In order likewise that our judgments be according to the will of God, and that justice for the innocent be not perverted and that crimes which occur do not remain unpunished, we duly decree that, concerning an offense which a brother has committed, whether light, serious, more serious, or most serious of all, the chapter, wherein he is accused, shall give full faith to the testimony of two brothers of our Order, without all sorts of excuses. But should trustworthy evidence turn up that the accusations were false, they shall be punished with the same penalty, with which the accused would have been punished.\textsuperscript{37} Likewise care shall be taken that he who is admonished or accused does not mistakenly think that the admonition, or the accusation made against him arises from malice or hatred, rather than from brotherly caution and love. Likewise, we wish to correct the sins which are committed so that the brethren may preserve the laws of this Holy Order from the calumnies of evil folk who often wish to spoil good men's reputations for a mere bagatelle or

\textsuperscript{37}This sentence is missing in several other German manuscripts.
Laws III

for no reason at all, and so we decree that, if a brother of this Order together with outsiders, or outsiders without a brother of this Order, are aware of an offense of a brother for which he should properly be punished, they come jointly to the superior of the nearest house and there approach two or three of the best brethren and report to them the brother's offense, and the brethren to whom they report shall carefully investigate how the brother's offense occurred, and at what time, in what place, on what day, at what hour, and whether the accusers only or other people also know of it, and also the brethren shall bring it before the chapter of the nearest house where there is a convent, if there is no convent in the house to which they belong, and, moreover, they shall exclude the outsiders from the chapter; and then, after making inquiry what the standing and the reputation of the accused brother is, and also who they are who accuse him and how the thing happened, it shall be at the discretion of the chapter, whether simply to let the accused brother go free, or to punish him, and, also, if another brother was a false accuser of his brother, whether to punish

38 See above, pp. 238-239, Rule, paras. 35, 36.
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him with the same penalty, with which he should have been punished, had he been guilty; thus all remains at the discretion of the superior and the chapter.

35. Of judgment and punishment.

Whereas punishments are fixed and prescribed for various offenses, according to their magnitude, in order that the fear of punishment may restrain him who is so evilly inclined that he does not solely for the love of God abandon his wickedness, yet many precepts for the exercise of virtue are found in both the Rule and the Customs, but no penalties are set for their infringement or disregard. Therefore, let him who notoriously breaks or ignores these precepts not remain unpunished by his superior or the brethren.

36. Herein are contained offenses and the punishments.

The offenses and punishments are divided into four parts. This is Part One. It is an offense:

(1) If a brother, without permission, carries or conveys letters for someone who is a stranger to

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39 _gerihte_: literally, judgment, as in paras. 34 and 35.
34 and 35.
40 _schult_ (Latin: _culpa_).
Laws III

him, and does not know what is in the letter or whether they are suspect for a certain reason.

(2) If a brother on a journey knowingly, and secretly or openly, consorts with bad women.

(3) If a brother moved by evil desires or pride is in the habit of speaking rather to satisfy these desires than to expose or refute them.

(4) If a brother tells a lie with deliberate intent to deceive.

(5) If a brother deliberately, not from forgetfulness, goes outside the house or beyond the limits which are set for him.

(6) If a brother, in places where there is a house of the Order, without permission eats or drinks outside the house with lay folk.

(7) If a brother uses abusive or mocking language against another or casts in his teeth the fact that he has been punished for an offense.

(8) If a brother strikes a servant or anyone else with his hand, except as permitted by the Rule.

(9) If a brother, except as permitted by the Rule, hunts or follows the hunt.

(10) If a brother engages in games of chance which are against the Customs.
For these offenses and for ones like them, there shall be imposed on the guilty one in the chapter a three or two or one day penance together with the discipline, which he shall receive on Sundays in the chapter, when he does a three or two day.

The brethren who are doing penance with or without the Cross shall be given the same bread and drink as the brethren in the convent, and the common kitchen food of the servants, except on the days when the brethren ought to fast on bread and water, but, since the brethren fast and the servants do not, so the brethren doing penance shall be given two of the simplest dishes, which are given in the convent, and on Sundays or on other days when the convent is given two dishes, they shall be given one, and, if the convent is given any pittances of food or drink they shall not be given a share, and, on whatever day Christmas falls, they shall be given common servant's food, for the day is not regarded as a fast day because of the great honor of the high season.

37. Of punishment of serious offenses.

It is a serious offense:

(1) If a brother through negligence causes great damage to the house, or gives away great
possessions of the house without permission.

(2) If a brother without permission and secretly sends letters or reads letters sent to him.

(3) If a brother knowingly and without good reason takes shelter with those who are of bad reputation.

(4) If a brother disobediently stays over-night outside the house.

(5) If a brother secretly or furtively eats or drinks whether within the house or outside.

(6) If a brother carelessly throws away food or drink or arms or clothing.

(7) If a brother is discovered to be a shameless gossip or a real troublemaker among the brethren.

(8) If a brother habitually drinks after meals so that he has to be warned to give it up.

(9) If a brother for evil ends, knowingly or willingly, lends horses or arms or otherwise gives aid.

(10) If a brother hits another brother with a stone or with a stick or with anything else made of wood, not sufficient to do him to death, or if he beats him with intent to injure.

(11) If a brother insolently disobeys his superior and says that he will not observe or carry
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out the order of his superior, even if he later
repents and makes amends.

(12) If a brother lays a hand violently on
another brother.

(13) If a brother sends out alms collectors
or goes out himself to get alms for the hospital
without permission.

For all these offenses and those like them,
let a brother lose his cross until pardoned by his
superior and the brethren, and, while he remains
without cross, he shall do penance fully as described
for the one year penance until the superior and the
brethren lighten his penance.

38. Herein are contained the more serious
offenses and their punishment.

These are the more serious offenses:

(1) If a brother in anger or intentionally,
unless in self defense or in defense of his belongings,\textsuperscript{41}
wounds a Christian and draws blood, with sword or spear
or knife or other weapon, with which one can, or is
accustomed to, kill.

\textsuperscript{41}gut. This must mean his habit, equipment,
horse, etc., since he had taken a vow of poverty.
(2) If it is discovered that a brother has engaged in a conspiracy or held evil counsel against his master or his superiors.

(3) If a brother deliberately discloses the master's or the superior's or the chapter's secrets or counsel, whence may grow loss of reputation or of property.

(4) If a brother commits theft or is found with property which he has taken pains to conceal. We also decree, that, if any brother die with property, he shall not have Christian burial in the churchyard, and, if he has been buried there, he shall be exhumed and laid in the field as a sign of eternal damnation.

(5) If a brother destroys or mutilates the privileges of the Order, or if he carries off or alienates other possessions of the house.

(6) If a brother sins with a woman.

(7) If a brother, contrary to his vow of obedience, deliberately leaves the house, although he may shortly return of his own accord and seek pardon, and if, moreover, he stays out two nights or more.

(8) If a brother, casting behind him religious discipline and his vow of obedience, leaves the order.
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(9) If a brother is granted permission at his own request to enter another order, and yet does not enter it and long remains living dishonorably in the world, though not obliged thereto by any necessity.

(10) If a brother with permission goes to another order and then comes back to us, before his vow of obedience is renewed and his cross is won back, if he wishes again to get permission to go elsewhere, he shall be told and warned, that, if he departs from us again and regrets it, he may not be received again without a one year penance. Also we decree that it is a more serious offense if any brother appeals against the laws of his order and is admonished to withdraw the appeal and does not do so within three days.

For these offenses and those like them, the guilty brother shall be given a one year penance which is done thus: the brother who does a one year penance shall remain one year with the slaves,\(^4^2\) if there are any in the house, he shall serve in a habit\(^4^3\) without

\(^{4^2}\)slafen (Dutch: slaven; Latin: sclavus; French: esclaves); see also below, pp. 302, 307-308, Customs, paras. 30, 37; probably not serfs, which are called knehte unde dirnen, see above, p. 208, Rule, para. 2.

\(^{4^3}\)cappen, see above, p. 217-218, Rule, para. 11 and note 15, and below, p. 306, Customs, para. 36.
a cross, and he shall eat with the servants\textsuperscript{44} and sit on the ground; every week he shall fast on bread and water for three days, of which two are at the discretion of the superior and the brethren; every Sunday he shall receive his discipline from the priest in the church after the gospel if his offense has been so open that it has given the house an inexcusably bad name and has much scandalized the laity. But if his offense has not been so open, then the superior with the counsel of the brethren may allow the brother who is doing penance to receive in the chapter the discipline which he should receive in the church, and he may also listen to the word of God, if it is being read there. And if his offense is very indecent, or if it has dragged on very long or if he has fallen into error very often, or if he is impatient doing penance, it is proper to put him in irons or throw him into prison or to add another year, more or less, to the one year penance, or otherwise make the penance heavier, or condemn him to perpetual imprisonment. This is left to the judgment of the superior and the brethren.

\textsuperscript{44}knechten (Dutch: knechten; Latin: famulis; French: sergens).
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39. Herein are contained the most serious offenses of all and their punishment.

The most serious offense is:

(1) If a brother enters the order through simony or through lying.

(2) If a brother receives someone through simony.

(3) If a brother, when questioned at the time he is to become a brother, keeps silent about things which would impede his entrance into the brotherhood.

(4) If a brother in cowardice flees from the standard or from the army.

(5) If a brother goes over from the Christians to the heathen, with the wish to remain with them, and even if he does not deny his faith.

(6) If a brother commits the unthinkable sin, of cohabiting with men.

For the first three matters, i.e., he who comes into the order through simony or receives someone through simony or who has kept silent about something when questioned, for these three matters the guilty one may make amends and through the abundant grace of the master and the brethren be let into the order or be
allowed to gain membership again, if he has lost it. For the three other matters, i.e., flight from the army or from the standard or desertion to the heathen, or committing the foul sin, since there exists no adequate manner of pardon or redress, those guilty lose the Order forever. 45

40. Of the punishment of brother clerks.
Whenever a brother priest or another clerk falls into error, he shall seek forgiveness for his offense in the chapter in the presence of the commander before the prior or before the prior's deputy; and then the commander shall hear from the brethren what penance a lay brother would do, had he been guilty of such an offense; then the prior or his deputy shall impose the indicated penance upon the brother clerk, according to the form in which the penance is prescribed for the clerk. And so that offenses in small houses do not go unpunished for lack of a priest, the superior shall see to it that the brother clerk who has erred go where there is a

45 In an undated late thirteenth century German manuscript, deposited in the Central Archives of the Teutonic Order, No. 19, a later hand adds: "As for him who commits the unthinkable sin, he shall be kept in perpetual imprisonment."
prior or another priest, or that the prior or another brother priest who is competent to impose penance come to the guilty brother.

41. Herein is contained the first offense of the brother clerks.

This concerns the first offense. If a brother clerk commits an offense for which a lay brother should do a three or two or one day penance, then the penance of the lay brother shall be imposed in chapter on the clerk according to his guilt, as is prescribed above and below.

42. Of serious offenses of the brother clerks.

Should it happen that a brother clerk commits a serious offense for which one loses the cross until pardoned by the master and the brethren, he shall perform the fasts of the lay brothers, but in a private chamber, and, if he is doing penance without a cross, he shall do in detail all the other things, as prescribed in the one year penance, until the penance is partly lightened or completely remitted by the grace of the superior or the prior or the brethren.
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43. Of the more serious offenses and the punishment prescribed.

Should it happen that a brother clerk commits a more serious offense, he shall do the one year penance, to be done thus. He shall fast like the lay brothers who are doing this penance, and shall eat in a chamber apart on a table with a cloth, save the days when he has to fast on bread and water, when he shall eat on a bare table; he shall also be satisfied with the food given customarily to lay brothers who are doing penance. He shall have the humblest place in choir. No one shall give him orders without the superior's permission, and, after he has done part of his penance, the brother priest, inclined to mercy, may allow him to do the minor services in the choir, and, if he is a priest, to celebrate mass in private. And since a lay brother who is doing a year penance must receive his discipline every Sunday publicly before the people and must also do servile tasks, so also it is ordained for those in clerical orders that three times a week, namely on Mondays, on Wednesdays, and on Fridays, they receive their discipline in private, and they shall receive it in private both for serious offenses and for the others mentioned above. Likewise, they shall not fast and do their
penances at any time with the brethren, but only in private, as prescribed above. Should it happen that a brother clerk through no fault of his own lose his office so that he cannot get it back by any dispensation, then it remains for the superior and the brethren to determine what his future status shall be.

44. How the brother clerks shall do penance for the most serious offenses.

Should a brother clerk commit a most serious offense, he shall atone as prescribed above for the most serious offenses; and even more, since, if he becomes a betrayer of the confessional, he shall be regarded as one who throws up forever, like vomit, the purity of the order.

45. It also shall be noted that if a brother breaks off his penance because of sickness, if it is a one year penance or some other penance, he shall resume it on the corresponding day, if possible, on which he broke it off; and he who is doing a one year penance shall lie with the other brethren in the infirmary or in a separate place nearby and shall be

46 ambeht.
Laws III

cared for like the others, and, if any brother dies while doing a one year penance, he shall be buried with the cross like the others.
The Customs

Here begin the great customs.

1. Of the master's death.

Whenever the grand master of this Order because of sickness, which is a sure harbinger of death, becomes aware that his end is near, he may turn over to a brother, who is considered to be of good and worthy life, his position and his seal to hold for the master who is to come after him.

2. Of the time of choosing a master.

Then, as soon as the master dies, all the brethren shall be obedient to the brother who has received the master's position and the seal. But, if he be considered not suitable, they may put a better one in his place. The anniversary of the master's death shall be written down, so it may be celebrated where his body lies. But should it happen that he be buried in other lands, where we have no house, then the nearest provincial commander shall select one of the houses which is under him to celebrate yearly the master's anniversary. All the
master's clothing shall be given to the poor, and a year's food shall be given to a needy person, just as it is the custom to give forty days food for another brother who dies. As for the prayers which are to be said for him, they shall be said as prescribed above in the Rule, and any extra prayers offered for him are not lost, for they will return to the bosom of him who offers them.

3. Of the chapter to be held to choose a master.

We have decreed that after the death of the master of our Order, for the election of another master, he who is in the master's place shall call together the commanders as herein are written, i.e., the commanders of Prussia, of German Lands, of Austria, of Apulia, of Romania, of Armenia, who shall be given time to come to the chapter, during which time the election of the master shall not take place. Moreover, since the master of Livonia is one of the greatest members of our Order, he shall be notified at the same time, so that he be

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1 The paras. 3 to 8 correspond to Perlbach's paras. 2a to 7; see above, "Introduction" to the Translation, p. 200, and note 14.

2 i.e., Achaia in Greece.
present at the election, if he can come without inconvenience, because of the length of the journey.

4. Of the day of the election.

After that, a certain day and a period of time, within which the brethren who are needed at the election may assemble, shall be fixed, and after they have assembled, but before the election, the Rule and the Laws shall be read, and a Mass of the Holy Ghost sung and every brother shall recite fifteen Pater Nosters and thirteen needy persons shall be served while the master is being elected, and other religious shall be asked to pray to God that a master be elected who may be pleasing to God and whose life may be a mirror and an example to his subordinates. In all the houses of this Order where there are priests, as soon as it is learned that the election shall have or has taken place, a Mass shall be sung and prayers recited, as prescribed above, except that three instead of thirteen needy persons shall be served.

5. Of the commander who shall preside over the twelve in the election.

Whenever the above-mentioned day for the election comes and the brethren according to custom have assembled in chapter, the brother who is in the
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master's place shall choose, with the general advice of the convent, a brother knight as commander among the electors, and the commander himself shall pick on his own another brother, and the two shall select a third, and the three a fourth, and so on until there are thirteen, of which one shall be a priest and eight, knights, and four, other brothers who shall carry out the election. And furthermore, since the electors are separately selected, the convent may choose them, or someone else who is considered to be better qualified as an elector. Care shall be taken to avoid having a majority from one province and a minority from another, for it is desirable that separate provinces and lands should be represented. And when these thirteen are chosen and selected by the chapter, then they shall swear on the Holy Gospels by their souls that they will let nothing keep them—either love or hate or fear—from choosing with pure hearts the one who seems to them the worthiest and the best as master and the most suitable for being judge and protector of the others; also we decree that whoever is illegitimate, or whoever has done a one year penance for unchastity or for theft may never become Grand Master. And he who is in the master's place
shall take care to impress on the electors that all the honor of the Order and the salvation of souls and the virtue of life and the way of justice and the protection of discipline depend on a good shepherd and on the head of the Order, and, if they elect a bad one, all these things must be lost, and evil will ensue, and that, since they will be guilty of this evil, they will justly have to answer at the Day of Judgment.

6. Of the confirmation by the brethren of the master-elect.

Then, before the electors have sat down to proceed with the election, all the other brethren shall swear on the Holy Gospels that they will willingly accept as master the brother whom the electors unanimously or by a majority have elected and given them for master, for the minority of the electors shall follow without opposition the majority, so that the election may, likewise, be unanimous, and no schism may arise. But should it happen that afterwards anyone says that he himself or another had spoken against the election and had been against it, he shall be driven from the Order as a traitor to the chapter. Whenever these aforementioned thirteen sit down to elect, if one of them thinks that among them is one
who may be discussed for the mastership, he or the others who are of like opinion, may tell the commander to have him leave for a little while. When he has done so and they wish to discuss him no further, they shall tell him to return, but should they wish to discuss him further, they shall send him to the convent and ask for another in his stead, and the one who is selected they shall receive as an elector with the same oath as prescribed above.

7. In what way the election takes place.

It is most fitting that the commander having searched his soul, name first the one whom he considers the best and the most worthy to become master; afterwards he shall order each one, as forcefully as he can, to say, each with a pure heart, whom he chooses for master, and, as is described above, when the choice of all alike or of the majority falls on one, then the election is over, and valid. The electors shall at once return to the convent and notify it that they have unanimously elected brother N. as master, and shall name him. At once the brother clerks shall begin solemnly the Te Deum and shall ring all the bells together and the brother who was in the master's place shall bring before the altar the one elected and there
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before the brethren he shall hand over to him and charge him with the office of master, together with the ring and seal, and admonish him that he rule over the house and the Order in such wise that he may safely stand before God at the Last Judgment, and receive reward according to his works; thereafter shall the master kiss the brother priest and him from whom he has received the ring and the seal. But if he who is elected master is not present, his election shall still be publicly announced there and the Te Deum sung and the bells rung, and he shall be declared elected, and the other things, as prescribed above, shall be done when he arrives.

8. How the master and the commanders shall follow good counsel.

We have the teachings and the example of the apostles that it is salutary gladly to seek and to follow good counsel; likewise, we read of those, who, whenever they wished to discuss, or take counsel on, the ordination of a bishop or the duties of servants, or solution of a problem or other important business of the Church, usually assembled for counsel, even though it might be that they had full authority from Our Lord Jesus Christ and from the teachings of the
Holy Ghost, so that they had little need of counsel. On this, we may read in the Gospels concerning Our Lord Jesus Christ, who, though He was full of wisdom and grace, yet listened to and questioned the teachers, and thereby He gave a lesson and an example to his followers that they gladly listen to good teaching and seek counsel and follow it. Therefore, it is very fitting for the master who is the deputy of Our Lord Jesus Christ, and also for the commanders who are under him, that they gladly and diligently seek counsel and patiently follow good counsel, for one may read in Proverbs: "Where much counsel is, there is salvation." One may read also of Moses, who, from fullness of wisdom, was made a leader of the people, and yet followed the counsel of Jethro, who was inferior to him in wisdom.

9. How the commanders and the office holders shall give up their offices yearly in the general chapter.

4 Proverbs 11:14.
5 Exodus 3 and 18.
6 The paras. 9 to 67 correspond to Perlbach's paras. 7a to 65; see above, "Introduction" to the Translation, p. 200, note 14.
7 See above, Laws II, b and c, and below, Customs, para. 20.
We also decree that all the office holders who are appointed by the general chapter give up their office yearly in the chapter. The holders of minor offices shall likewise give up their office, after the chapter, to the master or to the brethren whom he wishes to name for this, or to their respective superiors. Likewise the provincial commanders shall hold yearly a general chapter once a year and relieve their subordinates of their offices in the same chapter while each official also shall account in writing how he received the house and how he leaves it, as to funds and debts.

10. Which office holders shall be appointed by the chapter.

The master and the convent shall jointly appoint and dismiss the grand commander and the marshal and the hospitaler and the drapier and the treasurer and the Castellan of Starkenberg; the other business and the other offices he may dispose of and order with the counsel of the wise brethren. Furthermore, the provincial commanders of Armenia, of Romania, of Sicily, of Apulia, of German Lands, of Austria, of Prussia, of Livonia and of Spain the master shall appoint and dismiss with the approval of the chapter.
11. Of safeguarding the treasury.

Whenever there is so much treasure in the treasury, that greater safeguards are needed, then the treasure shall be guarded with three locks and with three keys of which one shall be in the master's hands, the other in the grand commander's hands, and the third in the treasurer's hands, so that no one of them may have separate access. All the brethren also shall not be informed of any excess funds or deficit, except as seems proper to the master and his council; thus he may inform the grand commander and the marshal and the hospitalier and the drapier and one brother priest and the under-commander and one of the other brethren, who is not a knight, and such other brethren as he wishes to choose, so that they may be aware of the financial condition of the house in order that they may know how to give better counsel, according to circumstances, concerning the business and administration of the house. Furthermore, the other brethren shall not be informed, for perchance, if they knew the treasury was full, they might indulge in excess or, if they knew of its deficiencies, their spirits might be depressed.

*sine rāt.
cleine commendūre.
12. Of lending and giving away the property of the house by the master.

The master may freely give or lend to any friend of the house one hundred besants or anything else up to the same value, but if he wishes to give away up to five hundred, he shall do so with the advice of ten of the more discreet brethren, but he shall not give over five hundred without the consent of the chapter.

13. Of the animals and household of the master.

The master shall have a charger and three other horses; and further in time of war a palfrey or a turkoman;¹⁰ a priest and his student assistant¹¹ with three horses; a heathen scribe,¹² a Turcopole to carry his shield and his lance, another Turcopole as messenger, and a third as chamberlain, and, when he is in camp or on campaign, a fourth Turcopole; he shall also have a cook, and each shall have a horse;

¹⁰Persian horse, large, bony and clumsy looking, but with great power and endurance. See below, p. 311, para. 47.

¹¹See above, p. 255, Laws III, 12.

¹²heindenesschen schriftbere (Latin: scriptorem sarracenicum), i.e., an Arabic scribe.
and, if he needs them for a long journey, he may take along two pack animals, which he shall return as soon as he comes home, two brother knights as companions, and one brother sergeant as steward, and two when he is in the field. In addition he may have two footmen for carrying messages and letters.

14. How the master shall not leave the Holy Land unnecessarily and without the advice of the chapter.

By the rule of the sacred laws no master in the future shall go overseas, save in case of great need and with the chapter's advice. Also the master himself shall neither invent nor seek an excuse for going overseas. Should it happen, which God forbid, that he has to go overseas he shall not appoint a brother in his place without the chapter's advice. The chapter also has the right to change the brother who is left in the master's place, if it be necessary and a change for the better.

15. How the brethren, who are sent overseas, shall not move about at will.

The master shall not give any letters to any brother being sent overseas because of age or ill
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health, permitting him to go at his own pleasure here and there, where he wishes, yet he may send such a brother to a commander, in whose house the sick are customarily cared for, and write the commander to treat the brother tenderly, as his sickness requires.

16. Of changing commanders, if they are vicious.

If the master visits the provincial commanders, who are customarily appointed by the chapter, and finds any commander so infamous and vicious that he cannot be tolerated or excused, then the master, with the advice of the brethren whom he may have there, may remove the commander, and put another in his stead until the master notifies and advises the chapter overseas on the next or another passage to appoint as commander the one who was left as a replacement or someone else. But should it happen that the master does not notify the chapter of his desires within the time of two passages, then the chapter may appoint someone else as provincial commander. Otherwise the master shall not remove such provincial commanders.

17. How the master shall not put anyone in his place over the provincial commander.

As long as the above mentioned provincial
commanders are kept in office, the master shall not put anyone over them in his place, for it is certain that from such action the property will decrease, expenses increase, and discord arise. Furthermore, the master, without the counsel of the brethren, who hold high office, and of the discreet brethren, shall not send overseas from the Holy Land brethren who are known to be, by their wisdom and counsel, useful to the Land.

18. How the expenses of the master shall be met.

The master's expenses shall not be demanded from the bailiffs but from the treasurer who shall give him what he needs. But should the master incur expenses so great that the treasurer cannot meet them, then he shall call on the bailiffs or someone else for a loan, until the treasurer takes over the debt to pay it.

19. How goods in trust and alms shall be handed over to the treasurer.

If the master receives alms or goods to hold

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See Riley-Smith, pp. 279 ff. and Ch. 10 for the conventual bailiffs, i.e., the great officers of the Order.
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in trust he shall order them to be given to the treasurer who shall give a written receipt and keep them. Neither the commanders nor other brethren shall become sureties and they shall not bind themselves to anybody either by pledges or by letters. Likewise, neither the master nor anyone on his behalf nor any commander nor any single brother shall sell the property of the house without the consent of the general chapter.

20. When the general chapter shall be held.

At the feast of the Holy Cross\textsuperscript{14} after August the yearly general chapter shall be held, at which shall assemble the commanders of Armenia and Cyprus and others whom the master wishes for counsel, and when the general chapter is held, all the office holders, who are appointed by the general chapter, shall surrender their offices in the general chapter. The brethren in minor offices shall do the same after the chapter before the master and before the brethren whom the master may wish to appoint for this, or before the one who is the superior there. Likewise, the provincial commanders shall hold once a year a general chapter, and relieve their subordinates of their offices in the

\textsuperscript{14}Elevation, September 14.
same chapter, while each official also shall account in writing how he may have received the house and how he leaves it, as to funds and debts.

Seals of the chapter shall be kept under three locks with three keys, of which the master shall have the first, the commander another and the treasurer the third, and, if one of these three is not present, his key should be given to him who is chosen by consultation. These seals are all kept and included with the mandates and pledges which the master makes, or which the master directs the brother, whom he has entrusted with sealing, to make, as far as he is competent to do so.

21. Of the marshal's office, and how he shall be attended.

All the brethren who are given arms are subject to the marshal and shall be obedient to him after the master, and he shall give them everything which pertains to arms: horses and mules, arms and blankets, tents which are called gribellure, leather hose and maple

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15bullen. Probably the conventual bulla or bullae, i.e., seals (see Riley-Smith, Ch. 10, passim) rather than documents. The whole passage is confusing.

16insigel.
platters. Under him, likewise, shall be the saddlery and the small forge, so that he may the better supply the brethren; he shall have two brothers in attendance, one brother knight and one other brother, in addition to the vice-marshal.\footnote{undermarschale.} He shall have also one Turcopole to carry the standard, and, in time of war, two. Further, he shall order each brother who is under him carefully to look after the train of horses and mules, and their harness.

22. Of the commander and of the marshal.

When the commander needs a horse for his duties, he shall ask the marshal, and, if the marshal refuses, he shall tell the master, and the master shall inquire what the matter is, and shall also make sure that afterwards there be no dissension between them about anything.

23. Of the marshal and of the commander.

If the marshal is sent out of the province, the grand commander shall take his place in looking after and caring for the train of horses and other matters which pertain to the marshal's office. The marshal also, as often as he needs them, may take three besants from the treasury with which he shall buy things which pertain to his office.
24. Of the subordination of the hospitaller, the drapier and the commander.

The hospitaller and the drapier shall be under the marshal in all matters which pertain to accoutrement, and whenever they are on campaign. The grand commander shall also be in attendance on the marshal when it is thought an attack on the enemy is imminent. The marshal shall have precedence, when on campaign, and shall hold the chapter, if the master himself is not present, or his deputy. But if the marshal is not present, then the commander shall hold the chapter; when they are home, then the commander by right has precedence and holds the chapter. But if the commander is not present, then the marshal shall hold it.

25. Of the marshal’s office, what he shall and shall not do.

The marshal shall not send, lend, or give equipment to outsiders without the master’s permission; but he may give a saddle or some small thing when he deems it useful and honorable to do so. Mules and horses from the troop he may lend to certain laymen for a day or two, fodder for four horses for one night he may give to intimates of the house, if he
deems it proper. He shall not buy horses and mules without permission of the master, except when he would have disadvantageously to let slip a chance for a bargain, if the master's permission were sought, in which case he may buy in order not to lose the bargain.

26. How the marshal shall not attack without word from the master, when he is present. Without permission of the master, if present, the marshal shall not attack the enemy or order an attack, unless forced by necessity which brooks no abstention or delay.

27. During campaigns or other expeditions, the commander or his deputy shall order the supply of tents, cooking utensils, cauldrons and barley for the marshal, and the chapels and the kitchen tents, and the great tent.

28. The marshal may invite and have seated at the table in the infirmary laymen and brethren whom he wishes, and they shall be better served, yet such invitations shall be given in moderation.

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18 No paragraph headings.
19 See below, p. 316, Customs, para. 57.
29. Of the marshal's office and of the distribution of animals.

Whenever mules and horses arrive, the marshal shall not give them out before the master has taken the ones he needs, and then he may distribute the rest to the brethren.

30. What pertains to the office of the grand commander.

To the office of the grand commander pertain the treasury and the grain supply, and the ships, and all the brother clerks and lay brothers and their domestics, who live in the house, and the camels, pack-animals, wagons, slaves, and craftsmen, and the armory and all the workshops, save those which are under the marshal, and he shall provide these, as well as all the others, in case of necessity, with what each requires, and should he neglect this, the master shall call him to account.

31. Of the marshal and the commander.

The marshal can take from the armory the stirrups, crossbows, and bows for the use of the
Customs

brethren, as he has need for them. Likewise the commander may take from the saddlery and from the small forge whatever he needs; should he wish to allocate anything to friends of the house he should have it specially made and not take what he finds there ready prepared for others. Furthermore the commander may have one brother knight, one other brother, one Turcopole and another Turcopole, when on campaign or in camp.

32. Of harmony between the commander and the marshal.

The commander and the marshal shall take pains to be in harmony and to bear each other’s burdens, so that, when one of them is not there, the other shall take his place and carry out his duties in such a manner that, because of the absence of one of them, nothing be neglected. Should it happen that the master goes away, to be absent for a long time, it would be proper for him with the chapter’s consent to leave the commander in his place, if it is reasonably clear that he is better acquainted with the business than anyone else. However, the master may decide at will whether to leave, with the chapter’s
advice, the commander or the marshal or another brother in his place.

33. Of accounting by the treasurer and by the other office holders.

The treasurer and the other office holders who, in the performance of their office, distribute and give out goods, shall render an account to the master at the end of every month. But if the master cannot hear the account, then let the commander appoint brethren who are good at accounting and let the commander and the treasurer take the total to the master. The hospitaller is not bound to such an accounting so that he may the more fully perform the office of charity for the sick, but he shall talk with the master of his own accord when it is necessary, and, if he needs anything for the work in the hospital, the commander shall supply it, and if he has, perchance, accumulated a balance, he shall turn it over to the treasury.

34. What the brother, who takes the place of the master, is entitled to.

The brother who deputizes for the master may raise his standard and have carpets and the great tent
and the things which he needs to do the honors for guests, whom he may receive in the master's place. He shall, however, not use the master's shield and coat of mail; also, he shall not take his place at table or in church. If he becomes sick, he must not lie with the sick brethren in the infirmary, so as not to disturb the others by his activities.

35. What pertains to the drapier's office.

To the drapier's office pertains the drapery; coats of mail, shoulder pads, knee guards, standards, helmet crests, gauntlets, girdles and other garments which the drapier shall give to the brethren, these pertain to his office. The old garments which he collects from the brethren at winter's end he shall keep for the following winter to divide up equally between the commander and the marshal to give to the servants who serve for charity. The drapier may also give some clothing in the name of God to the poor and to needy servants, but he shall give to both in moderation.

36. What garments each brother is entitled to have.

Each brother shall have two shirts, two pairs
of drawers, two pairs of hose, one surcoat,\textsuperscript{22} one kilt, one \textit{cappèn},\textsuperscript{22} one or two mantles, one straw mattress, on which to sleep, one rug covering, one bedsheet, one pillow and one coverlet, and, when the garments are brought to the drapery for washing, the brother who dwells there shall take note whether anything is found to need repair, and shall order it to be mended, and, if it is necessary to give new garments, the insignia which were on the old garments shall be put on the new, and the garments shall be measured to fit the body.

37. Of the office of the vice-commander.\textsuperscript{23}

The vice-commander shall supply all the things necessary for the workshops, and also the servants, with the advice of the brethren in the workshops and as he sees fit, and he shall pay them, depending on whether they serve for pay or from charity. He shall also look after the gardens which are under him, and shall provide for them camels and wagons, slaves,\textsuperscript{24} carpenters, masons, and other

\begin{itemize}
\item \textsuperscript{22}roc (Latin: \textit{tunicam}), a \textit{wapenrock}? See above, p. 218 (Rule, para. 11) and notes, for this and also for \textit{cappèn}.
\item \textsuperscript{23}cleine commendures.
\item \textsuperscript{24}See above, p. 275 and note 42.
\end{itemize}
workmen, whom he shall put to work and supply with whatever they need. He shall also unload and store the grain which comes in the ships and keep track of the amount of grain, and shall also send to the drapery the cloth which comes in the ships.

38. Of the office of the treasurer.

The treasurer shall receive gold and silver, with the knowledge of the master and the grand commander. The vice-commander or someone in his place shall hold a chapter every Friday or on some other day with the servants who are under him.

39. How servants of the brethren shall be punished.

If any brother makes a complaint against his servant, then the brother who is master of the servants shall immediately punish him in order to make the others apprehensive, but, nevertheless, he must not act in anger.

40. What the brethren shall do with cloth which is sent them.

Should cloth be sent to a brother which is
Customs

sufficient for a garment, he may accept it, but he
shall not keep it without the drapier's permission.
But if the cloth is good and enough for two mantles,
then it seems preferable that, with the permission
of the drapier, he divide it with another brother,
rather than the one have too much and the other be
in need.

41. Of the office of the master of the
esquires, what he may do.

The master of the esquires may give to a
brother from the troop\footnote{schiltknehte. See Riley-Smith, pp. 239-240, for the Master Esquire of the Hospitallers.} a saddle or a panel \(\text{saddle-cushion}\), or a bridle, which are old and worn out.
He shall also receive esquires \footnote{caravane: troop on raid or campaign, see Riley-Smith, pp. 322-323.} and allocate them
to the brethren, and shall determine the recompense
for those who serve for pay or charity. Besides that,
he shall give curry-combs, reins, and brushes to the
brethren, and fodder to the animals according to
custom with heaped up measure not pressed down, and
he shall not increase the fodder for anyone without

\footnote{knehte.}
the superior's permission. Every Friday he shall hold a chapter with the esquires, but he may put it off to another day, if his activities interfere.

42. Of the office of the brother in charge of the saddlery.

The brother in charge of the saddlery shall give to the brethren straps for stirrups, reins, halters, girths, straps for weapons and spur-strings, and shall have repaired whatever items are broken.

43. Of the office of the brother in charge of the small forge.

The brother in charge of the small forge shall repair the brethren's bits or stirrups or spurs and refurbish them. He shall also give out the rings for hose and for belly-bands, and surcingle, and packstraps, and he shall account for these to the brother in charge of the saddlery.

44. Of the number of animals for the brethren at the discretion of the master.

If the master decides that the brother knights have four animals, then the other brethren who bear

\[\text{29} \text{ knehten.}\]
Customs

30. Customs

The arms shall, at the master's discretion, have two animals; if the convent brothers have two animals, the brethren in the higher offices, whom the chapter appoints, shall have three, when the convent brothers have three, then they shall have four, if convenient.

45. How the marshal may leave a brother in his place.

The marshal, when he himself is not present, may put in his place a brother knight who has no power to give anything to the brethren or to allow them to change anything.

46. How the marshal shall install the Turcopoler.

The marshal with the knowledge of the master shall install a Turcopoler, when needed, under whom will be all his Turcopoles, and also the brethren who are not knights, who shall ride under his standard in the van or in the rear, as they are assigned.

30i.e., brother sergeants-at-arms.

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47. How many animals the commander and the marshal and the other office holders shall have.

The grand commander and the marshal and the other office holders shall not have more than four animals, but the commander the marshal and the Turcopoler may have a turkoman instead of a mule.

48. How the brethren shall ride when ordered.

Whenever the brethren ride forth from the convent, no one shall saddle or pack his animals before ordered to do so, and, after they are saddled, then the pack-animals may be packed, and the other things which it is customary to bind with small straps. But things needing large straps shall not be packed until the order is given. And, when the animals are fully packed, then the brethren shall not mount until ordered to do so. After the order is given and they are mounted at their quarters, then they shall look round to see that they have not left anything behind through negligence or forgetfulness.

31 See above, p. 293, Customs, para. 13.
At first the brother shall ride ahead and his attendants\textsuperscript{32} follow him to take his place in line and then he shall order the attendants to go before him and he shall ride after them in line so that he may the better keep an eye on his equipment and keep the place he has taken in the line. One man shall follow the other at even intervals; disorder in riding shall be avoided. Whenever a brother rides forth from quarters and sees an empty place in the line which is big enough for him and his animals, he may take it. A brother may also take another brother's place in the line when they have just been in quarters, but the one to whom a place is assigned may not pass it on to anyone else.

49. How the brethren shall behave when they ride in battle array.

If two or more brothers have to confer with each other, when they are in battle array or in line, let them come together and talk briefly and hasten back to their places without any delay.

\textsuperscript{32}knehten - esquires, probably.
Customs

50. How no one shall water his horse while in battle array.

No one shall water his horse when riding across water, unless the one who carries the standard waters his horse, or unless the water is so wide that one may water his horse outside the line without holding up the others.

51. How the brethren shall behave if an outcry or alarm is raised.

Should an alarm or outcry be raised, let the brethren who are present stand to arms as best they can until help comes; let those who are elsewhere hasten to the standard and listen for orders. Let those who are in quarters do likewise.

52. How the brethren shall await orders, when in danger.

When in threatening situations, the brethren shall not, without permission, unbridle or feed their animals, and, whenever the standard is set up, they shall pitch camp around it outside the ropes for the chapel, in a ring, in the order in which they ride on horseback, and no matter whether they camp in a ring or otherwise, they should take care that the
tents are pitched so that the horses remain on the inside in order the better to guard them and to protect the equipment.

53. When the brethren shall take quarters.

No brother or his attendants shall take quarters before the marshal is lodged; in this, the master and the chapel are excepted.

54. How the brethren shall take their places before the chapel.

Every brother shall take his place before the chapel where he may hear divine service, and if any brother by night or day oversleeps divine service, the one who is placed next him shall awaken him. Those who are next them shall wake up the ones who fall asleep during divine service. The same rule shall also be observed in the houses. After they are in quarters, the brethren shall not without permission send their animals either for wood or for grass or for other things, but, if they have permission, then the saddles shall be covered, so that they may not be damaged by what is brought in. And if the brother

33 i.e., when they are back home after the campaign. See above, p. 256, Laws III, 16.
has two attendants, let him send out one, while the other he shall keep at hand for various tasks and whatever may arise.

55. When the marshal should not send out the brethren without word from the master.

The marshal without the master's consent shall not send out the brethren, armed or unarmed, from the host, or allow them to ride so far away that they may run into danger, or that through them the army may come to grief. The brethren shall also not go without permission so far from camp or from the house that they cannot hear the summons when in the army, or the bells, and, if needed, they cannot be reached. Also at home or in the field, they shall not go visiting lay quarters or dwellings, except those which are near the house and belong to the army or domestics of the house. Even in this they shall observe restraint, in order not to be fatigued; with permission they may visit persons at a distance, who are outsiders.

34 knehte = esquires?
56. Of the office of crier.

The crier shall be quartered with the marshal, and whatever he cries as an order shall be regarded and received as an order.

57. Of the office of the master of victuals.

The master of victuals shall divide in equal portions the food and drink for the master and for the brethren, save for the sick brethren who shall be better and more diligently provided for according to the resources of the house. Care shall likewise be taken among the other brethren, that each be given equally good and plentiful food, as if they were eating together in the convent. In each lodging one brother shall receive the rations for the others and let them all be satisfied with what is given by God's grace.

58. That the master shall be provided with better fare than the others.

The master's fare shall rightly be increased, as needed, for his household is often increased by visitors and poor people. Similarly, now and again, the same shall be done also for the grand commander and the marshal, as is written above for the infirmary.\footnote{35See above, p. 301, Customs, para. 28.}
Customs

Should it happen that visitors come to the brethren's quarters at a time when it would be dishonorable if they were not invited, they may invite them to eat and they shall notify the master of victuals, who shall see that they are supplied with better and more plentiful rations.

59. How the healthy brethren may eat in common with the sick.

The healthy brethren in the army may eat and drink what is left over by the sick. In addition, they may gather and use fruits and herbs of the field. Likewise, if the brethren acquire or are given as an offering of any other food, they shall turn it over to the master of victuals, and, if he turns it over to them, as he sees fit, then they may eat it and share it with other brethren, if they wish.

60. Of the measure of drink.

Drink shall be measured out in equal portions; four quarts shall be given every day to two brothers, unless the superior, with the advice of the discreet brethren, makes a change for some reason. Two Turcopoles shall be given three quarts and each servant one quart.

36knehte.
Customs

61. Of the dependent position of the master of victuals.

The master of victuals is attached to the office of the grand commander, and shall be dependent on him, except for things which pertain to arms. The master of victuals shall not send presents of victuals or other providions to the brethren. But if presents are given him, he may, indeed, just like any other brother, share them.

62. How the brethren shall await the orders of their superior.

When the brethren are to ride forth, they may not either put on their armor or mount before ordered to do so; also, when they have donned their armor, they shall not take it off before being permitted to do so; when the brethren ride in battle array, then the attendants\(^\text{37}\) shall ride in front of them or near them with their chargers, but, when the brethren are mounted on their chargers, they shall not, at any alarm, turn their horses around without an order.

\(^{37}\text{knehte} - \text{esquires, probably.}\)
Customs

63. Of the attack by the marshal and of the standard around which the attendants shall rally.

Whenever the marshal or he who carries the standard attacks the enemy, then a brother sergeant shall carry a standard under which the attendants shall rally and pray until God sends their lords back again. No brother without permission shall attack before he who carries the standard has attacked. Likewise, whenever he has attacked, then each one may do what God directs him in his heart to do, but he may also return to the standard, when it seems to him opportune. The brethren to whom the standard is entrusted, may fight with all their might around it, so long as they stay close by it.

64. Of the office of the marshal and of the office holders, that they hold in common with the brethren.

The marshal and the brethren who perform official duties shall be diligent in their offices to distribute an equal share to each brother of whatever is given to the brethren, so that the common life is preserved and individual ownership avoided.

37 knehte - esquires, probably.
Customs

The brethren also shall watch out lest they, by im-
portunity or by deceit, receive anything special from
the marshal, not to be shared with the community.

65. Of the office of the brother priest
and of the chaplain.

When lying in the field, where the chaplain
shall have the hours rung at the proper time, the
priest shall not begin Nones and Vespers before the
marshal tells or notifies him that the brethren have
come, and other hours the priest shall begin in the
usual way.

66. How the brethren shall not go over-
seas without permission.

The brethren, when they go overseas from the
Holy Land, shall not take with them, without the
master's permission, saddles, bits, halters, girths,
arms and such things, for it is easy to obtain such
things in other lands.

67. Of the brother who is doing penance.

Whenever the brethren do not eat together
in the convent, then let any brother who has to do
penance eat in the tent of the master, or of his
deputy at the time, or in the marshal's tent, and let
Customs

him do his penance in the usual way, as if he were in
the convent, and, when the brother receives the penance,
then he shall hand over animals and arms to the marshal,
and have no control over them before he has completed
his penance, unless the marshal gives him permission
to care for and guard the animals, though he may not
in any event ride them. 38

38 Omitted: The Vigils and the Genuflections; see above, "Introduction" to the Translation, p. 200, and note 14.
The Admission Ritual

How a brother shall be admitted into the Order.

When the master and the brethren decide that they will receive brothers into their order, they shall send to those who wish to become brothers a brother from the chapter, who shall instruct them thus: that, when they come to the chapter, they kneel before the master or his deputy, and, in God's name, pray for the salvation of their souls to receive them into the Order, and then the master shall reply: "The brethren have hearkened to your prayer, if there is no impediment against you as to the things which we shall ask you. The first is, whether you have obligated yourself to another order, whether you are bound by a vow to any woman, or whether you are the serf of any lord,¹ or whether you have incurred any debt, or whether you have any obligations to settle with which the Order might be burdened, or whether you have any secret disease; and should you have any of these impediments which we

¹Herren eigen (Latin: alicuius servus).
Admission Ritual

have put before you, and you deny them and we find out later, then you might not become our brother and would have lost the Order.\(^2\) But if they say that they have none of these impediments, then the master shall put to them these vows which will bind them to the Order. The first is that they promise to care for the sick; the second, that they promise to defend the Holy Land and the other lands which pertain to it against the enemies of God, as far as they are ordered to do so. The third is that if any brother knows a trade they shall inform the master and practice it according to his wish and their skill. They also shall promise to keep the secret counsel of the chapter and the master and not to leave this Order for another, without permission, and to obey the Rule and the Customs of the Order. After they have made these promises, they shall be asked whether they wish a period of probation, but, if they do not wish it, they may be received immediately, when they shall put their hand on the Bible and recite these words: "I profess and

\(^2\) The grammar in the Admission Ritual is a queer mixture of number, person, tense, indirect and direct discourse, which I have not tried to change, as this gives better the flavor of the text—written or copied by a not very learned scribe.
Admission Ritual

solemnly promise chastity of my body, and to remain without possessions and obedient to God and to Saint Mary and to you, Master of the Order of the German House, and to your successors according to the Rule and the Customs of the Order of the German House, that I will be obedient to you until my death." But, if another brother is in the master's place, let him receive the same vows with the aforesaid words. When this is done, he shall be clothed with the habit in the chapter as is customary, and the same day participate at the sacrament of the Mass, if convenient, and if his confessor so advises. But whoever chooses a period of probation shall be clothed according to the advice of the master and of the brethren.

The brethren who are received into the Order shall be promised water and bread and old clothes, and the same shall be given to the brethren who do not wish to practice their trade until at length they do it cheerfully and practice it with all their might and at the discretion of the superior.  

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3 cleit des habites.

4 The Benedictions of the Admission Ritual are omitted.

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APPENDIX

The Manuscript of the Statutes in the Library of the University of Pennsylvania

The Rare Book Collection of the Library of the University of Pennsylvania possesses a fifteenth century manuscript in German containing the statutes of the Teutonic Knights. It is a 27.5 cm by 20.5 cm bound paper codex, of twenty-three folios of which all but twenty-three verso are used for the text; originally the folios were not numbered. The manuscript bears no date, or place of origin. It is almost certain that the manuscript was torn out of a larger volume, perhaps containing a collection of transcripts. Possibly, in the original volume, the folio preceding the statutes bore the first word of the heading of the statutes, viz., Hie, for with this demonstrative pronoun begin all the manuscript headings, but it is missing from the main heading on folio one recto. Also the heading starts with a

\[1\text{MSS. Germ. 10: Regel der Brüder des deutschen Hauses Sant Marie. - Gesetz der Brüder. - Alia Statuta. Germany, 15th century, paper, 23ff, 27.5 \times 20 \text{ cm.}, see above, p. 51.}\]
small letter, instead of a capital as in the other headings. The heading runs as follows: **habet sich an das register über dy Regel und leben der bruder sancte marie des deutschen ordens von Jherusalem** (folio 1 recto).

The manuscript is written in a legible hand, but with many abbreviations, with forty-four to fifty-eight lines to a folio; the script is a slight italic, basically written in Latin characters, though with some German symbols, such as "β" for "ss" at the end of the word, and "ʃ" for "s". The headings and initials of the paragraphs are written in red, the rest in black. Professor Albert L. Lloyd of the University of Pennsylvania was kind enough to examine the manuscript. He is of the opinion that it is written in a mixed dialect, in which Upper German characteristics, such as initial "p" for "b" are found together with Middle German elements, such as medial "ld" for "lt". Therefore it is impossible to determine precisely where the manuscript was written from its linguistic peculiarities. It probably originated in a Middle-German-speaking eastern district. Unfortunately, any other data about the origin of the manuscript is lacking.

But it is evident that this manuscript is a copy of a much earlier copy of the statutes, for it
contains only the Rule, the Laws, the Customs, the Genuflections, and the Benediction at the admission of new brothers. The manuscript does not contain any of the Supplementary Laws of the later Grand Masters, but it does contain five papal indulgences granted to the Order. Of the thirty-two manuscripts, described by M. Perlbach, only one contains the indulgences: a late thirteenth-century manuscript in German in the Library of the Count of Darmstadt, to which the indulgences were added later. Unfortunately, Perlbach has not published these indulgences (Ablasen) in his edition, so that it is impossible to compare them with those in the University of Pennsylvania manuscript. But it is clear that the present manuscript is not a direct copy of the Darmstadt manuscript, for the University of Pennsylvania copy contains passages which are not in the Darmstadt manuscript, while the Pennsylvania manuscript omits a paragraph of the Customs found in the Darmstadt manuscript.

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2 Perlbach, pp. x-xxix.
3 Perlbach, p. xviii.
4 See Perlbach, p. 64, Laws III para. 1, and p. 93, Customs para. 4.
5 Perlbach, pp. 96-97, Customs para. 7a; above pp. 290-291, Customs para. 9.
Some clue to the manuscript which the scribe used is given by the statement (folio 22 verso) that the last indulgence "is kept" in Marienburg. Although Marienburg was founded in 1276, it became important only after 1309 when the seat of the Grand Master was transferred thither from Venice. Thus it seems likely that the present manuscript is a copy of a fourteenth-century manuscript, with revisions made by the fifteenth-century scribe. For instance, on folio 1 recto, where the Content of the Rule is listed, we read *Wye man plegen sal der sichen brudere pflegen*, the first *plegen* is crossed out, to read *Wye man sal der sichen brudere pflegen*, although the earlier German texts read *Wie man pflegen sule der sichen brudere.*

6See Perlbach, pp. 15 and 176.

The manuscript contains a Table of Contents of the Rule, Laws, and Customs (ff. 1 recto - 2 recto), the Prologue (ff. 2 verso - 3 recto), the Rule (ff. 3 recto - 8 verso) with thirty-eight paragraphs, though paragraph *Wye man sal der sichen brudere pflegen* (Perlbach, para. 24) is missing. Then follow the Laws (*dye gesetz*) in fifty-three paragraphs (ff. 9 recto - 16 recto), with paragraph eight inserted on a small extra slip, the Customs (called *statuta*) in sixty-four paragraphs (ff. 16 recto - 21 recto), with the Genuflexions added as paragraph sixty-five to the Customs.
(ff. 21 recto - 22 recto), the Indulgences (ff. 22 recto - 22 verso) and the Benediction in Latin (ff. 22 verso - 23 recto).

This manuscript is of no particular value, for it does not contain anything, with the exception of the indulgences, not printed in Perlbach's edition. The indulgences, given in German in the manuscript, may be found in Strehlke in Latin.